

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

**BEFORE SHRI R. K. PANDA, VICE PRESIDENT  
AND  
Ms. ASTHA CHANDRA, JUDICIAL MEMBER**

**ITA Nos.2570 & 2571/PUN/2025  
Assessment years : 2022-23 & 2020-21**

Shree Ganesh Nagari Sahakari Pat Sanstha Maryadit, Ashta Tung, Ashte S.O., Sangli – 416301	<b>Vs.</b>	ITO, Ward 5, Sangli
<b>PAN: AAAAS8248R</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by : Shri Sarang Gudhate  
Department by : Smt. Shilpa NC Addl.CIT

Date of hearing : 16-02-2026  
Date of pronouncement : 17-02-2026

**ORDER**

**PER BENCH:**

The above two appeals filed by the assessee are directed against the separate orders dated 19.09.2025 and 03.10.2025 of the Ld. CIT(A) / NFAC, Delhi relating to assessment years 2022-23 and 2020-21 respectively. Since identical grounds have been raised in both the appeals, therefore, for the sake of convenience, these were heard together and are being disposed of by this common order.

**ITA No.2570/PUN/2025 (A.Y. 2022-23)**

2. Facts of the case, in brief, are that the assessee is a cooperative society registered under the Maharashtra State Co-operative Societies Act. The main object of the society is to accept the deposits from members and to provide credit facilities to its members. It filed its return of income on 31.10.2022 declaring total

income at Nil. The return as processed u/s 143(1) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') by the CPC. Subsequently the case was selected for scrutiny through CASS for the following issues:

1. *High interest expenditure and huge advances in excess of total proprietors / partners fund.*
2. *Claim of deduction u/s 80P by entities that have received large amount of interest from a Banking Company.*
3. *High liabilities as compared to low income / receipts.*

3. Accordingly statutory notice u/s 143(2) of the Act was issued. Thereafter, the Assessing Officer issued notice u/s 142(1) of the Act along with a questionnaire in response to which the assessee filed the requisite details from time to time.

4. During the course of assessment proceedings the Assessing Officer noted that the assessee has shown net profit from its activities at Rs.3,75,41,602/- after claiming deductible expenses and gross total income at Rs.5,58,72,706/-. The assessee claimed deduction of Rs.5,58,72,706/- u/s 80P(2)(a)(i) of the Act. On being questioned by the Assessing Officer, the assessee filed copy of the computation of income, Bye-laws of society, brief note on business activities, copy of bank statement, details of interest received from nationalized bank and the cooperative societies / bank etc. It was submitted that it provides credit facilities to its members only. However, in absence of any documentary evidence that will include list of all beneficiaries and their membership for, KYC or account opening ID proof, etc, the Assessing Officer was of the opinion that the assessee failed to

prove that the facilities are provided to the members only. According to him, the possibility of non-members availing facilities cannot be denied. In view of the above, the Assessing Officer rejected the claim of deduction u/s 80P(2)(a)(i) of the Act and added the same to the total income of the assessee (Similarly, for assessment year 2020-21, the Assessing Officer disallowed the claim of deduction u/s 80P(2)(a)(i) of the Act at Rs.2,89,33,263/-).

5. Since the appeal filed by the assessee was delayed by 117 days, the Ld. CIT(A) / NFAC dismissed the appeal on the ground that the assessee has not given any reason for filing of the appeal and has not filed any condonation petition for condonation of delay.

6. Aggrieved with such order of the Ld. CIT(A) / NFAC the assessee is in appeal before the Tribunal by raising the following grounds:

7. The Ld. Counsel for the assessee at the outset drew the attention of the Bench to pages 170 to 173 of the paper book which is a hearing notice u/s 250 of the Act dated 19.03.2025 issued by the office of the Ld. CIT(A) / NFAC. Referring to page 1 of the paper book, the Ld. Counsel for the assessee drew the attention of the Bench to the proof of affidavit filed by the assessee for condonation of delay before the Ld. CIT(A) / NFAC. Referring to pages 2 to 4 of the paper book, he drew the attention of the Bench to the copy of the affidavit of the assessee explaining the reasons for such delay. He submitted that for

assessment year 2018-19, the Ld. CIT(A) / NFAC has allowed the claim of deduction u/s 80P(2)(a)(i) of the Act and the appeal filed by the Revenue was dismissed by the Tribunal vide ITA No.2375/PUN/2025 order dated 06.01.2026. For the impugned assessment year although the assessee has filed an affidavit explaining the reasons for such delay, however, the Ld. CIT(A) / NFAC without going through the contents of the condonation application filed along with the affidavit dismissed the appeal on the ground that the assessee has not filed any condonation petition for condonation of delay. He accordingly submitted that he has no objection if the matter is restored to the file of the Ld. CIT(A) / NFAC with a direction to condone the delay and decide the appeal on merit.

8. The Ld. DR on the other hand fairly conceded that the assessee has filed the affidavit for condonation of delay which escaped the attention of the Ld. CIT(A) / NFAC.

9. We have heard the rival arguments made by both the sides, perused the orders of the Assessing Officer and Ld. CIT(A) / NFAC and the paper book filed on behalf of the assessee. We have also considered the various decisions cited before us. We find the Ld. CIT(A) / NFAC in the instant case dismissed the appeal filed by the assessee on the ground that the same was filed with a delay of 117 days and the assessee has not given any reason for such delay in filing of the appeal and has not filed any condonation petition for condonation of delay. However, a

perusal of page 1 of the paper book shows that the assessee has in fact filed an affidavit for condonation of delay on 15.04.2025, the details of which are as under:

e-Proceedings Response Acknowledgement				
INCOME TAX DEPARTMENT				
PROCEEDING DETAILS				
PAN/TAN	AAAAS8248R			
Name	SHREE GANESH NAGARI SAHAKARI PAT SANSTHA MARYADIT, ASHTA			
Financial Year	2021-22			
Assessment Year	2022-23			
Proceeding Name	First Appeal Proceedings			
Notice/Communication Reference ID	100093315016			
Notice Section	250			
Description	[ITBA]Hearing Notice u/s 250of Income Tax Act 1961.			
Notice Issue Date	19-Mar-2025			
Due Date for Submission	26-Mar-2025			
Communication Sent date				
Document Reference ID	ITBA/NFAC/F/APL_1/2024-25/1074685576(1)			
RESPONSE SUBMITTED				
Remarks	Affidavit for delay condonation			
Hash * Value Of Remarks	79b7fa4fe44a677661ecd5ff77a07e788186dc91a8cc4840a9c637c3c31fb756			
SI No	Attachment Name	Description	Size(bytes)	Hash * value of Attachment
1	Affidavit for condoning the delay.pdf	Affidavit for delay condonation	1526246	72f45a3585e6fcaa8f921b0d8a0dbe2f9c99e9f1a348d163d3f3841a6499dcc2
This is a system generated acknowledgement and does not require signature				
* Hash : This value will uniquely identify the uploaded files and remarks.				

10. Since the only reason for dismissing the appeal by the Ld. CIT(A) / NFAC is on account of non-filing of any condonation petition and since the assessee in fact

has filed an affidavit explaining the reasons for delay, therefore, we deem it proper to restore the issue to the file of the Ld. CIT(A) / NFAC with a direction to consider the affidavit filed by the assessee explaining the reasons for delay and decide the appeal on merit. The grounds raised by the assessee are accordingly allowed for statistical purposes.

**ITA No.2571/PUN/2025 (A.Y. 2020-21)**

11. After hearing both sides, we find the grounds raised by the assessee are identical to the grounds raised in ITA No.2570/PUN/2025. We have already decided the issue and restored the matter to the file of the Ld. CIT(A) / NFAC with a direction to consider the affidavit filed for condonation of delay and decide the appeal on merit. Since in the instant case also the assessee has filed an affidavit for condonation of delay on 27.12.2024, therefore, following similar reasonings, we restore the issue to the file of the Ld. CIT(A) / NFAC with similar directions.

12. In the result, both the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the open Court on 17<sup>th</sup> February, 2026.

**Sd/-**

(ASTHA CHANDRA)  
JUDICIAL MEMBER

पुणे Pune; दिनांक Dated : 17<sup>th</sup> February, 2026  
GCVSR

**Sd/-**

(R. K. PANDA)  
VICE PRESIDENT

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The concerned Pr.CIT, Pune
4. DR, ITAT, 'B' Bench, Pune
5. गार्ड फाईल / Guard file.

**आदेशानुसार/ BY ORDER,**

**// True Copy //**

Assistant Registrar  
आयकर अपीलीय अधिकरण ,पुणे  
/ ITAT, Pune

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	16.02.2026		Sr. PS/PS
2	Draft placed before author	16.02.2026		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS			Sr. PS/PS
6	Kept for pronouncement on			Sr. PS/PS
7	Date of uploading of Order			Sr. PS/PS
8	File sent to Bench Clerk			Sr. PS/PS
9	Date on which the file goes to the Office Superintendent			
10	Date on which file goes to the A.R.			
11	Date of Dispatch of order			