

Director General of Anti-Profiteering v. Realgem Buildtech Pvt. Ltd. & Ors.

Case number: NAPA/60/PB/2025

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

Decision date: 17 February 2026

Rustomjee Crown Phase I proceedings disposed after verification of the remaining benefit and interest for seven buyers

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

Bench: Justice Shri Mayank Kumar Jain, Member (Judicial), and Shri Anil Kumar Gupta, Member (Technical), Division Bench Court No. 2

Decision stage: Final reasoned compliance-based disposal for Rustomjee Crown Phase-I after DGAP verified Rs. 2,12,196 plus Rs. 57,726 interest paid to seven buyers.

01 Facts of case and issues

The complainant alleged that additional ITC benefit had not been passed on for Flat 2504, Tower A, DB Crown, in Rustomjee Crown Phase-I. The Maharashtra screening process and Standing Committee reference led to a DGAP report dated 20 July 2021, later pending before CCI. The order recites a further-investigation direction dated 29 January 2024 by reference to the Delhi High Court's Reckitt Benckiser decision.

DGAP's revised calculation used credit-to-purchase ratios of 13.21% and 14.93%, an increase of 1.72 percentage points. It reported base profiteering of Rs. 8,62,07,909 plus GST of Rs. 1,03,44,949, totaling Rs. 9,65,52,858 for 355 eligible buyers. The current decision ultimately turned on the remaining payment to seven buyers.

Pinpoint: Complaint and procedural history: paragraphs 1–7, physical pp. 2–3. Ratios and reported computation: paragraphs 8–9, physical pp. 3–5.

02 Discussion by Hon'ble Tribunal

The report recorded benefit totaling Rs. 22,10,09,827 across three buyer categories, yet the proceedings separately addressed Rs. 2,12,196 still due to seven buyers. The respondent agreed to pay that sum. At the hearings on 15 January and 3 February 2026, the Tribunal was informed that the principal and Rs. 57,726 interest had been paid; DGAP verified those payments.

The source has an unresolved Rs. 51 difference: paragraphs 9 and 12 state Rs. 9,65,52,858, while the paragraph 10 category table totals Rs. 9,65,52,909. Both are retained as printed, rather than silently treating the category total as a corrected demand. No new net balance is derived from the reported aggregate excess benefit.

02 Discussion by Hon'ble Tribunal

The final compliance finding belongs to GSTAT, following its consideration of the payment verification. The earlier DGAP contravention computation and CCI-stage reinvestigation are history; this is not a fresh remand or a conclusion that additional ITC never arose. The recital of a 29 January 2024 remand is left as printed, without inventing a different date or a separately verified procedural order.

Pinpoint: Buyer-category amounts and investigation conclusion: paragraphs 10–12, physical pp. 5–6. Payment, verification and Tribunal conclusion: paragraphs 13–15, physical pp. 6–7.

03 Judicial decision and operative relief

GSTAT concluded that the respondent had complied with Section 171 by passing on the additional ITC benefit. It accepted the DGAP report and disposed of the proceedings after recording that the remaining Rs. 2,12,196 and Rs. 57,726 interest for seven buyers had been paid and verified. It directed communication to the applicant, respondent and jurisdictional CGST/SGST Commissioner.

The order does not impose a fresh outstanding payment or give a separately reasoned penalty exemption. Its reference to full payment is the Tribunal's finding on the record; no independent current bank audit, company-wide clearance or quantified liability allocation between the named respondents is supplied by this note.

Pinpoint: Paragraphs 14–17 and dated/signature block, physical pp. 6–7; administrative summary, physical p. 2.

04 In favour of

Realgem Buildtech Pvt. Ltd. & Ors. for disposal after recorded compliance; seven eligible buyers on the verified Rs. 2,12,196 benefit and Rs. 57,726 interest. The result is confined to the investigated Rustomjee Crown Phase-I record.

Final compliance-based disposal after verified payment of the remaining buyer-specific benefit and interest. The Rs. 51 source discrepancy is unresolved and no separate penalty immunity is inferred.

Pinpoint: Paragraphs 9–15, physical pp. 5–7.

05 AKHB REVIEW POINT

AKHB analysis: Preserve buyer-specific proof even when the project-level pass-through figure is higher than the computation. The final seven-buyer principal-and-interest verification, rather than a simple comparison of aggregate totals, supports this disposal.

Keep Rs. 9,65,52,858 and the table's Rs. 9,65,52,909 visibly distinct until the DGAP schedules or an official clarification explain the difference. Do not create a revised assessment or debit solely by arithmetic from this summary.

05 AKHB REVIEW POINT

Retain the caption and the form's additional respondent identity, Bhishma Realty Ltd. (Kingmaker Developers Pvt. Ltd.), without assuming a corporate merger, succession or allocation of liability beyond the source. Use the earlier procedural dates as recitals unless the underlying orders are separately obtained.

Pinpoint: AKHB commentary based on caption/form, physical p. 1, and paragraphs 6–15, physical pp. 3–7. Recommendations are distinct from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171; 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.

Treatment note

Checked 13 October 2026. No later case-specific stay, recall, reversal or appeal disposition was located in the bounded official-source searches and the reviewed public final/interim order listings. This is not certification that no proceeding or stay exists, or that the complete current docket has been checked. The Delhi High Court's 29 January 2024 Reckitt Benckiser judgment appears in further Supreme Court proceedings, including SLP(C) 12705/2024 in the 13 May 2026 cause list. Listing is not merits approval or a stay ruling, and the complete current Supreme Court docket was 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/60/PB/2025; order reference ZA070010226000070H; 17 February 2026. The caption uses Realgem Buildtech Pvt. Ltd. & Ors.; the form also names Bhishma Realty Ltd. (Kingmaker Developers Pvt. Ltd.). The source states Rs. 9,65,52,858 in paragraphs 9/12 and Rs. 9,65,52,909 in the paragraph 10 table. Neither the Rs. 51 difference nor the recited 29 January 2024 further-investigation date is silently corrected.

Primary source

Source description: Complete 7-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: 7

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.

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