

**IN THE INCOME TAX APPELLATE TRIBUNAL,
'SMC' BENCH, KOLKATA**

Before Shri Duvvuru RL Reddy, Vice-President (KZ)

**I.T.A. No. 1100/KOL/2024
Assessment Year: 2017-2018**

***Indian Overseas Bank Employees Cooperative
Credit Society Limited,.....Appellant
P-35, India Exchange Place,
Kolkata-700001
[PAN:AAAAI4436R]***

-Vs.-

***Income Tax Officer,.....Respondent
Ward-35(2), Kolkata,
Aayakar Bhawan Poorva,
110, Shantipally, E.M. Bypass,
Kolkata-700107***

Appearances by:

*Shri Bishrup Bandhopadhyay, A.R. appeared on behalf of
the assessee*

*Shri Somnath Das Biswas, Sr. D.R., appeared on behalf
of the Revenue*

Date of concluding the hearing: May 19, 2025

Date of pronouncing the order: July 29, 2025

O R D E R

The present appeal is directed at the instance of assessee
against the order of Id. Commissioner of Income Tax (Appeals),

National Faceless Appeal Centre (NFAC), Delhi, dated 21.02.2023 passed for Assessment Year 2017-2018.

2. Facts in brief are that the assessee-appellant is a registered Cooperative Credit Society constituted by staff members working in Indian Overseas Bank and registered under Cooperative Societies Act. It is a non-profit Organization look after the welfare of its members. The preliminary objects clause of the appellant, *inter alia*, are providing credit facilities to its members and to do all such other things as are incidental and conducive to the promotion and advancement of these objects and of the business of the Society. The assessee-Society filed its return of income on 21.10.2017 disclosing total income at Rs.1,09,990/-. After considering the return filed by the assessee-Society, the ld. Assessing Officer made a disallowance of deduction under section 80P of the Act and considered the interest on Savings Bank Account and Fixed Deposit under the income from other sources denying as part of profits and gains of the appellant-Society. The ld. Assessing Officer has not considered the benefit under section 80P of the Act and also made a disallowance of expenditure under section 40(a)(ia) of the Act on the ground that there was non-compliance to Chapter XVIIIB of the Act. The ld. Assessing Officer determined the total taxable income of the assessee-Society at Rs.21,45,285/- for the assessment year 2017-18.

3. On being aggrieved, the assessee preferred an appeal before the ld. CIT(Appeals). After considering the submissions made by

the assessee, the ld. CIT(Appeals) dismissed the appeal of the assessee.

4. On being aggrieved, the assessee-Society preferred an appeal before the ITAT with a delay of 388 days and the Deponent Shri Sudip Kumar Chandra on behalf of assessee-Society submitted by way of an Affidavit that the Chartered Accountant of the assessee-Society CA Sumanta Kumar Dasgupta, who was looking after the activity of the income tax matters of the Association, had passed away on December 30, 2022. He has also enclosed the copy of death certificate of CA Sumanta Kumar Dasgupta for perusal. It was the further submission of the ld. Counsel for the assessee that the appellant could not engage a new Chartered Accountant to look after the affairs of the Association and due to that delay has been occurred. Therefore, he pleaded to condone the delay of 388 days.

5. On the other hand, it was the submission of the ld. Departmental Representative that there is a huge delay in filing the appeal and the assessee has not given any valid reason to condone the huge delay of 388 days. Therefore, he pleaded to dismiss the appeal filed by the assessee-Society *in limine*.

6. I have heard both the sides and perused the condonation petition, death certificate of CA Sumanta Kumar Dasgupta filed by the assessee-Society, which was issued by the Kolkata Municipal Corporation, Kolkata and also the order passed by the ld. CIT(Appeals). As per the death certificate, CA Sumanta Kumar

Dasgupta of the assessee-Society passed away on 30th December, 2022. The ld. CIT(Appeals) passed the impugned appellate order on 21st February, 2023. The ld. CIT(Appeals) fixed the date for hearing of the appeal of the assessee-Society on 20th February, 2023, on the said date of hearing, somebody represented the matter before the ld. CIT(Appeals) and filed its reply on 20.02.2023. The said fact was mentioned in page no. 7 of ld. CIT(Appeals)'s order. Therefore, one thing is clear that the assessee-Society even after demise of its Chartered Accountant, pursued the matter before the ld. CIT(Appeals) and filed its reply before the ld. CIT(Appeals). Therefore, the reason for the delay occurred due to the death of its Chartered Accountant, as pleaded by the assessee-Society, is not cogent and not acceptable. Therefore, I am of the firm view that the assessee-Society miserably failed to explain the sufficient reason to condone the huge delay of 388 days. Therefore, I am of the view that it is not a fit case to condone the huge delay of 388 days on the incorrect reason and hence dismissed.

7. In the result, the appeal filed by the assessee is dismissed in limine.

Order pronounced in the open Court on 29/07/2025.

Sd/-

(Duvvuru RL Reddy)

Vice-President (KZ)

Kolkata, the 29th day of July, 2025

*Copies to :(1) Indian Overseas Bank Employees
Cooperative Credit Society Limited,
P-35, India Exchange Place,
Kolkata-700001*

*(2) Income Tax Officer,
Ward-35(2), Kolkata,
Aayakar Bhawan Poorva,
110, Shantipally, E.M. Bypass,
Kolkata-700107*

(3) CIT(A), NFAC, Delhi;

(4) CIT - , Kolkata;

(5) The Departmental Representative;

(6) Guard File

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.