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# Statement of Fact and Ground of appeal

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20 January 2020

nithi (Querist)

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The appellant is a Agricultural Credit Cooperative Society. But the appellant is not filed the return of income. the case was selected for scrutiny to verify cash deposits made during the demonetization period. Subsequently order under section 144 passed by the assessing officer by treating the entire cash deposit made during demonetization period as income for that assessment year. But the assessee is a primary agricultural credit cooperative society. Therefore, deduction under 80p is availed. Can any one provide a draft format of statement of facts and ground of appeal.

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Can you please tell me the sub section and clause of section 80P under which unexplained cash is exempt?

**Amol S Joglekar**

(Expert)

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Sir, Section 80P deduction is available only to primary agricultural credit society or primary co-operative agricultural and rural development bank. In this case the Society is covered under section 80P. But the society was not filed the Income tax return for that period of Demonetization. Therefore, order under section 142(1) was passed to the appellant. But the appellant is not aware of the Income tax notice. Due to his negligence, the Income tax authority treats the entire cash deposits made during the demonetization period as unexplained money. According to auditor direction, the appellant is ready to make a CIT appeal against the order. Therefore, we are request

**nithi** (Querist)

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you to provide a draft format for statement of facts and ground of appeal.



**Amol S Joglekar**

(Expert)

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Although I am not convinced what you are saying, but let it be. See, in the statement of facts you can write down the events in chronological order. viz. 01. Return for the year 20xx-xx was not filed. 02. Notice u/s xxxx has been issued by ITO xxxx ward on xx/xx/20xx. 03. The notice is served on xx/xx/20xx as per the records of income tax department. 04. The assessment order is passed u/s xxx on xx/xx/20xx. Grounds of appeal. 01. Opportunity of being heard be given. 02. Explanation of cash credit be taken on record. 03. Demand be dropped and so on

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