

Director General of Anti-Profiteering v. Shree Suktam Enterprise

Case number: NAPA/157/PB/2025

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

Decision date: 2025-11-12

Evidence-based closure where supplier and transaction records could not be traced; separate billing inquiry preserved

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

Bench: A. Venu Prasad, Member (Technical); Single Bench Court IV

Decision stage: Final reasoned closure because the evidence was insufficient to sustain further proceedings; no affirmative verification of tax compliance.

01 Facts of case and issues

Proceedings followed investigation of the supply chain of S.R. Lifesciences, including Shree Suktam Enterprise and the product Eclat Serum 30gm. A notice dated 9 August 2023 concerned pass-through of a GST-rate reduction effective 15 November 2017, with an investigation period extending to 31 July 2023. The notice was returned marked LEFT. Repeated requests to Gujarat tax authorities, CGST and DGGI did not produce records sufficient to establish relevant supplies and price pass-through. A reported site visit found another business at the stated address.

DGAP obtained some returns and basic taxpayer details but reported that they were insufficient. Further investigation was directed, followed by more unsuccessful requests. No respondent appeared at the Tribunal's hearing. These are the investigation and hearing facts recorded by the Tribunal, not findings from an independent field inquiry by AKHB.

Pinpoint: Paras 1–18, pp. 3–8.

02 Discussion by Hon'ble Tribunal

The Tribunal considered DGAP's account of its efforts and the continuing absence of evidence. DGAP said it could not determine whether the product had been supplied by this respondent and, if so, whether the tax-rate benefit had been passed on. At the hearing it reported nil profiteering and requested closure, but that figure rested on an inability to establish the necessary facts.

The Tribunal also stated that the department should ascertain whether there had been bogus billing to S.R. Lifesciences or another registered firm, and that the jurisdictional Commissionerate could take action if so. This is a conditional investigation observation, not an adjudicated finding that bogus billing occurred.

Pinpoint: Paras 11–12, 16 and 18–20, pp. 6–9.

03 Judicial decision and operative relief

The Tribunal concluded that no further proceedings could be sustained against the respondent and dropped the present case. Copies were directed to the respondent and concerned CGST/SGST Commissioners. The final order dated 12 November 2025 did not impose a refund, interest or penalty. It preserved the separate conditional billing inquiry described in paragraph 20.

Pinpoint: Paras 20–23, p. 9; caption and summary pp. 1–2.

04 In favour of

Respondent on closure of the present anti-profiteering proceeding; no general compliance clearance or finding on a future billing inquiry.

Final evidential closure. Nil profiteering in the reported investigation is not equivalent to a verified finding that every relevant price reduction was passed on.

Pinpoint: Paras 18–23, pp. 8–9.

05 AKHB REVIEW POINT

AKHB analysis: Distinguish failure to establish a tax claim from affirmative proof of compliance. The record here could not establish the relevant supplies and pass-through because the supplier and essential records were unavailable despite repeated enquiries. The order is useful for understanding that evidentiary limit, not for endorsing non-participation as a compliance strategy.

Keep separate the closed Section 171 proceeding and the conditional direction to examine possible billing irregularities. No allegation of bogus billing should be presented as proved: paragraph 20 asks the department to ascertain the position and permits action only if warranted.

Preserve source chronology and scope. Paragraph 18 identifies a report dated 30 April 2025 and a supplementary report dated 12 November 2024, while the earlier narrative records the 2022 investigation and later attempts to obtain documents. This note does not reconstruct an unseen report history or claim that the preserved inquiry was subsequently pursued. The underlying correspondence, returns and visit records were not independently obtained.

Pinpoint: AKHB source-based analysis of paras 11–23, pp. 6–9.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171; CGST Rules 2017: Rules 129, 133(4) and 133(5); CGST Act 2017: Section 109(3), jurisdictional background

Statutory note

Historical source-based explanation of the evidentiary closure and preserved conditional inquiry; no finding on liability in any separate proceeding.

Treatment note

Bounded exact-case/party and appeal, recall or correction searches on 17 October 2026 identified no later primary order affecting this disposal. This is not exhaustive docket clearance or a check of all separate investigations.

Scope of source review

Complete nine-page official GSTAT order. Underlying DGAP reports, correspondence, returns, spot-visit records and any later billing investigation were not independently obtained.

Identity note

NAPA/157/PB/2025, 12 November 2025. Caption uses Shree Suktam Enterprise; running headers and some narrative passages use Enterprises.

Primary source

Complete nine-page source text read; caption and operative pages visually checked.

[Open original judgment](#)

Source pages: 9

Outcome type: final

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