

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "B", PUNE

BEFORE SHRI MANISH BORAD, ACCOUNTANT MEMBER
AND
SHRI VINAY BHAMORE, JUDICIAL MEMBER

Sl. No.	ITA No(s).	Name of the Applicant	Name of Respondent	Asst. Year	Qtr.	Form
1-2	2207/PUN/2025 2208/PUN/2025	Vidhyasagar Girls High School, Tamsa, Hadgaon, Nanded- 431743. PAN : NSKVO0744C	ITO TDS Ward, Nanded.	2015-16 2015-16	Q4 Q1	24Q 24Q

Assessee by : Shri Y. S. Nagla
Revenue by : Shri Sanjay Dhivare (Virtual)

Date of hearing : 22.12.2025
Date of pronouncement : 12.02.2026

आदेश / ORDER

PER VINAY BHAMORE, JM:

These appeals filed by the assessee are directed against the order dated 25.07.2025 passed by Ld. CIT(A)/NFAC for the assessment year 2015-16 respectively.

2. Since the identical facts and common issues are involved in both the above captioned appeals, we proceed to dispose of the same by this common order.

3. For the sake of convenience and clarity, the facts relevant to the appeal in ITA No.2208/PUN/2025 are stated herein.

ITA No.2208/PUN/2025 [Q1, A.Y. 2015-16] :

4. The appellant has raised the following grounds of appeal :-

- “1. *We relied upon the order passed by the Hon'ble High Court of Karnataka in the case of Fatheraj Singhvi V/s Union of India (supra) WRIT APPEAL NOS. 2663-2674/2015 (T-IT) (Copy attached).*
2. *We therefore request that, the late filing fees assessed for F.Y. 2014-15 24Q Q1 is to be deleted.*
3. *The TDS amount deducted during the Financial Year 2014-15 24Q Q1 was credited to Central Government Account through Challans.*
4. *The Assessing Officer had no jurisdiction to pass consequent order while processing TDS return for the TDS amount deducted and remitted to Central Government Account prior to 01.06.2015.*
5. *There was delay in submission of TDS return for the Financial Year 2014-15 but the TDS amount deducted was credited to Central Government Account before 01-06-2015, hence Late Filing Fees assessed at the time of Processing of TDS return Under Section 200A (1)(e) is not applicable. As the section was inserted in Act w.e.f 01.06.2015.”*

5. Facts of the case, in brief, are that the assessee is a Girl's High School, and after depositing the due TDS of Rs.47,100/-, Quarterly TDS returns Form 24Q for the Quarter 1 of financial year 2014-15 was furnished with a delay of 392 days, since the due date was 15.07.2014 and the relevant TDS return/ statement was filed on 11.08.2015. Accordingly, while processing the 24Q TDS return/statement u/s 200A of the IT Act the CPC, TDS calculated

late fees u/s 234E of the IT Act & restricted it to Rs.47,100/- as per section 234E(2) of the IT Act which suggests that the late fee shall not exceed the amount of TDS.

6. Being aggrieved with the above late fee of Rs.47,100/- levied u/s 234E of the IT Act the assessee preferred an appeal before Ld. CIT(A). After considering the reply of the assessee, Ld. CIT(A) by a consolidated order for two Quarters i.e. Quarter 1 and Quarter 4 of financial year 2014-15 dismissed the appeal by observing as under :-

“6. Determination & Decision: I have carefully considered the facts on record, the intimation u/s 200A of the Act, grounds of appeal, statement of facts and written submissions alongwith documents submitted by the appellant during the appellate proceedings.

6.1 Ground No. 1 to 5 : The appellant has raised the issue of charging late fees amounting to Rs. 65,700/- u/s 234E of the Act for the 1st & 4th Quarter of TDS statement in Form 26Q while processing of TDS return u/s 200A of the Act. During the appellate proceedings the appellant has submitted that the section 200A was amended by Finance Bill 2015 with effect from 01.06.2015 and the bare reading of provisions makes it clear that section 200A was amended w.e.f. 01/06/2015. Appellant's case pertains to A.Y. 2015-16 (F.Y. 2014-15). Hence, the amended provisions of section 200A r.w.s 234E are not applicable to appellant's case for levy of fees under section 234E. Appellant has also relied upon the order passed by the Hon'ble High Court of Karnataka in the case of FATHERAJ SINGHVI V/s UNION OF INDIA (supra) WRIT APPEAL NOS. 2663-2674 / 2015.

6.2 From the perusal of the documents and decisions quoted in the reply, it is noted that in these cases TDS statements filed belatedly but before the insertion of clause (c) to section 200A(1) of the Act w.e.f. 01.06.2015, then in such cases relief was allowed to the assessee. But in the case of appellant TDS statements are filed belatedly in the month

of October, 2015 i.e. after the insertion of clause (c) to section 200A(1) of the Act w.e.f. 01.06.2015, thus late fees u/s 234E of the Act in this case is applicable. In view of the above facts, I am considered view that the AO has rightly charged late fees u/s 234E amounting to Rs. 65,700/- and therefore, ground of appeal is dismissed.

In the result, the appeal of the appellant is dismissed.”

7. It is the above order against which the assessee is in appeal before this Tribunal.

8. We have heard Ld. counsels from both the sides and perused the material available on record. In this regard, we find that admittedly the assessee has furnished TDS quarterly returns belatedly. However, at the same time, we are also aware that the amendment to clause (c) of section 200A of the IT Act which provides for levy of late fee in accordance with section 234E of the IT Act was brought on the Statute w.e.f. 01.06.2015 and is held to be prospective in nature by various coordinate benches of this Tribunal and therefore late fee u/s 234E of the IT Act has to be calculated from 01.06.2015 only and not for the period prior to this date. In this regard, we find support from the coordinate bench decision passed in the case of Shrikrishna Lakshmi Narayan Thakur ITA Nos.2299 to 2307/PUN/2024 order dated 23-01-2025 wherein

the Tribunal directed to calculate late fee u/s 234E of the IT Act only from 01-06-2015 by observing as under :-

“5. We have heard both the parties and perused the records placed before us. The solitary issue in this batch of appeals is against the levy of fee u/s.234E of the Act by CPC for delay in filing the TDS quarterly returns and Ld. CIT(A)/NFAC confirming such levy of fee u/s.234E for filing the Quarterly returns after the due date.

6. We observe that the issue of levy of fee u/s.234E is no more *res integra* by virtue of several decisions rendered by this Tribunal on this very issue. It shows that the late fee u/s.234E has been imposed for the delay in furnishing the statements for quarters, in the returns processed u/s.200A of the Act prior to 01.06.2015 and post 01.06.2015. As regards the fate of fees levied u/s.234E of the Act for the returns filed and processed before 01.06.2015, we find the Coordinate Benches of this Tribunal after considering the judicial pronouncements have been taking a consistent view that the amendment brought in Finance Act, 2015 w.e.f. 01.06.2015 under Section 200A (clause (c)] of the Act is prospective in nature thereby empowering the Revenue authorities to charge fee u/s.234E of the Act only after 01.06.2015. In that view of the matter, Revenue authorities are empowered to impose such late fee u/s.234E only for the default committed after 01.06.2015 and not prior to that. The Hon'ble Kerala High Court in *Olari Little Flower Kuries Pvt. Ltd. Vs. Union of India and others* (2022) 440 ITR 26 (Kerala) has affirmed the non-imposition of fee for the period prior to 01.06.2015. Similar view has been taken in *Jiji Varghese VS. ITO(TDS) & Ors.* (2022) 443 ITR 267 (Ker) holding that no fee u/s.234E can be imposed for the periods of the respective A.Ys. prior to 1st June, 2015. Similar view was also taken by this Tribunal in the case of *Dadasaheb Vitthalrao Urhe Vs. ITO (TDS), Pune* in ITA Nos.1286 to 1309/PUN/2023, dated 29.02.2024. Thus, it is seen that the issue raised in the following appeals is covered in favour of the assessee as the returns u/s.200A(c) were processed before 01.06.2015.

Sl. No	ITA No(s).	Asst. Year	Quarter	Form	Order date
1	ITA Nos.2299/PUN/2024	2013-14	Q4	26Q	20.01.2014
2	ITA No.2300/PUN/2024	2014-15	Q1	26Q	15.03.2014
3	ITA No.2301/PUN/2024	2014-15	Q2	26Q	15.03.2014

4	ITA No.2302/PUU/2024	2014-15	Q3	26Q	15.03.2014
5	ITA No.2303/PUN/2024	2014-15	Q4	26Q	11.10.2014
6	ITA No.2165/PUN/2024	2013-14	Q3	26Q	20.01.2014
7	ITA No.2166/PUN/2024	2013-14	Q2	26Q	20.01.2014
8	ITA No.1322/PUN/2024	2013-14	Q2	26Q	20.01.2014

7. Following the precedent, we overturn the impugned orders on this sole issue and allow the effective grounds of appeal raised by the assessee in all these eight appeals.

8. So far as the following appeals corresponding to respective quarter are concerned, the late fee u/s.234E has been imposed for the delay in furnishing the statements and the returns have been processed u/s.200A of the Act after 01.06.2015. In light of our observation above, it is held that penalty u/s.234E is leviable since amendment brought in Finance Act, 2015 w.e.f. 01.06.2015 under Section 200A (clause (c)] of the Act is prospective in nature and Revenue authorities are empowered to levy penalty u/s.234E. However, penalty u/s.234E has to be computed from 01.06.2015 till the processing of the return for which necessary calculation to be made at the end of the concerned Revenue authority. The details of appeals whose returns have been processed after 01.06.2015 are given below :

Sl. No.	ITA No(s).	Asst. Year	Quarter	Form	Order date
1	ITA Nos.2304/PUN/2024	2015-16	Q1	26Q	27.10.2015
2	ITA No.2305/PUN/2024	2015-16	Q4	26Q	28.10.2015
3	ITA No.2306/PUN/2024	2015-16	Q3	26Q	24.10.2015
4	ITA No.2307/PUU/2024	2015-16	Q2	26Q	24.10.2015
5	ITA No.2308/PUN/2024	2016-17	Q1	26Q	25.08.2016

Accordingly, the grounds of appeal raised by the assessee in respect of the above-mentioned five appeals are partly allowed.

9. In the result, all the appeals of the assessee are disposed off as per terms indicated above.”

9. Respectfully following the above decision passed by a coordinate bench of this Tribunal in the case of Shrikrishna Lakshmi Narayan Thakur (supra), we are of the considered opinion that the late fee u/s 234E of the IT Act in the instant case has to be calculated only from 01.06.2015 till the filing of the TDS return for which necessary calculation to be made at the end of the concerned revenue authority. Accordingly, we deem it appropriate to set-aside the order passed by Ld. CIT(A) and restore the matter back to the file of the Jurisdictional TDS Officer with a direction to re-calculate late fees u/s 234E only w.e.f. 01.06.2015 till the date of filing of relevant TDS return/statement. Thus, the grounds of appeal raised by the assessee are partly allowed.

10. In the result, the appeal filed by the assessee in ITA No.2208/PUN/2025 is partly allowed.

ITA No.2207/PUN/2025 [Q4, A.Y. 2015-16] :

11. Since the facts and issues involved in this appeal of the assessee are identical, therefore, our decision in ITA No.2208/PUN/2025 shall apply *mutatis mutandis* to this appeal of

the assessee in ITA Nos.2207/PUN/2025. Accordingly, the appeal of the assessee in ITA No.2207/PUN/2025 is also partly allowed.

12. To sum up, both the above captioned appeals of the assessee are partly allowed.

Order pronounced on this 12th day of February, 2026.

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 12th February, 2026.

Sujeet

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Addl./JCIT(A)-1, Ludhiana.
4. The Pr.CIT/CIT concerned.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "B" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

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Assistant Registrar
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.