

Director General of Anti-Profiteering v. Pivotal Infrastructure Pvt. Ltd.

Case number: NAPA/137/PB/2025

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

Decision date: 2026-01-14

Royal Heritage: prior ITC benefit recognised and buyer refund ordered, with unreconciled quantum arithmetic and an erroneous interest-provision label

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

Bench: Justice Mayank Kumar Jain, Member (Judicial), and Anil Kumar Gupta, Member (Technical), Division Bench Court II

Decision stage: Final substantive direction to pay Rs. 3,12,78,937 plus applicable interest to eligible homebuyers and report compliance; material unreconciled arithmetic in the reasons is preserved, not corrected editorially.

01 Facts of case and issues

The proceeding concerned alleged non-passing of ITC benefits in the Royal Heritage project, Sector 70, Faridabad. GSTAT heard DGAP representatives and the respondent's chartered accountant in virtual mode and examined the record. The published order does not state the original complaint particulars, investigation period, underlying credit ratios or buyer-wise workings.

DGAP's report dated 20 December 2024 recorded a Section 171 contravention. Paragraph 5 reproduces base profiteering of Rs. 3,04,42,755 and GST stated at 12% of Rs. 36,53,130, with a printed total of Rs. 3,40,95,886. It also recorded that Rs. 91,45,350 of ITC benefit had already been passed to 1,104 homebuyers.

The Tribunal found a discrepancy between the report's concluding gross amount and its Table C/paragraph 26 figure of Rs. 3,12,78,937 to be passed to eligible buyers. It addressed that report inconsistency and the respondent's request for three months to make payment because of the number of buyers. The full report, tables and proof of earlier benefit were not independently available in this source review.

Pinpoint: Physical p. 2, paragraphs 1–2; p. 3, paragraphs 3–7; p. 4, paragraph 10.

02 Discussion by Hon'ble Tribunal

The Tribunal treated DGAP's acknowledgement of benefit already passed as relevant to the amount still payable. It relied on the amount stated in paragraph 26 of the report for 1,104 eligible buyers and considered the larger total in the report's conclusion prima facie erroneous. This supports recognition of verified prior pass-through in principle; it does not validate the printed subtraction.

The reasons contain a material unreconciled calculation. Rs. 3,40,95,886 minus Rs. 91,45,350 equals Rs. 2,49,50,536, not Rs. 3,12,78,937 as printed in paragraph 6 and adopted in paragraphs 7–8. The difference between the displayed subtraction result and the adopted award is Rs. 63,28,401. The source does not explain it. Separately, the two printed components in paragraph 5 add to Rs. 3,40,95,885, one rupee below the stated gross total. Twelve per cent of the printed base is Rs. 36,53,130.60; the treatment of the fractional amount is not explained. These are source defects, not authority for this note to substitute another operative amount.

Paragraph 9 and the administrative summary refer to Section 133(3)(B) of the CGST Act for interest. The relevant recipient-return provision is Rule 133(3)(b) of the CGST Rules. The historical rules compilation linked by the official NAA portal was checked for that provision. The erroneous source label is disclosed rather than silently repeated as a valid Act citation.

The actual operative language requires applicable interest. It does not print a numerical rate, buyer-specific start dates, an interest computation or a separate penalty determination. The statutory context must be distinguished from the words and unresolved calculation in this particular order.

Pinpoint: Report inconsistency and adopted amount: physical p. 3, paragraphs 5–7, and p. 4, paragraph 8. Interest wording: p. 4, paragraph 9; administrative summary p. 2, item 8. Official historical rules compilation: physical p. 125, printed p. 122, Rule 133(3)(b).

03 Judicial decision and operative relief

The Tribunal directed payment of Rs. 3,12,78,937, together with applicable interest, to the eligible homebuyers. That is the operative principal as printed in paragraph 8; it has not been replaced by the different result of the source's displayed subtraction.

After considering the respondent's request, the Tribunal directed that the entire amount be refunded within three months. Paragraph 11 does not specify a separate receipt-based trigger or a calendar due date. It also required a compliance report to the jurisdictional GST Commissioner and DGAP, without setting a distinct reporting deadline in the reproduced text. The matter was disposed of on 14 January 2026.

No Consumer Welfare Fund deposit or penalty is ordered, and no penalty immunity is adjudicated. Actual refunds, interest payments and compliance reporting are not established by the order. The administrative Closure Report label does not turn the case into a nil-liability closure.

Pinpoint: Physical p. 4, paragraphs 8–12 and dated signatures; administrative summary on p. 2.

04 In favour of

DGAP and eligible homebuyers on the substantive payment direction. The respondent obtains recognition of previously passed benefit in principle and the requested three-month period, but the reproduced quantum arithmetic remains unresolved.

Final substantive payment determination, not an interim direction or nil closure. The exact ordered principal is clear in the operative text, while the stated arithmetic supporting it is inconsistent. No later correction has been verified in this bounded pass.

Pinpoint: Physical p. 3, paragraphs 5–7, and p. 4, paragraphs 8–12.

05 AKHB REVIEW POINT

AKHB analysis: Separate the operative award from a fresh arithmetic audit. Quote Rs. 3,12,78,937 as the amount ordered, and flag the inconsistent gross-minus-prior-benefit calculation prominently. Do not use Rs. 2,49,50,536 as a replacement liability or seek double credit for earlier pass-through solely from this note.

Obtain the complete DGAP report, Table C, paragraph 26, buyer schedule and proof of benefit already passed. A clarification or correction from the competent forum may be necessary before treating the unreconciled figures as a reliable calculation. This note does not decide which printed input is mistaken.

Keep principal, applicable interest, payment period and compliance reporting distinct. The source does not expressly quantify interest or decide penalty. The statutory recipient-return rule supplies context but cannot repair the principal calculation or substitute a buyer-wise payment schedule. Confirm the latest operative record and any correction, appeal or stay before relying on this order for enforcement or advice.

Pinpoint: AKHB commentary based on physical pp. 3–4, paragraphs 5–12, especially the incompatible calculation in paragraph 6 and exact direction in paragraph 8; separate from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171, report finding of ITC-benefit pass-through contravention; CGST Rules 2017: Rule 133(3)(b), recipient-return and interest provision; source incorrectly labels it Section 133(3)(B) of the Act

Statutory note

The source invokes Section 171 for the substantive obligation. Its interest citation to Section 133(3)(B) of the Act is erroneous. The official NAA-linked historical CGST Rules compilation, physical p. 125 (printed p. 122), contains Rule 133(3)(b), including recipient return with 18% interest from collection to return/recovery. That targeted historical text check identifies the provision; it is not a complete temporal or current-law audit. The order itself says applicable interest, without printing a rate or buyer-specific dates. This note does not rewrite that operative wording or infer a distinct penalty decision.

Treatment note

Checked 17 October 2026. Fresh retrieval from the official PDF URL matched the preserved bytes. Bounded exact-party/case/date, correction/recall and official NAA, Delhi High Court, Punjab and Haryana High Court and Supreme Court domain searches did not establish a later matching correction, stay, recall, reversal or modification. The current public 77-entry interim-order index contains an older Pivotal NAA item, not a later correction of NAPA/137/PB/2025. Searches also surfaced unrelated consumer, RERA, arbitration and suitor-fund matters; these were not adopted as treatment of this GSTAT judgment. Full registry status and underlying later proceedings were not exhaustively checked. No absence-of-appeal, current enforceability or actual-compliance certification is made.

Scope of source review

Complete four-page official final order, with administrative summary and twelve short numbered paragraphs. All text and all four source images checked. Underlying DGAP report, buyer schedules, payment evidence and full litigation history not independently audited. The note preserves the operative award and explicitly reports material source arithmetic and citation defects.

Identity note

NAPA/137/PB/2025, Royal Heritage, order reference ZA070010126000076H, 14 January 2026. Both members are named in the caption and final-page signature displays. No cryptographic signature verification claimed. The form case-reference date 17 December 2024 is not the judgment date. This Royal Heritage disposition must not be conflated with older Pivotal cases concerning other projects or unrelated consumer/RERA/arbitration proceedings.

Primary source

Complete four-page official PDF. All extracted source text and all four source pages visually read; original bytes freshly rechecked against the official URL on 17 October 2026.

[Open original judgment](#)

Source pages: 4

Outcome type: final

Official GSTAT Anti-Profiteering final-order detail

[Open cited source](#)

Pinpoint: The linked complete original supplies the decision and operative directions.

Official NAA-linked historical CGST Rules compilation

[Open cited source](#)

Pinpoint: Physical p. 125, printed p. 122: Rule 133(3)(b), recipient-return interest; targeted historical check only.

Disclosures and source rights

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

General disclaimer: For professional information only; not legal advice. Read the judgment and applicable law in full and obtain case-specific advice before reliance. Subsequent treatment and compliance are unverified except to the expressly stated source scope.

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Source checked: 2026-10-17