

IN THE INCOME TAX APPELLATE TRIBUNAL PANAJI BENCH
PANAJI
BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER &
SHRI G D PADMAHSHALI ACCOUNTANT MEMBER
I T A. Nos. 97/PAN/2024
(A.Y. 2017-18)

The Mercantile Co-op Credit Society Ltd. 1 st Floor, Datta Complex, Kadolkar Galli, Belagavi-590001, Karnataka.	Vs .	ITO-Ward-6, Civil Hospital Road, Belagavi-590001. Karnataka. .
PAN .No.AAAAT5212E		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	None(letter 3-02-25)
Revenue by	Mr.Narendra Reddy.Sr.DR

सुनवाई की तारीख/Date of Hearing	05.02.2025
घोषणा की तारीख/Date of Pronouncement	06.02.2025

ORDER

PER PAVAN KUMAR GADALE, JM:

The appeal is filed by the assessee against the order of National Faceless Appeal Centre (NFAC) Delhi / CIT(A) passed u/sec 143(3) and u/sec 250 of the Act.

2. At the time of hearing, it was found that there is a delay in filing the appeal before the Hon'ble Tribunal and the assessee has filed an affidavit along with the application for condonation of delay. Whereas, the facts mentioned in the affidavit are reasonable and sufficient cause was

explained and the Ld. DR has no specific objections. Accordingly, we condone the delay and admit the appeal. The assessee has raised the grounds of appeal challenging the ex-parte order of the CIT(A).

3. The brief facts of the case are that, the assessee is a cooperative credit society and has filed the return of income for the A.Y 2017-18 on 18.11.2017 disclosing a total income of Rs. Nil after claiming deduction u/sec 80P of the Act. Subsequently the case was selected for scrutiny under CASS and notice u/sec 142(1) of the Act was issued calling for details in respect of claims and the information supporting the return of income filed. The assessee has filed the details through ITBA and the Assessing Officer (A.O) has dealt on the submissions/details and find that the assessee society is not eligible for claim of deduction under section 80P of the Act and the A.O. was not satisfied with the explanations and dealt on the provisions and judicial decisions and denied the claim of deduction u/sec 80P of the act of Rs.1,10,82,241/- and(ii) made addition under section 68 of the Act of Rs.80,33,000/- and finally assessed the total income of Rs.1,91,33,725/- and passed the order u/sec 143(3) of the Act dated 17.12.2019.

4. Aggrieved by the order, the assessee has filed an appeal before the CIT(A), whereas the CIT(A) has considered the grounds of appeal, statement of facts and findings of the

AO and has issued notices of hearing and since there was no compliance by the assessee to notices. Therefore the CIT(A) considering the information on record has granted the partial relief and partly allowed the appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

5. We heard the Ld.DR submissions and perused the material on record. Prima-facie the CIT(A) has passed the order considering the fact that there is no compliance nor appearance in spite of providing adequate opportunity of hearing and the notices were issued. Therefore, the CIT(A) was of the opinion that the assessee is not interested in prosecuting the appeal and passed the ex parte order granting partial relief. The CIT(A) has issued the notices of hearing on various dates referred at Para 4 of the order and there was no response and thus the Ld.CIT(A) came to a conclusion that the assessee is not interested and decided the appeal based on the information available on record. Whereas the assessee has raised grounds of appeal challenging the addition made by the A.O and there could be various reasons for non appearance which cannot be overruled. Therefore, considering the facts and principles of natural justice, we shall provide with one more opportunity of hearing to the assessee to substantiate the case with evidences and information. Accordingly, we set aside the order of the CIT(A) sustaining the addition made by the A.O and remit the disputed issue to the file of the

CIT(A) to adjudicate afresh and the assessee should be provided adequate opportunity of hearing and shall cooperate in submitting the information for early disposal of the Appeal. And, we allow the grounds of appeal of the assessee for statistical purpose.

6. In the result, the appeal filed by assessee is allowed for statistical purposes.

Order pronounced in the open court on 06.02.2025.

Sd/-
(GD PADMAHSHALI)
ACCOUNTANT MEMBER
Panaji Dated: 06/02/2025

Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

BY ORDER,
(Asstt. Registrar)ITAT,
Panaji

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			