

## Director General of Anti-Profiteering v. Nandi Infratech Pvt. Ltd. (Amaatra Homes)

Case number: NAPA/127/PB/2025

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

Decision date: 2026-05-12

### **Amaatra Homes: buyer-wise ITC shortfall survives excess credits to others; DGAP report accepted and 18% interest ordered**

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

Bench: Justice Mayank Kumar Jain, Member (Judicial), and Anil Kumar Gupta, Member (Technical); Division Bench Court II

Decision stage: Final adverse section 171 determination accepting the revised DGAP report after the respondent's stated willingness to accept it; express 18% interest direction. Not a no-profiteering closure, interim order or fresh remand.

#### **01 Facts of case and issues**

A buyer in Amaatra Homes complained that Nandi Infratech had not reduced instalments to pass on the GST input-tax-credit benefit. His booking and allotment are recorded as 1 February and 16 August 2016. The initial DGAP report dated 27 October 2021 led to NAA Order 64/2022 dated 31 August 2022 finding profiteering. The present order records a later CCI remand for reinvestigation following the Delhi High Court's Reckitt Benckiser decision and a revised DGAP report dated 9 January 2025.

The project's occupation certificates were issued in stages: towers F/G/H/I on 16 January 2020, B/C/E on 12 November 2020, D on 18 August 2021 and A/J on 6 January 2023. The investigation addressed 588 pre-GST bookings. The report excluded 349 GST-era bookings on its recorded evidence of lower base prices in builder-buyer agreements. This was a case-specific investigative treatment, not a general ruling exempting all post-GST buyers. Nine units were unsold; the source's detailed categories total 946 units, comprising 937 sold/booked and nine unsold.

Nandi disputed the methodology, credit treatment and comparability of periods. The original applicant also sought interest on money retained following cancellation of his flat. The order records separate RERA proceedings concerning that cancellation. The Tribunal ultimately treated that personal cancellation-related interest grievance as outside section 171, with recourse to the appropriate forum.

Pinpoint: Paragraphs 1–8, physical pp. 2–5; paragraph 12 table, pp. 7–8; paragraphs 16–25, pp. 9–17, especially paragraphs 23–25 on the separate grievance.

## 02 Discussion by Hon'ble Tribunal

The DGAP's purchase-value comparison used pre-GST credit of ₹9,61,37,424 against purchases of ₹82,33,94,051 and post-GST credit of ₹14,44,00,864 against purchases of ₹99,18,58,928. The printed ratios are 11.68% and 14.56%, an increase of 2.88 percentage points. For the post-GST period printed as July 2017–April 2024, the report calculated total additional-credit savings of ₹2,85,65,537, about ₹27.60 per sq. ft., and attributed ₹1,72,03,701 before GST to pre-GST booked units. The buyer table reports ₹1,92,68,145 inclusive of GST after rounding. These figures have distinct roles and are not all amounts remaining unpaid.

The buyer-wise analysis is decisive. Eleven buyers had a combined shortfall of ₹1,24,893.05; 50 had received no benefit and were attributed ₹13,54,223.81. Although 527 buyers were recorded as receiving more than required, their excess could not offset another buyer's entitlement. The two deficient groups produce ₹14,79,116.86, rounded to ₹14,79,117 in paragraph 13. The text records aggregate benefit already passed of ₹5,89,32,169; the printed total row contains a different benefit figure, as explained below.

Nandi's objections included inflation, construction stages, unequal periods, transitional credit and reversals. Its later submission dated 20 April 2026 expressed willingness to accept the report to end the prolonged dispute, while reserving rights and denying acquiescence. The Tribunal treated that submission as voluntary acceptance and concluded that section 171 had been contravened. The final reasoning does not supply a detailed independent resolution of every methodological objection.

The applicant's separate claim for interest on retained flat-purchase money was directed to the appropriate forum. That jurisdictional conclusion is distinct from statutory interest on profiteering under Rule 133(3)(b).

Pinpoint: Paragraphs 9–13 and tables, pp. 6–8; paragraph 16, pp. 9–10; paragraph 22(iv) and paragraphs 23–25, pp. 15–17; paragraphs 28–29, p. 18.

## 03 Judicial decision and operative relief

The Tribunal accepted the DGAP report dated 9 January 2025 and found that Nandi had contravened section 171 and indulged in profiteering. The accepted report's body identifies a residual buyer-wise benefit of ₹14,79,117, rounded from ₹14,79,116.86. The operative order separately makes Nandi liable for interest at 18% on the profiteered amount from collection of the higher amount until its return, under Rule 133(3)(b). It does not provide a buyer-wise interest calculation or independently quantify the interest payable.

The order was pronounced on 12 May 2026 and directed transmission to the jurisdictional CGST/SGST Commissioner for information and necessary action. No penalty, Consumer Welfare Fund deposit or separate award of the applicant's cancellation-related interest is ordered. The administrative label "Closure Report" does not change the adverse liability finding or the express interest direction. The present order does not certify that the adopted payment obligations have since been discharged.

Pinpoint: Paragraphs 13, 25 and 28–33, physical pp. 8, 17–19; administrative summary p. 2.

## 04 In favour of

DGAP and the eligible buyers on the project's remaining ITC-benefit shortfall, with 18% statutory interest ordered against Nandi. The original applicant did not obtain his separate cancellation-related deposit-interest remedy from this Tribunal.

Final project-specific adverse determination accepting the revised DGAP report following the respondent's stated acceptance, with statutory interest. It is not a finding that all buyers were underpaid, an unqualified validation of every calculation method, or an adjudication of the buyer's RERA/cancellation dispute.

Pinpoint: Paragraphs 12–13, pp. 7–8; paragraphs 23–25 and 28–33, pp. 17–19.

## 05 AKHB REVIEW POINT

AKHB analysis: Test pass-through buyer by buyer. Aggregate credits exceeding the project-wide calculated benefit do not necessarily eliminate the unpaid entitlement of individual recipients. Here, the residual ₹14,79,116.86 is the sum of the deficient groups, not the project-wide gross benefit less all credits. The accepted report distinguishes 11 partly compensated buyers, 50 with no benefit and 527 receiving excess benefit.

Reconcile the source before implementation. Paragraphs 12–13 state ₹5,89,32,169 already passed, matching ₹2,56,221 plus ₹5,86,75,948 in the two credited rows. The table's total-benefit cell nevertheless prints only ₹5,86,75,948. Paragraph 12's prose describes benefit passed to 588 buyers, while the rows show 538 credited buyers and 50 receiving none. The draft preserves this discrepancy rather than asserting that every investigated buyer was paid. Earlier quoted hearing figures also differ slightly from the final table/paragraph 13.

The per-area arithmetic uses rounded inputs: the rows' pre-GST area sums to 6,23,322.50 sq. ft., while the preceding table prints 6,23,323. Applying the displayed ₹27.60 to 6,23,322.50 yields the stated ₹1,72,03,701, which becomes ₹1,92,68,145.12 with 12% GST. This explains a numerical reconciliation but is not an independent amendment of the order or certification of DGAP working papers. Obtain the underlying buyer schedule, credit notes, payment dates and calculation records before computing compliance or interest.

Keep the two interest questions separate. Rule 133(3)(b) interest concerns the profiteered amount and return dates; interest claimed on retained sale consideration after cancellation was left to the appropriate forum. The order gives no licence to substitute one base for the other. The source also contains conflicting cancellation chronology and hearing descriptions; this note does not use them to decide the applicant's property rights.

Treat the method and exclusion of GST-era bookings within the facts and accepted record of this project. Nandi raised substantial method objections and then accepted the report with reservations. Do not present that procedural course as a universal ruling on all credit ratios, transitional credits, reversals, real-estate rates or other projects.

Pinpoint: AKHB source-based analysis, not additional judicial holdings: paragraphs 8–13, pp. 4–8; paragraph 16, pp. 9–10; paragraphs 20 and 22, pp. 11–17; paragraphs 23–31, pp. 17–19.

### Sources and limitations

#### Relevant provisions

CGST Act 2017: section 171, final profiteering finding; CGST Rules 2017: Rule 133(3)(b), 18% interest direction; CGST Rules 2017: Rules 128, 129 and 129(6), complaint and investigation history; CGST Rules 2017: Rule 133(4), antecedent CCI reinvestigation remand; CGST Act 2017: section 109(3), jurisdictional background in paragraph 14; CGST Rules 2017: Rules 42/43, raised in respondent's objection; no separate operative determination

#### Statutory note

Historical source-based account. Notification 11/2017–Central Tax (Rate), dated 28 June 2017, is discussed in paragraph 10; Notifications 23/2022 and 18/2024 appear in jurisdictional history. These references do not certify current rates or an independent ruling on each cited provision.

**Treatment note**

Bounded searches on 17 October 2026 using the exact NAPA number, party/date and appeal, stay or recall terms on official tribunal and court domains identified the final order, its official listing and earlier cause lists, but no identified later primary order altering this decision. An Allahabad High Court cause-list hit for a 2022 writ did not establish treatment of this 2026 GSTAT order. This is not comprehensive docket clearance, proof that no appeal exists, or verification of post-order payment and enforcement.

**Scope of source review**

Complete 19-page official GSTAT order, including its tables and quoted hearing orders. Underlying DGAP report/annexures, buyer agreements, credits/payments, RERA orders, earlier NAA order and full Reckitt Benckiser judgment were not independently obtained for this note.

**Identity note**

NAPA/127/PB/2025, Nandi Infratech Pvt. Ltd., Amaatra Homes, final order dated 12 May 2026. Distinct from the antecedent NAA Order 64/2022 dated 31 August 2022. The official listing was posted on 13 May 2026; that is not the judgment date.

**Primary source**

Complete 19-page official order, including administrative summary, read and visually checked. Fresh official retrieval matched preserved original bytes.

[Open original judgment](#)

Source pages: 19

Outcome type: final

**Official final-order listing, posted 13 May 2026**[Open cited source](#)**Disclosures and source rights**

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