

Director General of Anti-Profiteering v. Transcon Sheth Creators Pvt. Ltd.

Case number: NAPA/61/PB/2025

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

Decision date: 2026-01-21

Auris Serenity Tower-2: admitted quantified ITC profiteering and buyer-wise refund with applicable interest

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 determination accepting quantified profiteering and the respondent's admission, with mandatory refund and compliance directions.

01 Facts of case and issues

Two buyers complained that ITC benefits had not been passed on in the Auris Serenity Tower-2 project at Malad West, Mumbai. An initial DGAP report dated 28 July 2021 was followed by reinvestigation after the Delhi High Court's 29 January 2024 Reckitt Benckiser judgment. The Tribunal considered the revised DGAP report described principally as dated 23 September 2025. The project comprised 340 residential flats with a total saleable area of 3,69,171 square feet. All were recorded as sold before the occupation certificate of 20 December 2021; the post-GST investigation ran from 1 July 2017 to that date. The respondent accepted the findings and agreed to pass on the benefit.

Pinpoint: Paras 1–7 and 10–11, pp. 2–7 and 9–10.

02 Discussion by Hon'ble Tribunal

The order records pre-GST credit of ₹7,71,23,245 against purchases of ₹62,19,01,483, shown as 12.40%. Post-GST credit of ₹36,17,20,889 less reversals of ₹9,53,20,691 gives net credit of ₹26,64,00,198, compared with purchases of ₹2,07,56,95,957, shown as 12.83%. It describes an incremental ratio of 0.43 percentage points and uses project savings divided by eligible area to allocate the benefit. The respondent did not contest the certified figures.

The accepted base benefit is ₹89,88,997, GST ₹10,78,680 and total ₹1,00,67,677. The displayed 0.43% and ₹24.35-per-square-foot inputs are rounded and do not exactly reproduce the displayed base when multiplied. The numerical operative award is clear, but these calculation and source-text qualifications must remain visible.

Pinpoint: Paras 8–11, pp. 7–10.

03 Judicial decision and operative relief

The Tribunal accepted the DGAP report, found contravention of Section 171 and directed refund of ₹1,00,67,677 plus applicable interest to all 340 eligible buyers, using Annexure-11 to the DGAP report and their respective unit areas. Distribution was directed within 30 days from the order dated 21 January 2026. A compliance report evidencing distribution was to be filed with DGAP and the jurisdictional GST Commissioners. The proceedings were closed with these affirmative directions. Actual payment and compliance have not been independently verified.

Pinpoint: Paras 11.1–15, pp. 10–11; summary p. 2.

04 In favour of

The eligible homebuyers on liability, refund and applicable interest; the quantified findings were accepted by the respondent.

Final admitted-liability judgment with quantified refund and interest directions. Closure of the proceeding does not establish that distribution was completed.

Pinpoint: Paras 11–15, pp. 10–11.

05 AKHB REVIEW POINT

AKHB analysis: Preserve precision in calculations. Using the printed underlying credit and purchase figures gives ratios of approximately 12.4011997% and 12.8342591%, a difference of 0.4330594 percentage points. Applying that unrounded difference to the post-GST purchase value yields approximately ₹89,88,996.69, which rounds to the accepted ₹89,88,997. This is an independent arithmetic reconciliation, not a replacement for the DGAP worksheets or the operative award. Applying the displayed 0.43% alone instead produces ₹89,25,492.62. Likewise, multiplying the rounded ₹24.35 by 3,69,171 square feet produces ₹89,89,313.85. Use the prescribed buyer-wise annexure rather than inventing individual allocations from rounded display figures.

The interest direction refers to Rule 133(3)(b) but the operative text does not itself print a numerical rate or buyer-specific start/end dates. This note does not supply a calculation absent the underlying buyer records and applicable rule verification. The 30-day direction is historical; compliance remains unverified.

Source cautions: paragraph 8.6's amount-in-words conflicts with the numerical total, while paragraphs 11.1 and 13 repeat ₹1,00,67,677. Paragraph 9 dates the DGAP report 22 September 2025, whereas the principal references say 23 September. Acceptance correspondence is dated 8 January in paragraph 8.6 and 7 January in paragraph 10. Paragraph 7 also cites Sections 172–173 in connection with ITC; this note does not adopt that citation as an independently verified ITC proposition. None of these source variants has been silently corrected.

Pinpoint: AKHB arithmetic and source analysis of paras 7–13, pp. 7–11.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171; CGST Rules 2017: Rules 128, 129 and 133(3)(b)

Statutory note

Historical source-based explanation. Do not use the order's paragraph 7 reference to Sections 172–173 as verified ITC guidance.

Treatment note

Bounded exact-party/case, appeal/recall and corrigendum searches on 17 October 2026 identified no later primary order affecting this determination. This is not exhaustive docket clearance or confirmation of compliance.

Scope of source review

Complete eleven-page official order. Underlying certified accounts, DGAP Annexure-11, correspondence and compliance records were not independently obtained.

Identity note

NAPA/61/PB/2025, 21 January 2026, Auris Serenity Tower-2. Keep distinct from other Transcon entities, projects and non-GST litigation.

Primary source

Complete eleven-page official text read; caption, calculation and operative pages visually checked.

[Open original judgment](#)

Source pages: 11

Outcome type: final

Official NAA listing

[Open cited source](#)

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