
(2022) 05 KL CK 0078

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16141 Of 2022

Karakurissi Service Co Operative Bank Ltd

APPELLANT

Vs

Additional/ Joint/ Deputy/ Asst. Commissioner Of Income
Tax/ Income Tax Officer

RESPONDENT

Date of Decision : 19-05-2022

Acts Referred:

Kerala Co operative Societies Act, 1969 — Section 80P

Citation : (2022) 05 KL CK 0078

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Harisankar V. Menon, Meera V.Menon, Jose Joseph

Final Decision : Disposed Of

Judgement

Bechu Kurian Thomas, J

1. Petitioner is a Primary Agricultural Credit Society registered under the Co-operative Societies Act, 1969. Ext.P1 order of assessment was issued against the petitioner on 28.03.2022. In the assessment order, petitioner's claim for deduction under Section 80P was rejected on the ground that there was no evidence to show that petitioner satisfied the ingredients of the Primary Agricultural Credit Society as contemplated under the Co-operative Societies Act.

2. While assailing the assessment order before the 2nd respondent, petitioner has sought to canvass that the judgment of the Supreme Court in Mavilayi Service Co-operative Bank and Others v. Commissioner of Income Tax, Calicut and Others [2021 (1) KLT 485] was not considered by the assessing officer though the assessment order was rendered subsequent to the Supreme Court Judgment.

3. Since the petitioner has already preferred an appeal as Ext.P2 and the same is pending consideration before the 2nd respondent, I deem it fit that this writ petition be disposed of directing the Appellate Authority to consider the appeal in

a time bound manner.

4. Accordingly, there will be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P2, as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this judgment.

5. Till the disposal of the appeal, no coercive steps shall be initiated pursuant to Ext.P1 assessment order.

The writ petition is disposed of.