

## EPF Contribution not to be disallowed if deposited before due date of filing of ITR

**Summary – The Delhi ITAT in a recent case of All Saints School., (the Assessee) held that EPF Contribution not to be disallowed if deposited before due date of filing of ITR**

### Facts

- The assessee was a society and it was granted registration under section 12AA.
- The Assessing Officer found that the assessee deposited certain amount towards Employees Provident Fund however since there was delay in deposit of the same the Assessing Officer disallowed Rs. 1.39 lakhs under section 36(1)(va), read with section 2(24)(x).
- On appeal, the Commissioner (Appeals) upheld disallowance.
- On appeal to the Tribunal, the assessee contended that EPF payments made prior to due date of filing of return as prescribed under section 139(1) could not be disallowed under section 36(1)(va), read with section 2(24)(x).

### Held

- The Tribunal held that it has been held even by the SC and various other decisions that payments made prior to due date of filing of return cannot be disallowed under section 36(1)(va), read with section 2(24)(x). Since in the instant case the EPF has been deposited prior to the due date of filing of return under section 139(1) therefore, no disallowance under section 36(1)(va) read with section 2(24)(x) can be made. The ground raised by the assessee is accordingly allowed.