

Director General of Anti-Profiteering v. Kanwar Enterprises Pvt. Ltd.

Case number: NAPA/162/PB/2025

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

Decision date: 12 February 2026

NTPC Tanda works: Rs. 9,36,700 plus applicable interest ordered; differing total-benefit figures preserved

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 after both sides accepted the investigation; immediate payment directed for completed work.

01 Facts of case and issues

NTPC's Executive Director (Vigilance) complained about the GST transition benefit in construction services for the Ash Dyke Stage-II A NTPC Tanda Thermal Power Project in Uttar Pradesh. The investigation covered 1 July 2017 to 31 October 2023 and led to the DGAP report dated 25 October 2024.

The report described an earlier contractual rebate of Rs. 11.01 crore and a later pre-GST tax-incidence examination identifying a Rs. 2.54 crore short rebate against a revised Rs. 13.55 crore liability. These figures are reported history, not additional payment directions in the final operative paragraph. DGAP separately examined ITC benefits for instruments, binding wire and Hume/RCC/MS pipe on expected project consumption, with proportionate treatment of work already billed and later billings.

Kanwar accepted the investigation after internal reconciliation, while saying any transition omission was inadvertent. NTPC also accepted the findings. The issue before GSTAT was the additional benefit and proportion payable on completed work.

Pinpoint: Paragraphs 1–3, physical p. 3; table and paragraphs 4–7, physical pp. 4–5.

02 Discussion by Hon'ble Tribunal

The reproduced DGAP calculation adjusted agreement values for the respondent's claimed 12% profit margin and a 12.5% central excise component. It attributed benefits to three specified material categories and printed a total of Rs. 12,20,695. Paragraph 4 treated completed work of Rs. 97,66,48,456 as approximately 76.735% of the post-GST work value of Rs. 127,27,56,924, resulting in Rs. 9,36,700 payable for completed work. DGAP also described Rs. 2,83,995 as the balance to be passed on upon completion.

After recording the parties' acceptance, GSTAT held in paragraph 8 that the total profiteering was Rs. 12,20,694 and expressly directed payment of Rs. 9,36,700 with applicable interest under Rule 133(3)(b). Its reasoning is substantially an acceptance of the investigated and agreed calculation; it is not a ruling that this formula must be used for every works contract.

02 Discussion by Hon'ble Tribunal

Three differing total figures appear in the source: Rs. 12,20,695 in the DGAP table/narration, Rs. 12,20,329 in the recital of NTPC's reply, and Rs. 12,20,694 in the operative holding and form. They are preserved rather than reconciled by inventing a correction. The immediately ordered principal of Rs. 9,36,700 is consistent. The original order does not specify an interest rate, interest amount or accrual dates in its operative wording, which says applicable interest.

Pinpoint: Calculation and DGAP balance: paragraph 3 table and paragraph 4, physical p. 4. NTPC reply: paragraph 6, physical p. 5. Acceptance and operative holding: paragraphs 7–8, physical p. 5; form summary, physical p. 2.

03 Judicial decision and operative relief

Kanwar was directed to pay NTPC Rs. 9,36,700 plus applicable interest within 30 days and submit a compliance report to the jurisdictional CGST/SGST Commissioner, with intimation to DGAP, within two months. Paragraph 8 also states the total-benefit holding of Rs. 12,20,694; it does not repeat a separate time-bound payment direction for the future-work balance described by DGAP. The case was disposed of. No separate penalty is imposed or reasoned penalty exemption granted in this order.

The operative paragraph does not expressly state whether its 30-day and two-month periods run from receipt or another trigger; this note does not supply one. The February 2026 directions are historical, and payment, interest calculation, later work completion and compliance have not been verified.

Pinpoint: Paragraphs 8–11 and signature/date, physical p. 5; future-work recital at paragraph 4, physical p. 4.

04 In favour of

NTPC as recipient of the additional benefit on completed work: Rs. 9,36,700 plus applicable interest was ordered. The determination followed both parties' acceptance, and the inconsistent total-benefit figures and unverified compliance remain qualifications.

Final liability/payment determination on the accepted investigation for this contract and completed-work proportion. The administrative form's "Closure Report" label does not mean the respondent was exonerated.

Pinpoint: Paragraphs 6–9, physical pp. 4–5; form summary, physical p. 2.

05 AKHB REVIEW POINT

AKHB analysis: Keep the historical tax-rebate reconciliation separate from the incremental ITC calculation and the amount currently ordered. For a partially completed contract, maintain certified work values, billing records, expected-versus-actual material consumption and a traceable allocation between completed and future work. Do not add the historical Rs. 2.54 crore recital to the operative Rs. 9,36,700 demand without a separate legal basis.

05 AKHB REVIEW POINT

Obtain clarification or certified records before treating one of the three total-benefit figures as an agreed correction. For compliance, calculate interest using the legally applicable Rule 133(3)(b) framework and verified collection/payment dates; the note does not calculate the amount. Identify the actual trigger for the ordered deadlines rather than importing a receipt-based trigger from another case.

The DGAP future-balance recital is not proof that future work was completed or that the balance was paid. Obtain later bills and orders before asserting full discharge of the contract's Section 171 obligations.

Pinpoint: AKHB commentary based on paragraphs 3–8, physical pp. 3–5. Recommendations and suggested verification steps are distinct from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171; CGST Rules 2017: Rule 129 and Rule 133(3)(b); 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.

Treatment note

Checked 13 October 2026. Targeted official-domain searches did not locate a later case-specific stay, reversal or appellate decision concerning this identified GSTAT order. This is a bounded search result, not certification that no appeal or stay exists. The complete current appellate docket and compliance position were not verified.

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/162/PB/2025; order reference ZA070010226000053H; 12 February 2026. The form says “Closure Report”, but its summary and signed paragraph 8 order payment. Total benefit differs between the DGAP table (Rs. 12,20,695), NTPC reply recital (Rs. 12,20,329) and operative holding (Rs. 12,20,694). The ordered completed-work principal is Rs. 9,36,700 throughout.

Primary source

Source description: Complete 5-page official PDF, including Form GST APL-04A and the final reasoned order. Every original page read and individually viewed; source bytes preserved. A fresh official download on 13 October 2026 was byte-identical to the retained original.

Official source: [Open source document](#)

Source pages: 5

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.

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.

Disclosures and source rights

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

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