

Director General of Anti-Profiteering v. Ahmedabad East Infrastructure LLP

Case number: NAPA/233/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: 2 April 2026

Arvind Uplands I: admitted ITC benefit, last-instalment interest direction and source inconsistencies

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 on an accepted report directing Rs. 1,20,72,320 inclusive of GST with 18% interest expressly from the buyer's last instalment, two-month compliance reporting and unquantified conditional penalty applicability.

01 Facts of case and issues

The complaint was made by Govindbhai A. Patel, Ramlila Govindbhai Patel and Gunjan Govindbhai Patel concerning the property described as Flat 120 in Arvind Uplands I. The source records a Standing Committee meeting on 28 May 2025 and DGAP's report dated 22 October 2025 for the period 1 July 2017–31 May 2025. The wrapper's case-reference date is 31 August 2021. The PDF does not explain the relationship between those dates or resolve its wrapper case number NAPA/233/PB/2025 and body caption NAPA/102/PB/2025.

The report covers 91 of 180 villas: 89 were reportedly constructed, booked and handed over after GST, while the other 91 were constructed or booked before GST. Paragraph 3(e) gives the covered area as 23,271 square metres, but Table B labels the same number as square feet. That mismatch is not converted into a verified area measurement. The source records the old effective 12% GST scheme with ITC continuing after April 2019.

DGAP accepted certified gross ITC of Rs. 13,79,45,097 less recorded reversals of Rs. 5,60,77,652, leaving net ITC of Rs. 8,18,67,445. Table A compares this with post-GST purchases of Rs. 82,28,13,508 and pre-GST service-tax credit of Rs. 3,65,50,362 on purchases of Rs. 42,28,25,494. The displayed ratios are 8.64% and 9.95%, a 1.31% increase. Table B prints base profiteering of Rs. 1,07,78,857 and GST of Rs. 12,93,463, totaling Rs. 1,20,72,320.

On 7 January 2026 the developer agreed to pay the report's total to the respective buyers to bring the litigation to an end. It was represented at the hearing, while the original complainants did not appear. The admission is reported as such, without inventing a contested rejection of the quantum calculation.

Pinpoint: Conflicting captions and wrapper date: physical pp. 1–2. Complaint/referral: paragraphs 1–2, pp. 3–4. Investigation, villas, reversals and Tables A/B: paragraphs 3(a)–3(h), pp. 4–9. Admission and hearings: paragraphs 5–7, p. 10.

02 Discussion by Hon'ble Tribunal

The Tribunal framed benefit, restitution/interest and penalty issues. It adopted the report and the developer's acceptance, finding that the additional benefit remained unpaid. The fact-specific exclusion of the 89 wholly post-GST villas is part of that adopted report; the order does not establish that every buyer who transacts after GST is universally outside Section 171. Nor does DGAP's recorded acceptance of certified reversals independently validate every project's Rule 42 reversal.

Paragraphs 11–12 independently explain the statutory obligation to pass on benefits at supply, describe recipient interest under Rule 133(3)(b) as mandatory and invoke Reckitt Benckiser paragraph 153. The rule quoted there measures interest from collection of the higher amount until return. However, the operative paragraph 13 and administrative summary expressly choose the date of collection of the last instalment from the buyers. That specific starting point is preserved, rather than silently replaced with every excess collection date. The PDF gives no separate explanation for the divergence; professional use requires the operative text and any subsequent clarification.

Paragraph 14 states that penalty under Section 171(3A) is leviable because the stated contravention period spans 1 July 2017–31 May 2025, including time after commencement on 1 January 2020. It reproduces the ten-percent provision and the exception for deposit within thirty days. It does not isolate the post-2020 amount, assess a rupee penalty or prove satisfaction or failure of the proviso. The note therefore does not calculate ten percent on the undivided project total.

Several material source inconsistencies remain. Paragraph 3(c) says pre-GST service-tax credit was unavailable, whereas Table A uses Rs. 3,65,50,362 of such credit. Paragraph 9 prints the base as Rs. 1,07,78,887, thirty rupees above Table B's Rs. 1,07,78,857, while retaining the same GST and gross total. The consistent operative total is Rs. 1,20,72,320; no editorial recomputation changes it. The area-unit and caption conflicts are also preserved. The body lists a 2 March 2026 hearing while the wrapper lists 12 March 2026, so the two records are not merged into a certified hearing chronology.

Pinpoint: Own adoption and unpaid benefit: paragraphs 8–10, physical pp. 10–12. Interest reasoning and direction: paragraphs 11–13, pp. 12–14, and summary p. 2. Penalty: paragraph 14, p. 14. Credit, amount and hearing differences: paragraph 3(c), p. 5; Table A, p. 7; Table B, p. 9; paragraphs 7 and 9, pp. 10–11; wrapper p. 2.

03 Judicial decision and operative relief

The Tribunal directed refund of Rs. 1,20,72,320, inclusive of the recorded GST component, to eligible buyers identified in Annexure 11 to the DGAP report. The adopted investigation covers 91 villas, but the complete recipient schedule is not appended and the villa count is not substituted for a verified individual payee count. Interest is 18% per annum, expressly starting from collection of each buyer's last instalment; the Rule 133(3)(b) reasoning and quotation provide the return-of-amount endpoint. The note preserves the operative starting point despite its difference from the general rule quotation.

Compliance is to be reported to the jurisdictional Commissioner, with intimation to DGAP, within two months from the order date. This is the express reporting timetable, distinct from the thirty-day penalty proviso; paragraph 13 does not separately fix a numerical refund deadline. Penalty applicability is stated subject to the reproduced statutory provision, without an assessed rupee sum. No Consumer Welfare Fund payment is ordered.

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 both 2 April 2026. The order establishes outstanding liability and directions, not proof of payment or completion of reporting.

Pinpoint: Operative paragraph 13, physical pp. 13–14; penalty paragraph 14, p. 14; communication/disposal/pronouncement paragraphs 15–17, pp. 14–15. Administrative summary, p. 2.

04 In favour of

The eligible Arvind Uplands I homebuyers on the accepted principal, GST and mandatory interest direction. The expressly ordered last-instalment interest start and unquantified penalty position remain qualified. No contested methodology victory, completed payment or general exemption for all post-GST buyers is inferred.

Final substantive liability and remedy determination on admitted quantum. The Tribunal explains the interest obligation and temporal penalty consequences and directs payment still outstanding. Its reasons support this editorial selection beyond the developer's wish to close litigation, while the actual degree of contest and unresolved source inconsistencies are disclosed.

Pinpoint: Paragraphs 6 and 8–14, physical pp. 10–14.

05 AKHB REVIEW POINT

AKHB analysis: Obtain the authenticated case identifier and any corrigendum before using the conflicting captions in proceedings. Reconcile the pre-GST credit premise, area units, Rs. 30 base discrepancy and exact Annexure 11 recipients with primary records; a summary should not silently repair a judicial source.

For enforcement calculations, distinguish the order's last-instalment start from the collection-of-excess formula quoted in its reasons, and seek authoritative clarification rather than substituting a preferred formula. Maintain separate records for principal/GST, interest, the post-2020 penalty period and the thirty-day proviso. The two-month reporting requirement is its own direction. Verify actual payment, applicable historical rate election and later treatment before applying this project-specific decision elsewhere.

Pinpoint: AKHB commentary based on captions, Tables A/B and paragraphs 3, 9–14, physical pp. 1–14; recommendations are distinct from the adjudicated directions.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171, admitted ITC-benefit 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: Rule 128, complaint/referral history; CGST Rules 2017: Rule 42, recorded ITC reversal history, with other rules left unspecified in the source; CGST Rules 2017: Rule 133(3)(b), operative recipient interest with the source's last instalment starting point; Central Tax Notification 18/2024 dated 30 September 2024, institutional empowerment; Central Tax (Rate) Notifications 3/2019 dated 29 March 2019 and 11/2017 dated 28 June 2017, historical project-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. Notification 03/2019, its corrigendum and 10/2019 required affirmative old-rate election for an eligible ongoing project, with the historical deadline extended to 20 May 2019; absence of election meant the applicable new category was deemed chosen. The original's statement that not opting for 5% entailed 12% is preserved as its record, not endorsed as the legal default. Rule 42 reversals and a valid election were not independently verified. The 2025 referral and 2021 wrapper date do not by themselves resolve request-cutoff jurisdiction. The operative last instalment interest start is preserved despite the general collection-to-return rule quotation.

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 and a corroborative cause-list result use NAPA/233/PB/2025, while the original body prints NAPA/102/PB/2025. That conflict remains disclosed; the listing is not treated as a formal corrigendum.

Scope of source review

One Principal Bench anti-profiteering judgment for Arvind Uplands I. The developer agreed to pay the report's amount to end the litigation. The Tribunal additionally determines statutory interest and penalty consequences and orders outstanding restitution; it does not merely certify completed settlement. There is no invented contested quantum or methodology ruling. The PDF's conflicting case captions, figures and area units remain explicit. No ordinary GST appellate or complete GSTAT coverage is claimed.

Identity note

Wrapper NAPA/233/PB/2025 and reference ZA070010426000004H differ from body caption NAPA/102/PB/2025. Same identified respondent and order dated 2 April 2026; visible digital signature bears that date. The 2021 wrapper reference date and 2025 referral, pre-GST credit contradiction, square-metre/square-foot labels, Rs. 1,07,78,857 versus Rs. 1,07,78,887 base and hearing-date variation remain unresolved. Rs. 1,20,72,320 is the operative total. Interest expressly starts at last instalment. Complete Annexure 11 and actual compliance are absent.

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 (Rate) Notification 03/2019 dated 29 March 2019

Source document: [Open source document](#)

Pinpoint: Targeted physical pp. 1–5 and 8–12: category/no-ITC conditions, affirmative old-rate option for eligible ongoing projects, definitions and commencement. No developer-specific election verified.

Corrigendum to Central Tax (Rate) Notification 03/2019 dated 25 April 2019

Source document: [Open source document](#)

Pinpoint: Complete p. 1: central-tax terminology/rate corrections; read with the historical notification.

Central Tax (Rate) Notification 10/2019 dated 10 May 2019

Source document: [Open source document](#)

Pinpoint: Complete p. 1: historical option deadline extended to 20 May 2019. This is not a current or case-order compliance deadline.

Disclosures and source rights

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

General disclaimer: For professional information only; not legal advice. Read the judgment and applicable law in full and obtain case-specific advice before acting.

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Source checked: 13 October 2026