

Director General of Anti-Profiteering v. Ireo Pvt. Ltd. and Ireo Residence Company Pvt. Ltd. (Gurgaon Hills and Grand Hyatt Gurgaon Residences)

Case number: NAPA/51/PB/2025

Citation: No neutral or reporter citation printed in the identified official order.

Decision date: 2025-10-28

Gurgaon Hills adjusted ITC comparison and scrapped Grand Hyatt project: proceedings dropped on project-specific findings

Court: Goods and Services Tax Appellate Tribunal, Principal Bench, New Delhi, Anti-Profiteering Division

Bench: Anil Kumar Gupta, Member (Technical); Single Bench Court III

Decision stage: Final reasoned merits determination accepting a project-specific no-profiteering conclusion and dropping proceedings.

01 Facts of case and issues

The investigation arose from NAA Order 14/2019 dated 21 October 2019. After an initial DGAP report dated 31 December 2020, reinvestigation followed the Delhi High Court's 29 January 2024 Reckitt Benckiser decision. The revised report dated 19 August 2025 was considered at the 9 October 2025 hearing. Gurgaon Hills received an occupation certificate on 29 June 2022. The order records that 182 of 287 units were sold after that certificate and treats credit attributable to post-completion sales separately. For Grand Hyatt Gurgaon Residences, the respondents reported that the original project had been scrapped and the land and development rights transferred under a 17 November 2023 sale agreement to Oberoi Realty, with buyer consents.

Pinpoint: Paras 1–7.3 and 8; physical pp. 2–14.

02 Discussion by Hon'ble Tribunal

For Gurgaon Hills, the pre-GST period is April 2012–June 2017 and the post-GST period ends on 29 June 2022. Pre-GST credit of ₹14,36,08,290 and net post-GST credit of ₹1,70,11,835 were compared against purchase values of ₹4,85,67,63,482 and ₹87,33,34,360. The resulting ratios fell from 2.96% to 1.95%. The net post-GST figure adds transitional credit and deducts ineligible-credit and occupation-certificate-related reversals. The source describes allocation of construction costs using the project's area share.

For Grand Hyatt, the order records the scrapping and transfer of the original project. It cites correspondence dated 10 December 2024 stating that the replacement development had not commenced. Applying the post-April 2019 residential rate regime described in Notification 03/2019–Central Tax (Rate), the Tribunal reasoned that the envisaged new project would have no ITC benefit to pass on. These are the order's recorded submissions and findings; the underlying sale agreement, buyer consents and present construction status were not independently verified.

Pinpoint: Paras 6.3–7.6; physical pp.8–14.

03 Judicial decision and operative relief

The Tribunal accepted the DGAP's project-specific analysis, concluded that no tax-rate or ITC benefit accrued in respect of Gurgaon Hills and Grand Hyatt Gurgaon Residences, and dropped the proceedings under Section 171. No quantified award, interest or penalty is ordered. The final order is dated and pronounced 28 October 2025.

Pinpoint: Paras 8–12, physical pp.14–16; summary physical p.2.

04 In favour of

The captioned Ireo respondents, limited to the two projects and facts considered.

Final reasoned no-profiteering determination; proceedings dropped after evaluation of the investigation, rather than a hearing adjournment or interim direction.

Pinpoint: Operative paras 10–12.

05 AKHB REVIEW POINT

AKHB analysis: Use net eligible credit and a consistent investigation period when testing an incremental GST benefit. In this order, ₹9,45,23,757 + ₹1,02,86,571 – ₹4,91,91,841 – ₹3,86,06,652 = ₹1,70,11,835. The computation distinguishes transitional credit and two types of reversal rather than comparing gross credits alone. The occupation-certificate date and post-completion sales affect that analysis.

The Grand Hyatt reasoning is tied to a scrapped project and the described replacement development. Do not generalise the absence of ITC into a rule that every no-ITC transaction is exempt from all rate-reduction pass-through obligations. Nor does this note independently certify the transfer, buyer consent or current construction stage.

Maintain a separate record from NAPA 73/PB/2025, decided on the same day for Skyon, City Central and Managed Service Apartment. Different projects and case identities remain distinct even where methodology and parties overlap.

Pinpoint: AKHB analysis of paras 6–10; physical pp.8–15.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171; CGST Act 2017: Sections 17(2) and 17(3); CGST Rules 2017: Rules 129(6) and 133(5)(a)

Statutory note

Historical source-based explanation of the law and notifications applied in this order; not a current statutory consolidation.

Treatment note

Bounded exact-case, party and appeal/recall searches on 17 October 2026 identified no later primary order affecting this decision. This is not exhaustive docket clearance or proof that no appeal exists.

Scope of source review

Complete 16-page official order, including administrative summary. Underlying project accounts, returns, credit reversals and DGAP working papers were not independently obtained.

Identity note

The caption says Ireo Residence Company Pvt. Ltd.; the summary and body use Ireo Residences Pvt. Ltd. Para 1 references Ireo Grace Realtech in the antecedent investigation. Preserve these source variants without asserting legal equivalence.

Primary source

Complete official source read; identity, calculations and operative pages visually checked.

[Open original judgment](#)

Source pages: 16

Outcome type: final

Official NAA listing

[Open cited source](#)

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