IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM

THE HON'BLE MR.JUSTICE **NOOTY.RAMAMOHANA RAO**
AND
THE HON'BLE DR.JUSTICE **ANITA SUMANTH**

Tax Case (Appeal) No.685 of 2014

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s Tamilnadu Cooperative
Housing Federation Ltd.,
40, Ritherton Road,
Chennai 600 007. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras 'D' Bench, dated 20.02.2014 in ITA No.2185/Mds/2013.

For Appellant : Mr.K.Sureshkumar
Standing Counsel
For Respondent : Mr.Satish Parasaran

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JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED
BY **NOOTY.RAMAMOHANA RAO, J.)**

The Revenue has preferred this Tax Case Appeal under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras 'D' Bench, dated 20.02.2014 in ITA No.2185/Mds/2013.

2. The following two substantial questions of law have been raised for consideration in this Appeal:-

> (i) Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in upholding the order of the Commissioner of Income Tax (appeals), directing the assessing officer to allow deduction under Section 80 P (2) of the Income Tax Act, to the assessee?
>
> (ii) Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in law, in holding that the assessee's claim for deduction is not restricted by Section 80P (4) of the Income Tax Act?

3. While dealing with Tax Case Appeal Nos. 655 to 658 of 2016, a Division Bench of this Court to which one of us (Nooty.Ramamohana Rao,J) is a member, had occasion to consider the very same substantial questions of law which have fallen for consideration in this appeal and those substantial questions of law were answered in favour of the Assessee and against the Revenue, as the Assessee is a mere Co-operative Society but not a Co-operative Bank.

4. In that view of the matter, we have not found any error

committed by the Assessing Officer, the Appellate Authority and the Tribunal in coming to the conclusions to which they have arrived at. We subscribe to the same reasoning and accordingly, we dismiss this Tax Case Appeal. No costs.

(N.R.R.J.) **(A.S.M.,J.)**
23.11.2016

gr.

Copy to:
The Registrar,
Income Tax Appellate Tribunal, Madras 'D' Bench, Chennai.

NOOTY.RAMAMOHANA RAO,J
and
DR.ANITA SUMANTH,J

gr.

T.C.A.No.685 of 2014

23.11.2016