

Director General of Anti-Profiteering v. IJM Raintree Park Pvt. Ltd. and another

Case number: NAPA/128/PB/2025

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

Decision date: 1 April 2026

Construction ITC: negative project savings, reversals, contractor flow and contested evidence

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

Bench: Justice (Retd.) Mayank Kumar Jain, Member (Judicial), Single Bench, Court II

Decision stage: Final reasoned no-contravention judgment rejecting the complainant's methodology, contractor, scope, reversal and evidence objections and accepting DGAP's 8 January 2025 negative-benefit report; no monetary relief is ordered.

01 Facts of case and issues

A buyer complained that IJM Raintree Park had not passed ITC benefit for Flat Willows 1040 in Raintree Park Dwarka Krishna Phase II. He had booked in June 2015, paid instalments before and after GST, later shifted to Willows 942 and entered a sale deed in August 2020. IJM (India) Infrastructure was the engineering, procurement and construction contractor and is the second named respondent in the administrative form.

An initial DGAP report dated 23 March 2020 was followed by NAA's 29 August 2022 reinvestigation direction concerning the contractor and a 27 February 2023 report. Paragraph 7 records a proposed Rs. 2,96,93,802 for 134 buyers. After the Reckitt Benckiser methodology ruling and CCI reinvestigation, the 8 January 2025 report instead found no additional benefit for the investigated 1 July 2017–31 March 2024 period.

The accepted comparison uses pre-GST purchase value of Rs. 62,40,70,289 and service-tax credit of Rs. 4,25,44,214, producing 6.81%, against post-GST purchase value of Rs. 102,62,63,862 and net ITC of Rs. 3,42,78,735, producing 3.34%. The printed difference is negative 3.47 percentage points. The net ITC equals Rs. 18,47,19,844 less the Rs. 15,04,41,109 reversal taken from GSTR-9.

The complainant disputed the new methodology, comparison of pre-GST service credit with GST credit, project-wide reversal and the exclusion of units, contractor ITC flow, the evidentiary checks and alleged invoice admissions. The developer and DGAP defended the revised comparison. The developer also claimed Rs. 62,53,926 of earlier benefits, but the report expressly did not verify that whole claim once it found no additional project benefit.

Pinpoint: Complaint and report history: paragraphs 1–12, physical pp. 2–5. Buyer and developer submissions: paragraphs 15–16, pp. 5–10. Revised comparative figures: paragraph 11, p. 4, and paragraph 33, pp. 20–21. DGAP clarification: paragraphs 17–18, pp. 10–11.

02 Discussion by Hon'ble Tribunal

After identifying the actual dispute, GSTAT reproduced Reckitt paragraphs 124 and 126–129 and held that the change from credit/turnover to credit/purchase comparison was appropriate on this record. Its reasons concern project savings and non-uniform construction activity; the absence of a universal formula did not itself prove absence of benefit. The paragraph 30 scenario table is counsel's summary and must be read with the fuller quoted conditions, including completed construction and full upfront payment where relevant. Paragraphs 34 and 62 expressly reject the methodology and changed-report objections.

Paragraphs 35–39 separately accept the complainant's Rs. 64,257 book adjustment, supported by a reproduced ledger and his email confirmation. The ledger heading uses IJM Lingamaneni Township Pvt. Ltd.–Phase II; the note does not infer an independently verified corporate succession from that heading. Paragraph 38 refers to a Rs. 61,08,682 claim for ninety buyers, of whom eight confirmed receipt. That is not confirmation by all ninety or independent verification of the different Rs. 62,53,926 aggregate claim.

On the contractor objection, paragraphs 41–44 find that DGAP examined relevant contractor records and that the developer sold the units. The Tribunal accepted the stated absence of an active contractor role in the developer's incremental-benefit accrual on those facts. This does not establish that EPC contractors generally fall outside Section 171 or that all contractor credit can be ignored.

Paragraphs 45–48 accept coverage of 107 net pre-OC units with 1,44,158 square feet. The 632-unit project is described as 132 pre-OC bookings less twenty-five cancellations, four hundred post-OC bookings and one hundred unsold units. Thus the excluded 525 comprise different categories; the note does not call all of them completed post-OC sales. The source invokes Schedule III paragraph 5 with Schedule II paragraph 5(b), including the whole-consideration and completion/first-occupation conditions, rather than an unconditional certificate-only exemption.

Paragraphs 55–58 accept net credit after reversal and project-wide purchase values. There is an unresolved scope tension: paragraph 46 says the ratio was computed only for the 107 units, whereas paragraph 57 approves purchase value for the entire project. No allocation schedule is appended to reconcile those statements. Paragraph 53 calls Rs. 3,42,78,735 a reversal figure although the tables and subtraction identify it as net ITC; it also places the OC in FY 2019–20 despite the 30 March 2019 date in paragraph 16(a). Paragraph 66 contrasts Rs. 18,47,19,844 with reversal figures although paragraph 53 describes it as credit availed. These source descriptions are not silently normalised.

On verification, paragraphs 66–67 cite DGAP's use of Rs. 4,25,44,214 service credit rather than the CA's lower Rs. 3,75,80,345, and the GSTR-9 reversal rather than other supplied figures. This is GSTAT's evidence appraisal, not independent certification of the returns by AKHB. Paragraph 51 rejects the alleged invoice declaration after inspecting the produced 29 January 2018 invoice; its adverse observation about the complainant is attributed to the Tribunal without a new misconduct allegation.

02 Discussion by Hon'ble Tribunal

Historical figures and chronology also vary. Paragraph 27 prints 9.7% and Rs. 2,88,00,435 in the objection, while paragraphs 15(vii)/59 print 9.07%. Paragraph 31 gives Rs. 2,96,93,802 gross, less Rs. 27,29,748, leaving Rs. 2,69,64,054, with Rs. 2,88,435 proposed for the complainant. None is the operative 2026 liability. Paragraph 7 refers to the 2023 report pending before NAA despite paragraph 8 recording NAA's November 2022 cessation. The note preserves these discrepancies and does not reconstruct missing reports.

Pinpoint: Methodology: paragraphs 25–34, physical pp. 14–21, and 59–62, p. 28. Individual adjustment: paragraphs 35–39, pp. 21–24. Contractor: paragraphs 40–44, pp. 24–25. Unit scope and schedules: paragraphs 45–48, pp. 25–26. Invoice finding: paragraphs 49–51, p. 26. Reversal and verification: paragraphs 52–67, pp. 26–29. Historical variants: paragraphs 7–8, 15(vii), 27, 31 and 59, pp. 3–6, 14, 19, 28.

03 Judicial decision and operative relief

GSTAT rejected the complainant's objections and accepted DGAP's report dated 8 January 2025. Read with paragraphs 33–34, 62 and 68, the result is no Section 171 contravention on the accepted negative-benefit comparison and the Tribunal's developed reasons.

No recipient refund, developer refund, Consumer Welfare Fund deposit, interest or penalty is ordered. The Rs. 64,257 adjustment is a historical benefit found already received, not a new payment direction. Earlier proposed principal amounts and claimed aggregate credits are not converted into operative awards. Reproduction of Section 171(3A) and its thirty-day proviso creates no penalty or deadline in this no-contravention order.

The judgment is to be sent to the jurisdictional SGST/CGST Commissioner for information and necessary action, if any, and is pronounced in open court. It states no numerical payment or compliance-report deadline. The typed date and visible digital signature are 1 April 2026. The limited no-contravention result does not independently validate every ledger, tax return, contractor transaction or printed chronology.

Pinpoint: No-contravention rationale: paragraphs 33–34, physical pp. 20–21, and paragraphs 62/68, pp. 28–30. Exact final order: paragraphs 69–72, p. 30. Historical adjustment: paragraphs 35–39, pp. 21–24; reproduced penalty background: paragraph 22, pp. 11–13.

04 In favour of

IJM Raintree Park on the project-specific Section 171 complaint, with the complainant's objections to methodology, contractor scrutiny, unit scope, reversals and verification rejected. The second named contractor is not subjected to a monetary direction. No refund to either company or universal contractor exemption is awarded.

Final substantive no-contravention judgment after contested, issue-specific reasoning. The final report acceptance and Closure Report label are supported by the Tribunal's own analysis, rather than only the complainant's prior adjustment or an unexplained closure.

Pinpoint: Developed findings: paragraphs 28–68, physical pp. 15–30; operative rejection and acceptance: paragraphs 69–72, p. 30.

05 AKHB REVIEW POINT

AKHB analysis: Keep the project denominator, taxable-unit allocation, gross credit, reversals and net credit traceable to the same periods and underlying records. A revised methodology can change a result, but it does not dispense with a clear bridge between the figures and scope used. Here, obtain the complete DGAP report and allocation working before relying on the tension between the 107-unit statement and project-wide comparison.

Distinguish a documented individual adjustment from verification of every buyer's claimed benefit. Test EPC credit flow against contracts and invoices without turning this fact-specific finding into a general contractor exemption. Keep old demands, disputed percentages and no-contravention conclusions separate, and do not replace the statutory completion/first-occupation and consideration conditions with a shorthand OC rule.

Pinpoint: AKHB commentary based on paragraphs 33–67, physical pp. 20–29; verification recommendations are distinct from the final holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171 and Section 171(1), project ITC pass-through and no-contravention finding; CGST Act 2017: Section 171(2), Section 171(3) and Section 171(3A), reproduced statutory context, no penalty award; CGST Act 2017: Section 109(3), Principal Bench constitution; CGST Act 2017: Section 7 and Schedule III paragraph 5, scope of supply and sale-of-building context; CGST Act 2017: Schedule II paragraph 5(b), completion-certificate, first-occupation and entire-consideration conditions; CGST Rules 2017: Rule 128, Rules 129 and 129(1), and Rule 129(6), complaint and investigation history; CGST Rules 2017: Rule 133(4), earlier reinvestigation; CGST Rules 2017: Rule 126, within reproduced Reckitt methodology reasoning; Central Tax Notifications 23/2022 dated 23 November 2022 and 18/2024 dated 30 September 2024, authority succession; Andhra Pradesh Value Added Tax Act 2005: Section 47(d) as printed in the complainant's composition-scheme submission, numbering not independently endorsed.

Statutory note

Targeted official statutory and cited-primary checks were completed on 13 October 2026. Official India Code web text marked as on 11 June 2026 was checked for the relevant Act provisions; local retrieval timed out, so no fresh saved-byte or visual certification of that compilation is claimed. Fresh Notifications 18/2024 and 19/2024 establish Principal Bench empowerment and the separate new-request cutoff, without expressly terminating pending cases. These supplementary instruments are not silently added to the judgment's express merits citations. Reckitt was checked only at the declared passages, not through a complete current citator or full appellate-status review. Section 171's substantive no-contravention finding is distinct from reproduced penalty provisions and investigation history. Section 17 and Schedules II/III retain the entire-consideration and completion-certificate/first-occupation conditions; an occupancy-certificate label alone does not independently prove every statutory exclusion. Reckitt's construction scenarios retain their full conditions, and paragraph 129 rejects the specified turnover comparison without mandating one universal purchase-ratio formula. The APVAT reference printed as Section 47(d) remains a complainant's submission with numbering not independently endorsed. No complete Rule 42, contractor-credit, CA-certificate or return audit was performed.

Treatment note

On 13 October 2026 the independent reviewer freshly retrieved the official original and matched its selected hash, checked the official detail page and bounded final/interim listings, and searched exact case/party terms on relevant official court domains. No later order altering this final was identified in those limited materials; this does not certify that no appeal, stay, review or correction exists. The Supreme Court's 31 July 2024 connected order concerns pleadings and listing; a 13 May 2026 cause list records Reckitt SLP(C) 12705/2024. Neither is a final merits affirmation or proof of present pendency. The complete DGAP reports, contractor records, occupancy certificate, CA certificate, returns and buyer schedule were not independently audited. The source's claims of verification remain attributed Tribunal findings. The undisclosed bridge between the 107-unit discussion and project-level purchase/credit analysis is not reconstructed; no complete appellate-docket or tax-compliance certification follows.

Scope of source review

One Principal Bench anti-profiteering judgment for Raintree Park Dwarka Krishna Phase II. Its Closure Report label accompanies developed findings on disputed methodology, project scope, contractor documents, ITC reversals and verification. It does not rest solely on the complainant's recorded Rs. 64,257 adjustment or mere acceptance of a report. No industry-wide contractor exemption, complete GSTAT coverage or ordinary appellate coverage is claimed.

Identity note

NAPA/128/PB/2025; reference ZA070010426000003H; Mayank Kumar Jain, Court II; order and visible digital signature 1 April 2026. Administrative form names IJM Raintree Park and IJM (India) Infrastructure; body defines the developer as Respondent. Ledger heading names IJM Lingamaneni Township without an independently verified succession finding. Preserve the 107-unit/project-wide ratio tension, net-credit/reversal wording, OC date versus financial-year discrepancy, different aggregate benefit claims, eight-of-ninety confirmations and historical report/percentage/amount variants. No operative monetary award or deadline.

Primary source

Source description: Complete 30-page official original, including administrative summary and substantive order; all pages read and individually viewed, with fresh official hash matched. Exact case-specific qualifications are preserved.

Official source: [Open source document](#)

Source pages: 30

Outcome type: final

Additional source

CGST Act 2017, official compilation marked as on 11 June 2026

Source document: [Open source document](#)

Pinpoint: Targeted official web text: Sections 109/171 at physical pp. 87–88 and 122–123; Section 17 and Schedules II/III at pp. 31–32 and 126–128 where relevant. Local PDF retrieval timed out; no fresh saved-byte or visual certification of this compilation.

Central Tax Notification 18/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Complete p. 1: Principal Bench anti-profiteering empowerment from 1 October 2024.

Central Tax Notification 19/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Complete p. 1: new-request cutoff from 1 April 2025; no express termination of pending adjudication.

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

Source document: [Open source document](#)

Pinpoint: Targeted paragraphs 117–119, 124–131, 153–157 and 163, physical pp. 120–127, 137–139 and 141–142: rebuttable offsets, methodology, construction conditions, recipient-specific benefit and statutory remedies. No full 142-page or final appellate-status certification.

Supreme Court connected anti-profiteering order, 31 July 2024

Source document: [Open source document](#)

Pinpoint: Five-page procedural order, including Reckitt SLP(C) 12705/2024 at p. 2 and scheduling/pleadings at p. 5. No merits affirmation or blanket stay is granted by this order.

Supreme Court daily cause list, 13 May 2026

Source document: [Open source document](#)

Pinpoint: Targeted p. 37, connected item 48.20: Reckitt SLP(C) 12705/2024. Listing only, not hearing outcome or present pendency.

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