

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'C' BENCH, CHENNAI**

श्री जॉर्ज जॉर्ज के, उपाध्यक्ष एवं श्री बालकृष्णन एस, लेखा सदस्य के समक्ष  
**BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT AND  
SHRI BALAKRISHNAN S, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: 384/CHNY/2026

निर्धारण वर्ष/Assessment Year: 2020-21

**O.831, The Tuticorin  
Agricultural Producers Co-Op  
Marketing Society Limited,  
136, Polpettai,  
Tuticorin – 628 002.**

**The Commissioner of  
Income Tax (Appeals),  
Tuticorin**

**PAN: AAAAZ 0418N**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri S. Jayakumar, Advocate

प्रत्यर्थी की ओर से/Respondent by : Ms. R.Anitha, CIT (OSD)

सुनवाई की तारीख/Date of Hearing : 07.04.2026

घोषणा की तारीख/Date of Pronouncement : 07.04.2026

**आदेश/ ORDER**

**PER GEORGE GEORGE K, VICE PRESIDENT:**

This appeal filed by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 26.11.2025, passed under section 250 of the Income Tax Act, 1961 (hereinafter called 'the Act'). The relevant Assessment Year is 2020-21.

2. Brief facts of the case are as follows: The assessee is Co-operative society registered under the Tamil Nadu Cooperative Societies Act, 1983. Initially, the assessee society has not filed its return of income for assessment year 2020-21. The Department has received information through insight portal that during the year under consideration, the assessee society has reported total sales under GSTR-3B of Rs.11,04,12,969/- and had also made cash deposits of Rs.10,70,99,400/- in The Thoothukudi District Central Coop Bank Ltd and Rs.59,98,500/- in the bank account maintained with SBI and had also made cash withdrawal of Rs.2,73,46,973/-. Since the assessee had not filed its return of income, order under clause (d) of section 148A of the Act was passed on 19.02.2024. Accordingly, the case was reopened for scrutiny assessment by issuing notice u/s.148 of the Act on 20.02.2024. In response to notice u/s.148 of the Act, assessee filed its return of income on 20.05.2024 declaring total income of Rs.13,534/- after claiming deduction of Rs.41,98,465/- u/s.80P(2)(a)(i) of the Act. Since the assessee has not filed its return of income u/s.139 of the Act, the AO denied the claim of deduction u/s.80P of the Act.

3. Aggrieved by the assessment completed u/s.147 r.w.s. 144B of the Act, the assessee filed appeal before the First Appellate Authority

('FAA'). After considering the submissions of the assessee, the FAA confirmed the order of the AO.

4. Aggrieved by the order of the FAA, the assessee has filed the present appeal before the Tribunal. The Ld.AR submitted that the assessee has filed a condonation petition dated 17.01.2025 before the CCIT, Chennai u/s.119(2)(b) of the Act praying for condonation of delay in filing return of income u/s.139(1) of the Act and the same is pending. It was submitted that since the condonation petition u/s. 119(2)(b) of the Act before the competent authority has direct bearing, the matter may be restored to the files of the AO to await the decision of the Competent Authority on the condonation application filed in terms of section 119(2)(b) of the Act.

5. The Ld.DR supported the order of the FAA.

6. We have heard rival submissions and perused the material on record. The assessee had approached the Competent Authority u/s.119(2)(b) of the Act for condonation of delay in filing return of income u/s.139(1) of the Act. The assessee's application for condonation of delay u/s.119(2)(b) of the Act has a direct bearing as regards the claim of deduction u/s.80P of the Act. In event the competent authority condones the delay in filing the return of income

filed by the assessee necessarily the claim of deduction u/s.80P of the Act has to be considered on merits by the concerned AO. Since the assessee's application of condonation of delay in filing the return of income is pending consideration before the Competent Authority, we deem it appropriate to restore the case to the files of the AO. The AO is directed to pass afresh order after the Competent Authority has passed the order regarding the assessee's petition for condonation of delay in filing the return of income. It is ordered accordingly.

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

Order pronounced in the open court on 7<sup>th</sup> April, 2026 at Chennai.

Sd/-

(बालकृष्णन एस)

**(BALAKRISHNAN S)**

लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-

(जॉर्ज जॉर्ज के)

**(GEORGE GEORGE K)**

उपाध्यक्ष /VICE PRESIDENT

चेन्नई/Chennai,

दिनांक/Dated, the 7<sup>th</sup> April, 2026

**RSR**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त /CIT, Madurai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF.

**SAG** | blog

By Order