

Director General of Anti-Profiteering v. Pacific Development Corporation Ltd.

Case number: NAPA/130/PB/2025 in wrapper; NAPA/102/PB/2025 in body caption

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

Decision date: 20 March 2026

PDCL Golf Estate: contested recipient interest despite without-prejudice acceptance of recomputed principal

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

Bench: Shri A. Venu Prasad, Member (Technical), Court IV

Decision stage: Final reasoned liability judgment: Rs. 11,91,763 inclusive of GST and 18% collection-to-refund interest to identified buyers; interest-waiver and completion-date arguments rejected despite without-prejudice acceptance of principal.

01 Facts of case and issues

Ashima Sharma, Indira Devi and Rajiv Kumar Dahiya complained concerning PDCL Golf Estate, initially alleging collection of 12% GST instead of 1%. DGAP investigated 1 July 2017–31 May 2020. Following the Delhi High Court's Reckitt Benckiser judgment of 29 January 2024, CCI directed reinvestigation on 20 March 2024. The revised report is dated 27 December 2024 and was received by GSTAT on 31 December 2024. The history separately prints earlier report dates of 25 February 2021 and 31 December 2020; the PDF does not explain their relationship.

Towers A, E and F were excluded by reference to reasons in the report that are not reproduced. The investigated Towers B, C, D and G comprised 1,164 units and 19,10,727 square feet. Of those, 364 units covering 5,82,773 square feet were sold before the certificate; 800 units covering 13,27,954 square feet were reported sold after it and excluded. The note preserves this recorded scope without treating every post-certificate sale as automatically outside GST regardless of statutory consideration and first-occupation conditions.

Tables A/B use pre-GST service-tax credit of Rs. 7,31,17,955 on purchases of Rs. 234,38,71,562, and post-GST ITC of Rs. 5,06,28,263 on purchases of Rs. 151,68,51,948. They print ratios of 3.11% and 3.34%, additional benefit of 0.23%, savings of Rs. 34,88,760 and a displayed Rs. 1.825 per square foot. Base profiteering is Rs. 10,64,074 plus GST of Rs. 1,27,689, totaling Rs. 11,91,763 for 364 eligible buyers.

The developer agreed without prejudice to comply with the revised report to end litigation, while expressly not admitting liability. It sought waiver of interest, or a start only from the asserted completion date of 24 May 2021. It also relied on the June 2019 amendment to Rule 133(3)(c). Rajiv Dahiya agreed with its contentions at one hearing; Indira Devi sought interest and contrasted her earlier reported benefit of Rs. 58,140 with DGAP's revised Rs. 1,186.09. Her earlier figure is not the operative individual award.

Pinpoint: Complaint and earlier history: paragraphs 1–6, physical pp. 3–4. Scope and Tables A/B: paragraphs 7–15, pp. 4–9. Revised report receipt, without-prejudice acceptance and live interest/individual-benefit submissions: paragraphs 17–21, pp. 9–11.

02 Discussion by Hon'ble Tribunal

The Tribunal adopted the revised project finding, held that the additional benefit had not been passed on, and separately framed and decided interest. The developer's principal-payment offer did not eliminate this contested substantive issue. Nor does one complainant's agreement establish unanimous buyer waiver; another complainant requested interest.

Paragraphs 25–26 explain that Section 171 requires benefit pass-through at supply. Rule 133(3)(b) governs return to identifiable recipients, with 18% interest from collection of the higher amount until return. Clause (c), invoked by the developer, concerns recipients who are unidentifiable or do not claim. The Tribunal found the relevant buyers identifiable in Annexure 14 and rejected reliance on that clause and its amendment to avoid recipient interest. The distinction is not reduced to identifiability alone across all possible Fund cases.

The proposed completion-certificate start was also rejected. The Tribunal treated Reckitt paragraph 129 as addressing computation methodology, rather than deferring the statutory pass-through duty or the start of interest. It invoked paragraph 153 for the power to prescribe interest and penalty. Paragraph 28 characterises interest as compensating recipients for the time value of retained benefits and orders it from the respective excess-collection dates until refund. The asserted 24 May 2021 completion date does not become the awarded interest start.

The source calculation is not silently normalised. Its pre-GST credit divided by purchases is approximately 3.119538%, which would ordinarily round to 3.12%, whereas Table A prints 3.11%; the corresponding unrounded difference is approximately 0.218182%, rather than the used 0.23%. Printed savings of Rs. 34,88,760 are consistent with applying 0.23% only to within a rupee. The base amount can be reproduced approximately from the printed savings and areas using an unrounded per-square-foot rate, rather than the truncated Rs. 1.825 shown. These checks disclose limits, not a replacement liability calculation.

Paragraph 30 states that Section 171(3A) is leviable because the stated contravention period extends beyond 1 January 2020, and reproduces the ten-percent provision with its thirty-day deposit proviso. It neither allocates profiteering before and after commencement nor imposes an exact rupee penalty. The initial 12%-versus-1% complaint and old-rate recital are not a separate fully reasoned determination of every rate-classification question.

Pinpoint: Adoption: paragraphs 22–23, physical pp. 11–12. Contested interest and recipient/Fund distinction: paragraphs 24–28, pp. 12–14. Penalty: paragraph 30, pp. 14–15. Figures: Tables A/B, pp. 6–8. Original rate allegation: paragraph 1, p. 3; rate recital: paragraph 14, p. 7.

03 Judicial decision and operative relief

The Tribunal directed Pacific Development to refund Rs. 11,91,763, comprising base benefit of Rs. 10,64,074 and GST of Rs. 1,27,689, to the eligible homebuyers identified in Annexure 14. The report identifies 364 eligible buyers. Interest is 18% per annum from the respective dates of collecting excess consideration until actual refund, under Rule 133(3)(b). It rejected waiver and the proposed completion-date start. No Consumer Welfare Fund deposit is ordered.

Compliance must be reported to the jurisdictional Commissioner, with intimation to DGAP, within three months from the order date. The operative paragraph does not separately prescribe a numerical refund deadline; the reporting timetable is distinct from the thirty-day penalty proviso. Penalty applicability is stated with that proviso, without an exact rupee assessment or pre-/post-2020 allocation.

03 Judicial decision and operative relief

The matter is disposed of and pronounced in open court. The typed order and visible digital-signature date are 20 March 2026. The wrapper identifies NAPA/130/PB/2025, while the body prints NAPA/102/PB/2025. Annexure 14, individual collection dates, the reasons for excluding three towers and evidence of actual compliance are not appended.

Pinpoint: Liability and total: paragraph 23, physical pp. 11–12. Interest and directions: paragraphs 24–29, pp. 12–14. Penalty, communication and disposal: paragraphs 30–33, pp. 14–15. Captions, pp. 1–2.

04 In favour of

The identified eligible Golf Estate buyers on the revised principal and contested 18% interest. The developer's without-prejudice acceptance and narrower investigated tower/buyer scope remain disclosed. The old individual benefit figure is not restored, and no completed payment or quantified penalty is asserted.

Final substantive interest adjudication and liability direction. The principal offer was without prejudice, but the Tribunal resolved the disputed statutory basis and start of interest and imposed outstanding recipient restitution. It is not classified merely from report acceptance or a disposal label.

Pinpoint: Paragraphs 18–21 and 24–30, physical pp. 9–15.

05 AKHB REVIEW POINT

AKHB analysis: A revised project-savings methodology does not by itself establish a later legal due date for passing the benefit. Test the actual recipient-return rule separately from the Fund rule and its amendment, and track each excess collection until refund. A single buyer's agreement should not be presented as a waiver for all beneficiaries.

Obtain Annexure 14, the tower-exclusion reasons and authenticated case caption. Reconcile the displayed credit ratios and per-area rate before reproducing calculations, preserving the adjudged amount unless authoritatively corrected. Separate the three-month reporting direction from the penalty proviso and identify the relevant post-2020 amount before advising on penalty. Verify the underlying certificate, rate position, subsequent treatment and actual payments for case-specific advice.

Pinpoint: AKHB commentary based on paragraphs 7–30, physical pp. 4–15; recommendations are distinct from the adjudicated directions.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171, ITC pass-through at supply and recipient restitution; CGST Act 2017: Section 171(3A), stated penalty applicability and thirty-day deposit proviso; CGST Act 2017: Section 109(3), Principal Bench constitution context; CGST Rules 2017: Rules 128, 129 and 129(6), complaint and reinvestigation history; CGST Rules 2017: Rule 133(3)(b), operative recipient return and collection-to-refund interest; CGST Rules 2017: Rule 133(3)(c), rejected Fund-route interest defence for this identified-recipient case; Central Tax Notifications 18/2024 dated 30 September 2024 and 31/2019 dated 28 June 2019, respectively institutional empowerment and the Fund-interest amendment invoked in defence; Central Tax (Rate) Notification 11/2017 dated 28 June 2017, historical construction-rate recital.

Statutory note

Targeted historical CGST Act/Rules and fresh official notifications were checked on 13 October 2026. Section 171(3A) commenced on 1 January 2020 and includes its thirty-day deposit proviso; the source does not quantify a rupee penalty. The 2018 Rules already contain recipient interest under Rule 133(3)(b). Reckitt's relevant passages were checked only within the stated pinpoint scope; its GST-component rationale concerns restitution of amounts collected, not a new taxable supply. Notification 18/2024 empowers the Principal Bench from 1 October 2024; Notification 19/2024 sets a new-request cutoff from 1 April 2025 without expressly ending pending cases. These contextual instruments are not silently added to the source's express merits citations. Fresh India Code current-consolidation retrieval failed by timeout/504; the successful Act compilation is expressly historical, as at 31 August 2021. No complete present-law certification is claimed. The June 2019 amendment adds express interest to Rule 133(3)(c); it did not create the already-existing recipient-interest provision in clause (b). Clause (c) includes unclaimed amounts as well as unidentifiable recipients. Pacific's identified-buyer remedy and rejection of the completion-date interest start remain case-specific. The reported exclusion of post-certificate units is not an independent verification of all consideration/first-occupation conditions.

Treatment note

On 13 October 2026 the independent reviewer freshly retrieved the official original and confirmed its exact selected hash, checked the official detail page and bounded final/interim listings, and performed exact-party/case/date searches on relevant official Supreme Court and High Court domains. No later correction, stay, reversal or appellate treatment was identified within that limited check; this does not establish that none exists or replace an exhaustive registry search. Full buyer annexures, payment evidence and compliance-report filing were not independently verified. Reckitt's cited primary passages were verified, without a complete current appellate-status certification. The official final listing uses NAPA/130/PB/2025, while the body prints NAPA/102/PB/2025; no formal correction is inferred. Pacifica Developers is a distinct near-match and was excluded.

Scope of source review

One Principal Bench anti-profiteering judgment concerning the investigated Towers B, C, D and G of PDCL Golf Estate. The developer accepted the revised principal without admitting liability, but disputed interest. The Tribunal independently adjudicates that live legal issue, the recipient/Fund distinction and statutory consequences. This is not a mere settlement closure, nor an award for excluded towers or every historical claim. Conflicting printed case captions and calculation qualifications remain explicit. No ordinary GST appellate or complete GSTAT coverage is claimed.

Identity note

Wrapper NAPA/130/PB/2025 and reference ZA070010326000074H differ from body NAPA/102/PB/2025. Same respondent and typed/visible digital-signature date 20 March 2026. Earlier report dates 25 February 2021 and 31 December 2020, the source's shorthand identification of the Standing Committee as NAA, and paragraph 21's W.P. 774/2019 instead of the consistently cited 7743/2019 are not silently endorsed. The 3.11%/0.23% calculation and truncated per-area figure remain qualified. Operative Rs. 11,91,763 concerns 364 identified buyers in the investigated four towers; absent annexures and compliance are not reconstructed.

Primary source

Source description: Complete 15-page official PDF, including Form GST APL-04A and the reasoned final order. All original pages read and individually viewed by the AI author; conflicting printed case numbers preserved.

Official source: [Open source document](#)

Source pages: 15

Outcome type: final

Additional source

Central Tax Notification 18/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Complete p. 1: Principal Bench empowerment from 1 October 2024. Context, not proof of an ordinary appellate proceeding.

Central Tax Notification 19/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Complete p. 1: new examination-request acceptance cutoff from 1 April 2025. No express termination of pending proceedings; does not resolve a particular filing chronology.

Historical CGST Act compilation as at 31 August 2021

Source document: [Open source document](#)

Pinpoint: Targeted Section 171(1)/(3A), physical p. 195. Historical wording, not a fresh complete-current-statute certification.

Historical CGST Rules compilation as at 13 September 2018

Source document: [Open source document](#)

Pinpoint: Rule 133(3)(b)–(d), physical pp. 106–107: recipient interest and separate Fund remedy. Scoped historical text, not all 485 pages or a current codification.

Central Tax Notification 01/2020 dated 1 January 2020

Source document: [Open source document](#)

Pinpoint: Complete p. 1, read with the Act commencement footnote: commencement of Finance (No. 2) Act 2019 Section 112 inserting Section 171(3A).

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

Source document: [Open source document](#)

Pinpoint: Targeted paragraphs 124–131, physical pp. 123–127, and 153–157, pp. 137–139: methodology, recipient-specific benefit, interest/penalty and collected GST. Not a full 142-page or current appellate-status certification.

Central Tax (Rate) Notification 11/2017 dated 28 June 2017

Source document: [Open source document](#)

Pinpoint: Entry 3(i), p. 1; land-value paragraph 2, p. 13; commencement paragraph 5, p. 14. Historical Central-tax text; no independent State-rate or present construction-rate certification.

Central Tax Notification 31/2019 dated 28 June 2019

Source document: [Open source document](#)

Pinpoint: Physical p. 1 commencement and p. 5 amendment 17(c): express Fund-interest insertion in Rule 133(3)(c), not origin of recipient interest under clause (b).

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