

Director General of Anti-Profiteering v. Gopal Teknocon Pvt. Ltd.

Case number: NAPA/15/PB/2025

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

Decision date: 2025-11-04

Crude-oil storage tank contracts: accepted incremental-ITC computation and final closure on recorded recipient payment, with proof still directed

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

Bench: Shri Anil Kumar Gupta, Member (Technical), Court No. 3

Decision stage: Final reasoned disposal affirming the admitted Rs. 3,55,198 residual ITC benefit and recording Section 171 compliance; proceedings closed with refund-proof filing directed within fifteen days of receipt. Payment status is reported as the Tribunal's finding, not independently certified.

01 Facts of case and issues

Indian Oil Corporation Ltd. (Pipeline Division), Rajkot complained that its contractor, Gopal Teknocon Pvt. Ltd., had not passed on additional input-tax-credit benefit through a commensurate price reduction for maintenance and inspection of crude-oil storage tanks. The Standing Committee referred the matter on 7 August 2020; the investigation notice dated 4 September 2020 covered 1 July 2017 to 31 July 2020.

The first DGAP report, dated 29 January 2021, found no evidence of profiteering because IOCL had voluntarily agreed to prices and contract changes. NAA's Interim Order No. 03/2022, dated 10 May 2022, nevertheless required reinvestigation of whether negotiated discounts were linked to GST benefits and whether the method adequately captured ITC pass-through. The second report, dated 31 August 2022 and received on 5 September 2022, records pre-GST negotiations but post-GST execution and procurement. It identifies GST-linked discounts of Rs. 11,61,246.84 for each of tanks MT-05 and MT-03, associated respectively with 24 October 2017 and 21 March 2018.

Table A compares post-GST ITC of Rs. 85,26,685 with notional pre-GST VAT credit of Rs. 58,48,993, yielding incremental benefit of Rs. 26,77,692. After deducting the printed prior pass-through of Rs. 23,22,494, DGAP identified a residual Rs. 3,55,198 for IOCL. These are the source's accepted figures; the underlying invoices, VAT assumptions and contracts are not annexed.

After the case moved to GSTAT and a further hearing opportunity was given, the director's response dated 14 October 2025 acknowledged the computation and sought closure. It described a demand draft prepared for Rs. 3,55,198 and promised proof of submission to IOCL after completion of the transaction. The Tribunal subsequently treated the remittance and statutory compliance as completed.

Pinpoint: Complaint, investigation and reinvestigation: paragraphs 1–4, physical pp. 2–5. Table A and residual: paragraphs 5–6, pp. 5–6. Transfer, hearing, response and demand draft: paragraphs 7–10, pp. 6–8; later payment finding: paragraphs 11–12, pp. 8–9.

02 Discussion by Hon'ble Tribunal

The Tribunal considered the DGAP findings, NAA's reinvestigation directions and the respondent's written response. It held that the residual ITC calculation was unchallenged and acknowledged. Its conclusion therefore rests on an accepted calculation and recorded compliance, rather than a contested adjudication validating every accounting input or a conclusion that no incremental ITC benefit ever arose.

Paragraphs 11–12 state that Gopal had remitted the determined amount to IOCL and fulfilled Section 171(1). The Tribunal describes the anti-profiteering provisions as remedial and directed to consumer welfare, and reasons that continuing these proceedings serves no regulatory purpose once the quantified benefit has been passed on and compliance verified. This is the reason for the fact-specific closure. It should not be recast as a general exemption from interest, statutory penalties or unrelated liabilities: the judgment does not separately analyse or expressly waive those issues.

The published record contains an important payment-status tension. Paragraph 9 describes a prepared demand draft and future production of proof after completion. Paragraphs 11–12 record completed remittance and compliance; paragraph 13 still requires proof of refund to be filed. The note preserves the adjudicative finding without treating preparation of a demand draft as independently established delivery, encashment or receipt. The underlying confirmation, IOCL acknowledgement and banking evidence were not obtained.

The main integer calculations reconcile: Rs. 85,26,685 minus Rs. 58,48,993 equals Rs. 26,77,692; deducting Rs. 23,22,494 gives Rs. 3,55,198. The two separately stated discounts total Rs. 23,22,493.68, whereas Table A prints Rs. 23,22,494, consistent with rounding to a rupee. The source does not explain that rounding expressly. Table A also contains asterisk markers without corresponding explanatory notes in the identified PDF. No inferred adjustment changes the affirmed residual.

Pinpoint: Reasoning and compliance findings: paragraphs 11–12, physical pp. 8–9. Payment-status tension: paragraph 9, p. 7; paragraphs 11–13, pp. 8–10. Arithmetic and source-table limits: paragraph 4 and Table A, p. 5; paragraph 6, p. 6.

03 Judicial decision and operative relief

GSTAT affirmed DGAP's computation and recorded that Gopal had fulfilled Section 171(1) by transferring the residual ITC benefit to IOCL. It concluded the investigation, found that no further action under the Rules was warranted, and closed the proceedings.

The operative remaining direction is to file a copy of proof of refund of Rs. 3,55,198 with both IOCL and the jurisdictional CGST Commissionerate within fifteen days of receipt of the order. All other proceedings and notices in this matter stand disposed of. Copies were directed to the applicant, respondent and concerned jurisdictional CGST/SGST Commissioner, and the order records open-court pronouncement.

The order does not impose a fresh duplicate refund, a Consumer Welfare Fund deposit, a quantified interest award or a penalty. Its silence on interest and penalty is not an express general waiver. The fifteen-day period concerns proof filing and runs from receipt, not the order date. The actual receipt date and later filing or payment evidence are unverified.

Pinpoint: Operative findings and closure: paragraphs 12–13, physical pp. 9–10. Proof-filing recipients and deadline: paragraph 13, pp. 9–10. Communication and pronouncement: paragraphs 14–15, p. 10. Summary: physical p. 2, items 8–9.

04 In favour of

Gopal Teknocon on closure and no further action in this proceeding; IOCL/DGAP on affirmation of the Rs. 3,55,198 residual ITC benefit and the Tribunal's recorded transfer finding. This is not complete exoneration from the original benefit obligation.

Final reasoned disposal on an accepted residual-ITC computation and recorded compliance, with a surviving direction to file refund proof. The administrative summary labels the matter both "Confirmed" and "Appeal Allowed"; the reasoned paragraphs govern the narrower result. The original no-profiteering report was followed by reinvestigation and is not the final operative outcome.

Pinpoint: Administrative fields: physical p. 2, items 7 and 9. Initial report and reinvestigation: paragraph 3, pp. 3–4. Final findings and disposal: paragraphs 11–13, pp. 8–10.

05 AKHB REVIEW POINT

AKHB analysis: A negotiated discount and a statutory GST-benefit pass-through are not interchangeable without evidence of their link. Preserve the original tender, amendments, contemporaneous pricing correspondence and credit calculation so that a prior concession can be reconciled against the additional ITC benefit rather than counted twice.

An admission-based final can still determine the statutory result. Here the Tribunal affirmed a specific residual calculation and gave a reasoned closure, while the original favourable investigation report had been superseded by reinvestigation. Cite the final findings rather than presenting the earlier report as the case outcome.

Separate the Tribunal's recorded finding of payment from independently available payment evidence. Obtain IOCL's acknowledgement, demand-draft delivery and clearance records, and the required proof filing before giving an assurance of completed implementation. Record when the order was received to calculate the fifteen-day filing period; do not substitute its publication or judgment date.

The closure is confined to these tank contracts, the accepted computation and recorded compliance. Do not turn the remedial-purpose observation into a universal immunity from interest or penalties, or transplant the notional-VAT comparison to a different supply without examining its factual and legal basis.

Pinpoint: AKHB source-based analysis of paragraphs 3–6 and 9–13, physical pp. 3–10. Practical recordkeeping recommendations are distinct from the Tribunal's operative directions.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171(1), additional-ITC benefit pass-through; CGST Rules 2017: Rule 129(1) and 129(6), investigation reference/report; Rule 133(4), reinvestigation history; Notification 18/2024-Central Tax dated 30 September 2024, transfer history as recorded in paragraph 7; not separately audited; CGST Rules 2017: Rules 113(1) and 115, administrative Form GST APL-04A heading only

Statutory note

The decision applies Section 171(1) to a specific accepted incremental-ITC calculation and records satisfaction by transfer to the recipient. Rules 129 and 133(4) explain the investigation and reinvestigation history. No current statutory consolidation or independent validation of every notional-VAT input is claimed. The order does not decide a separate interest-rate, penalty-commencement or general waiver question; no such holding is supplied by this note. The transfer notification is described only as source-attributed history.

Treatment note

Checked 17 October 2026. The official final detail and complete PDF confirm this decision. Bounded exact-party/case/date and recall/stay/appeal searches, including official NAA, Delhi High Court, Gujarat High Court, Andhra Pradesh High Court and Supreme Court domains, did not establish a matching later primary order. The public NAA interim index contained 77 linked entries; its Gopal entry is the earlier NAA Order 03/2022, not a later recall of this final. Indexed pre-final hearing lists and secondary summaries were not treated as later treatment. A complete registry or appellate docket was not obtained. Absence from an index or search result does not prove that no appeal or stay exists. Current enforceability and actual proof filing are unverified.

Scope of source review

Complete ten-page final GSTAT anti-profiteering order: two administrative-summary pages and reasoned paragraphs 1–15 spanning physical pp. 2–10. Full original text and every rendered page reviewed. Underlying DGAP reports, NAA interim original, contract/accounting records, demand-draft clearance, IOCL acknowledgement, subsequent proof filing and complete later dockets were not independently audited. This is not ordinary GST appellate coverage.

Identity note

NAPA/15/PB/2025; order reference ZA071125000001H; Court No. 3, Anil Kumar Gupta, Member (Technical). The cover, reasoned date and visible signature display identify 4 November 2025. The administrative reference date 5 September 2022 concerns report receipt, not the judgment date. Signature display was visually observed, not cryptographically validated. Earlier NAA index spelling “Teknokon” relates to the cited 2022 interim history and is not adopted over the final caption “Teknocon”.

Primary source

Complete ten-page official PDF, including administrative summary and final reasons. All text and all ten rendered pages checked.

[Open original judgment](#)

Source pages: 10

Outcome type: final

Official NAA final-order detail[Open cited source](#)

Pinpoint: Final order NAPA/15/PB/2025, dated 4 November 2025.

Official anti-profiteering interim-order index[Open cited source](#)

Pinpoint: 17 October 2026: 77 linked entries, including earlier NAA Order 03/2022 for Gopal; no matching later recall established. Index only, not a complete docket.

Disclosures and source rights

AI disclosure: Prepared with AI assistance from the identified sources. No human legal review is claimed.

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Source checked: 2026-10-17