IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

INCOME TAX APPEAL No.133 of 2013

The Commissioner of Income Tax- IV, Nagpur.
VRS.
M/s Coal Workers Credit Cooperative Society, Saoner, District Nagpur.

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri Anand Paarchure, counsel for petitioner.

CORAM : B.R. GAVAI AND
Mrs. MRIDULA R. BHATKAR, JJ.

DATED : JANUARY, 30th , 2015.

Heard.

By this appeal, the appellant impugns the order of the Income Tax Appellate Tribunal, Nagpur Bench, Nagpur 3rd April, 2013 answering the questions raised in the appeal against the appellant-Department and holding that the assessee-society was entitled to deduction under the provisions of Section 80-P of the Income Tax Act.

It appears, on hearing the learned counsel for the Department and on perusal of the impugned order dated 3rd April, 2013, that a clear finding of fact has been recorded by the Income tax Appellate Tribunal in the impugned order that the assessee-society was not a cooperative bank as held by the assessing Officer and hence, could not have been deprived of the benefit of deduction under Section 80-P of the Act. While recording the finding of fact, the Income Tax Appellate Tribunal relied on the various provisions of the Income Tax Act and the circulars issued by the Reserve Bank of India and CBDT. The finding recorded by the Tribunal is a pure finding of fact, which does not give rise to a substantial question of law.

In the result, the income tax appeal is dismissed with no order as to costs.

JUDGE JUDGE

Hirekhan