

Director General of Anti-Profiteering v. Panchsheel Buildtech Pvt. Ltd.

Case number: NAPA/59/PB/2025

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

Decision date: 20 February 2026

Three Panchsheel projects: Rs. 98,72,474 with recipient interest directed; penalty subject to the quoted statutory deposit exception

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

Bench: Shri A. Venu Prasad, Member (Technical), Single Bench Court No. 4

Decision stage: Final reasoned liability determination directing Rs. 98,72,474 plus applicable recipient interest, with compliance reporting and a qualified Section 171(3A) penalty finding.

01 Facts of case and issues

The proceedings concerned ITC benefit in Panchsheel Greens, Pebbles and Hynish Tower 10. Following the initial 20 July 2021 DGAP report and CCI's 20 March 2024 reinvestigation direction, the revised report was dated 31 July 2025 and received by GSTAT on 5 August 2025. The investigation covered 1 July 2017 to 31 March 2024.

DGAP reported Rs. 36,73,818 for 250 Pebbles buyers, Rs. 29,68,382 for 161 Hynish Tower 10 buyers and Rs. 32,30,274 for 586 Greens buyers. The aggregate was Rs. 98,72,474, including Rs. 10,57,765 GST. It stated that all recipients were identifiable from the respondent's records.

Pinpoint: Opening and paragraphs 1–7, physical pp. 2–7.

02 Discussion by Hon'ble Tribunal

The report's credit-to-purchase ratios rose from 10.82% to 11.75% for Pebbles, 8.66% to 13.23% for Hynish and 9.19% to 10.74% for Greens, increases of 0.93, 4.57 and 1.55 percentage points respectively. The reproduced tables use project-specific savings and area figures; this is not a universal formula for all developers.

The respondent's 13 October 2025 email stated that it had no further submissions and requested decision on the existing record. Paragraph 11 characterises that response as acceptance of DGAP's amount. The email's actual wording and the Tribunal's characterisation are kept distinct. Three named applicants sought withdrawal, saying no benefit remained outstanding in their favour. Another applicant questioned delay; GSTAT found no material evidence from him for or against the report.

The withdrawal recital names Lalit Tyagi, whereas the earlier list and appearance identify applicant 4 as Lalit Kumar; the source does not establish that these are the same person. One project heading prints Hynish Town 10 while the principal description is Tower 10. Neither identity is silently resolved. Individual withdrawals did not remove the operative payment direction for the identified recipients.

Pinpoint: Project computations: paragraph 5, physical pp. 4–7. Email, appearances and withdrawals: paragraphs 8–11, physical pp. 7–9.

03 Judicial decision and operative relief

GSTAT found profiteering of Rs. 98,72,474 and directed payment to the homebuyers with applicable Rule 133(3)(b) interest within 30 days. A compliance report to the jurisdictional CGST/SGST Commissioner, with intimation to DGAP, was required within two months. Paragraph 12 does not expressly identify a receipt-based or other deadline trigger; this note does not supply one. Actual payment, interest calculation and report filing remain unverified.

Paragraph 13 says Section 171(3A) came into force on 1 January 2020 and holds penalty leviable for the recorded period extending to March 2024. It quotes both the 10% provision and the exception where the profiteered amount is deposited within 30 days of the order. No penalty amount or pre/post-2020 apportionment is calculated, and satisfaction of the deposit exception is not established. The case was disposed of; this is neither an unconditional penalty waiver nor an independently quantified 10% demand on the entire aggregate.

Pinpoint: Paragraphs 12–16 and date/signature, physical p. 9; administrative summary, physical pp. 1–2.

04 In favour of

The eligible homebuyers across the three investigated projects on Rs. 98,72,474 and applicable interest. The respondent retains the quoted conditional statutory penalty exception, with no finding that its conditions were met.

Final recipient-payment determination with interest and reporting obligations. Penalty is addressed conditionally through Section 171(3A), without quantification or proof of the deposit exception.

Pinpoint: Paragraphs 12–14, physical p. 9.

05 AKHB REVIEW POINT

AKHB analysis: Maintain project-wise and buyer-wise principal/GST/interest schedules. An individual withdrawal or no-further-submissions email must not be substituted for evidence that every recipient's statutory entitlement was discharged.

Check the applicant-name discrepancy against certified records before merging identities. Use the correct RERA/project evidence to reconcile the isolated Town 10 heading with Tower 10, rather than creating a different project.

Treat the penalty passage separately from recipient payment. Obtain period-wise figures, the applicable legal basis and proof of deposit before computing a penalty or asserting the 30-day exception. The order does not resolve apportionment across 1 January 2020, and its interest/report deadlines should not acquire an invented trigger.

Pinpoint: AKHB commentary based on paragraphs 1 and 5–13, physical pp. 3–9. Recommendations are distinct from GSTAT's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171 and subsection (3A), including the quoted conditional 30-day deposit exception; CGST Rules 2017: Rules 129 and 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. Section 171(3A) provides a 10% penalty with a specified 30-day deposit exception. Panchsheel expressly addresses that provision but does not quantify a penalty, apportion the investigation across its 1 January 2020 commencement, or find the exception satisfied.

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/59/PB/2025; order reference ZA070010226000104H; 20 February 2026. The three projects are Greens, Pebbles and Hynish Tower 10; one heading prints Town 10. Lalit Kumar and the withdrawal recital's Lalit Tyagi are not assumed identical. Rs. 98,72,474 includes GST; conditional penalty, interest and reporting remain separate from verified compliance.

Primary source

Source description: Complete 9-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: 9

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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