

Director General of Anti-Profiteering v. Pan Realtors Pvt. Ltd.

Case number: NAPA/125/PB/2025

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

Decision date: 22 January 2026

PAN Oasis: Rs. 40,096 and applicable recipient interest directed despite the administrative closure label

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

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

Decision stage: Final reasoned liability determination accepting DGAP's report, with Rs. 40,096 plus applicable interest to 1,865 buyers and a 30-day compliance report directed.

01 Facts of case and issues

A homebuyer complained that additional ITC benefit had not been passed on in PAN Oasis, Sector 70, Noida. Following earlier NAA and CCI steps, DGAP's report dated 10 January 2025 examined the project up to its occupancy certificate dated 17 January 2018. The current investigation period was 1 July 2017 to 17 January 2018.

The project comprised 2,084 units, including 2,051 flats and 33 shops. DGAP included 1,865 units sold before the occupancy certificate, covering 27,22,093 square feet, and excluded 219 later-sold units covering 3,57,940 square feet. It calculated Rs. 35,800 base benefit plus Rs. 4,296 GST, totaling Rs. 40,096. These are the amounts ultimately adopted, although the intermediate printed tables are inconsistent.

Pinpoint: Paragraphs 1–2, physical pp. 2–3; paragraphs 4–9, physical pp. 5–8.

02 Discussion by Hon'ble Tribunal

Table A prints credit-to-purchase ratios of 8.088% and 8.097%, an increase of 0.009 percentage points. Table B instead prints 8.008/80.97. It gives total savings of Rs. 46,507, total area of 30,80,033 square feet and savings per square foot of 0.013; the displayed division and multiplication do not reproduce the printed Rs. 35,800 base amount. No corrected assessment is invented.

The respondent tendered a demand draft for Rs. 40,096 and undertook proportionate distribution to the 1,865 eligible buyers. Paragraph 11 characterises its acceptance as unambiguous and unqualified, yet the quoted submission reserves legal rights and limits the tender to compliance. The Tribunal's characterisation is reported without treating the quoted reservation as a waiver. DGAP stood by its report in its 16 January 2026 submission.

02 Discussion by Hon'ble Tribunal

Paragraph 6 associates ITC reversal with Sections 172–173 and relies on Reckitt paragraph 128(a) for the post-occupancy exclusion. The statutory references are erroneous as printed: those sections concern removal of difficulties and amendment of the Finance Act 1994. Reckitt 128(a) concerns a fully pre-GST constructed and fully prepaid flat, not every post-occupancy sale. These limits do not authorise silently substituting provisions or announcing a wider exemption. Paragraph 2 also places a report dated 13 February 2022 after a 24 June 2022 reinvestigation direction; that chronology remains unresolved.

Pinpoint: Tables: paragraphs 7–9, physical pp. 6–8. Source miscitation and history: paragraphs 2–3 and 6, physical pp. 3–6. Acceptance and reservation: paragraphs 11–12, physical pp. 8–9.

03 Judicial decision and operative relief

GSTAT accepted DGAP's report dated 10 January 2025 and confirmed contravention of Section 171. It directed distribution of Rs. 40,096 with applicable Rule 133(3)(b) interest among the 1,865 eligible buyers listed in Annexure 14, proportionate to their units' area, within 30 days from the order date. A compliance report to DGAP and the jurisdictional GST authorities was required within the same period. The proceedings were closed and disposed of subject to those directions.

The demand draft and undertaking are not proof that every buyer was paid. Annexure 14 is not included in the ten-page original. No case-specific interest computation or separate penalty ruling is supplied, and actual distribution and report filing have not been verified. The administrative Closure Report label does not mean exoneration.

Pinpoint: Paragraphs 12–16, physical pp. 9–10; form summary, physical p. 2.

04 In favour of

The 1,865 eligible PAN Oasis buyers on the confirmed Rs. 40,096 benefit and applicable interest; closure remains subject to the distribution and reporting directions. No unconditional developer clearance is inferred.

Final recipient-payment determination with a 30-day order-date deadline. The tendered demand draft, source arithmetic and reserved-rights wording remain distinct from verified individual compliance.

Pinpoint: Paragraphs 11–14, physical pp. 8–9.

05 AKHB REVIEW POINT

AKHB analysis: Obtain the complete DGAP calculation and Annexure 14 before allocating amounts or treating the intermediate table as reproducible. Keep the consistent operative Rs. 40,096 separate from the conflicting ratio and per-area entries.

Reconcile buyer-level principal, interest and actual transfer evidence, and retain the report filed within the order's 30-day period. A demand draft tendered to the proceeding is not itself proof of distribution to every recipient.

05 AKHB REVIEW POINT

Do not cite Sections 172–173 as ITC-reversal provisions or extend Reckitt 128(a) to every completed-property sale. The quoted reserved-rights submission, the Tribunal's acceptance characterisation and the inconsistent historical dates should all remain visible in any later reliance.

Pinpoint: AKHB commentary based on paragraphs 2–14, physical pp. 3–9, and the separately identified Act and Reckitt passages. Recommendations are distinct from GSTAT's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171 and Schedule III; CGST Act 2017: Sections 172 and 173, erroneous ITC-reversal references printed in paragraph 6, not adopted as a valid reversal basis; CGST Rules 2017: Rules 128, 129 and 133(3)(b); Central Tax (Rate) Notification 11/2017, historical construction-rate recital; CGST Act 2017: Sections 109 and 171(2), institutional/current-law context; Central Tax Notifications 18/2024 and 19/2024, empowerment and new-request-cutoff context.

Statutory note

Checked 13 October 2026. Section 171(1) requires the benefit of a tax-rate reduction or ITC to be passed to recipients through commensurate price reduction. Notification 18/2024-Central Tax, issued under Section 171(2) read with Section 109(1) and the second proviso to Section 109(5), empowers the Principal Bench constituted under Section 109(3) from 1 October 2024. Notification 19/2024-Central Tax fixes 1 April 2025 as the date from which the authority shall not accept new examination requests. Its text does not repeal Section 171 or direct automatic termination of pending matters. This anti-profiteering jurisdiction must be distinguished from ordinary GST appellate jurisdiction; earlier NAA/CCI investigations are historical steps. Rule 133(3)(b), in the official rules compilation updated through 13 September 2018, already provided for return to the recipient with interest at 18% from collection of the higher amount until return or recovery. That statutory text is context for the order's phrase applicable interest; it does not supply a verified case-specific interest computation. The separate amendment of the Consumer Welfare Fund clause, Rule 133(3)(c), should not be imported into this recipient-return remedy. Sections 172 and 173 concern removal of difficulties and amendment of the Finance Act 1994, respectively; Pan paragraph 6's ITC-reversal attribution is not accepted as accurate. The source's Notification 11/2017 construction-rate recital is historical context, not a statement of universal current rates.

Treatment note

Checked 13 October 2026. No later order staying, recalling, reversing or modifying this identified GSTAT decision was located in the bounded official-domain searches and final-order index pages 1–8. This is not certification that no appeal, stay or later proceeding exists; the complete current docket and actual compliance were not verified. The related Delhi High Court Reckitt Benckiser judgment of 29 January 2024 is involved in further Supreme Court proceedings. The 31 July 2024 order in the Anand Rathi SLP batch, including SLP(C) 12705/2024, directs listing and completion of pleadings, without a merits ruling or stay in that order. The 13 May 2026 cause list also lists that SLP. Neither source establishes the complete current appellate position.

Scope of source review

One final order of the GSTAT Principal Bench exercising anti-profiteering jurisdiction. DGAP reports and earlier NAA/CCI or High Court steps are history as recorded in this order unless a separate source is expressly identified. The administrative form is read with the signed reasons. Ordinary GST appeals, all State Benches and corpus-wide completeness are not covered.

Identity note

NAPA/125/PB/2025; order reference ZA070010126000132H; 22 January 2026. PAN Oasis only. Rs. 40,096 is consistent in the operative result; ratio/per-area arithmetic, the 2022 chronology and paragraph 6's statutory/methodology references are unresolved source defects. Annexure 14 is absent from the identified ten-page PDF.

Primary source

Source description: Complete 10-page official PDF, including Form GST APL-04A and the final reasoned order. Every original page read and individually viewed; source bytes preserved.

Official source: [Open source document](#)

Source pages: 10

Outcome type: final

Additional source

Central Tax Notification 18/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Paragraphs 1–2, physical p. 1: statutory power and commencement on 1 October 2024.

Central Tax Notification 19/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Operative paragraph, physical p. 1: 1 April 2025 cutoff for accepting examination requests.

CGST Act 2017, India Code compilation marked as at 11 June 2026

Source document: [Open source document](#)

Pinpoint: Sections 109 and 171; relevant statutory passages reviewed, not a complete legislative-update audit.

Reckitt Benckiser India Private Limited v. Union of India, Delhi High Court, 29 January 2024

Source document: [Open source document](#)

Pinpoint: W.P.(C) 7743/2019 and connected matters; background authority. This note does not claim final Supreme Court approval.

Supreme Court cause list for 13 May 2026

Source document: [Open source document](#)

Pinpoint: Physical p. 37, Reckitt SLP(C) 12705/2024. Listing evidence only, not a merits judgment or stay order.

CGST Rules 2017, official compilation updated through 13 September 2018

Source document: [Open source document](#)

Pinpoint: Rule 133(3)(b), physical p. 106 (printed p. 99): recipient return with 18% interest; a historical statutory version, not a complete current-rule audit.

Supreme Court record of proceedings, Anand Rathi SLP batch, 31 July 2024

Source document: [Open source document](#)

Pinpoint: SLP(C) 12705/2024 appears on physical p. 2; operative paragraphs 1–3, physical p. 5, concern procedural listing and pleadings. No merits or stay ruling in that order; not a complete current-docket check.

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: 13 October 2026