

DG Anti Profiteering v. Bengal Peerless Housing Development Company Ltd. (Other Projects)

Case number: NAPA/21/PB/2025

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

Decision date: 2026-07-31

Digangana Housing Complex: lower post-GST credit-to-purchase ratio, project screening and final no-contravention finding

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

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

Decision stage: Final substantive no-contravention determination accepting the 12 March 2026 DGAP report; no additional ITC benefit or pass-through amount found on the investigated project record. Proceedings disposed without a monetary award.

01 Facts of case and issues

Bengal Peerless, a joint venture of the West Bengal Housing Board and The Peerless General Finance & Investment Company Limited, developed residential and commercial property. The Tribunal traced the anti-profiteering proceedings to complaints about construction services and the National Anti-Profiteering Authority's interim order dated 30 September 2022. An investigation into other projects under Rule 133(5) produced a report dated 6 April 2023. Following a fresh remand on 6 January 2026, DGAP submitted the report dated 12 March 2026 that this final order accepts.

The new investigation covered 1 July 2017 to 23 February 2021, the recorded date of the final occupancy certificate for Digangana Housing Complex. DGAP screened the developer's projects and common services under the same GST registration. Other listed projects were excluded for the aggregated reasons recorded in the judgment: pre-GST completion, being outside GST, construction or sales not commencing during the relevant period, or common-service activity. The reproduced passage does not assign a particular exclusion reason to each named project. Digangana was investigated because construction continued across the GST transition.

Of 62 units covering 52,754 square feet, 14 units covering 11,521 square feet were booked after final occupancy certification. The remaining 48 units and 41,233 square feet were considered relevant. The unit and area subtractions reconcile. This record is distinct from the developer's Avidipta-II proceeding, resolved by a separate final order dated 14 January 2026, which the present order refers to as procedural background.

Pinpoint: Identity and origin: physical pp. 2–4, paragraphs 1–5. Fresh remand/report and investigation period: p. 5, paragraphs 9–10.2. Project screening and unit/area table: p. 6, paragraphs 10.3–10.4. Avidipta-II distinction: pp. 3–4, paragraph 4.

02 Discussion by Hon'ble Tribunal

The Tribunal recorded the Delhi High Court's case-specific methodology approach in Reckitt Benckiser and the resulting remand. DGAP examined pre-GST CENVAT credit, transitional credit, post-GST ITC and purchases using statutory returns, accounts, electronic credit ledgers and CA certificates. The report also recorded verification of credit reversals attributable to exempt supplies under Sections 17(2) and 17(3), read with Rule 42.

The reproduced calculation compared eligible credit with purchase value, not turnover. Pre-GST credit of Rs. 13,87,870 on purchases of Rs. 1,32,89,574 yielded a rounded 10.44% ratio. Post-GST net ITC of Rs. 92,54,574 on purchases of Rs. 9,18,23,757 yielded 10.08%. The post-GST ratio was therefore lower by 0.36 percentage points on the displayed rounded figures. DGAP found no additional ITC benefit requiring a commensurate price reduction. The larger absolute post-GST credit figure did not itself establish an incremental benefit when tested against the purchase base used in the accepted report.

The developer accepted the report. The Tribunal recorded that the complainants did not appear or file objections despite notice and opportunities. It considered the report and evidence and found no reason to differ. The nil result rests on acceptance of the reproduced project investigation and calculation, rather than only on complainant nonappearance.

The order also addresses a Calcutta High Court proceeding. It recites an earlier requirement to obtain leave before a final order, followed by a later High Court direction to determine the matter on the 12 March 2026 report, preferably by 31 August 2026 after hearing the parties. The later order is quoted but not dated in the GSTAT reasons. Its full primary text and current writ status were not independently established in this research. The recital cannot be treated as a separate High Court merits endorsement or proof that every related proceeding ended.

Pinpoint: Methodology/remand recital: physical p. 3, paragraph 3, and p. 5, paragraph 9. Documents, reversals and ratio table: p. 7, paragraphs 10.5–10.6. DGAP conclusion: p. 8, paragraphs 10.7–10.8. Parties and evidentiary acceptance: pp. 8–10, paragraphs 11–18. High Court history: p. 4, paragraph 6; pp. 9–10, paragraphs 14–15.

03 Judicial decision and operative relief

The Tribunal accepted DGAP's Final Investigation Report dated 12 March 2026. It held that no additional ITC benefit had accrued on implementation of GST on the investigated record, that no contravention of Section 171(1) was established, and that no amount was required to be passed to homebuyers by commensurate price reduction.

The anti-profiteering proceedings were disposed of without further substantive directions. The Registry was directed to supply the order to the parties and the jurisdictional CGST/SGST Commissioner for information and necessary action, if any, according to law. There is no operative refund, Consumer Welfare Fund deposit, interest, penalty or costs award.

This is a final project-specific merits determination within the anti-profiteering proceeding. It neither decides unrelated GST liabilities nor grants a universal exemption to every housing project, every post-occupancy sale, or all of the developer's future activity. The administrative form's Confirmed and Closure Report labels must be read with these reasoned operative findings.

Pinpoint: Physical pp. 10–11, paragraphs 16–23, especially paragraphs 18–20. Administrative summary: physical p. 2, items 7–9.

04 In favour of

Bengal Peerless Housing Development Company Ltd. on the investigated Section 171 allegation, principally Digangana Housing Complex. No positive refund entitlement or general GST exemption is created.

Final substantive nil-profiteering outcome. The Tribunal accepted the report showing the eligible-credit-to-purchase ratio falling from 10.44% to 10.08%, found no additional ITC benefit to pass through, and disposed of the anti-profiteering proceedings. Complainant nonappearance forms part of the procedural record, not the whole merits basis.

Pinpoint: Physical pp. 7–8, paragraphs 10.5–10.8; pp. 10–11, paragraphs 16–20.

05 AKHB REVIEW POINT

AKHB analysis: Separate projects, investigation reports and case numbers even where the developer and complainants overlap. This Other Projects order is NAPA/21/PB/2025; the already separate Avidipta-II order is NAPA/101A/PB/2025. Do not treat the two as interchangeable merely because the same company appears in both.

When relying on the ratio analysis, preserve the purchase base, eligible credit, transitional-credit treatment, exempt-supply reversals, project records, unit-booking dates and occupancy evidence. Check the underlying books and CA workings; this note has checked the reproduced arithmetic, not independently audited those records. State a 0.36 percentage-point fall, rather than implying the credit amount itself fell or using the rounded figures as a universal formula.

Keep each excluded project's actual facts and legal basis available. Paragraph 10.3 supplies collective reasons, not a project-by-project mapping or an unrestricted rule of immunity. Confirm the relevant High Court orders and later case status before relying on the absence of a current impediment. The GSTAT recital of leave and disposal directions is not a substitute for that docket check.

Pinpoint: AKHB commentary based on physical pp. 3–8, paragraphs 4–10.8, and pp. 9–11, paragraphs 14–23. These practical recommendations are separate from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171(1), pass-through of tax-rate or ITC benefit and no-contravention determination; CGST Act 2017: Sections 17(2) and 17(3), credit attributable to exempt supplies; CGST Rules 2017: Rule 42, reversal verification recited in accepted DGAP report; CGST Rules 2017: Rules 133(4) and 133(5), reinvestigation and other-project investigation history; CGST Act 2017: Section 109(3) and Notification 18/2024-Central Tax dated 30 September 2024, jurisdictional history as recited; Notification 03/2019-Central Tax (Rate), election with effect from 1 April 2019 as recited; no precise rate conclusion inferred

Statutory note

The operative conclusion is under Section 171(1). Sections 17(2), 17(3) and Rule 42 appear in the accepted investigation's account of credit reversals. Rules 133(4) and 133(5) concern the distinct investigation stages. Paragraph 10.4 mentions an election under Notification 03/2019 from 1 April 2019 but does not specify the precise chosen rate or all conditions; this note supplies neither by inference. Notification 18/2024 and the cited High Court authorities are described as the order recites them. This is a judgment-specific source analysis, not a comprehensive statutory-version or current-law audit.

Treatment note

Checked 17 October 2026. The official final-order detail and complete linked PDF establish this 31 July 2026 disposition. Bounded searches using the exact party, NAPA/21/PB/2025, the order date, the recited Calcutta writ number and official Calcutta High Court/Supreme Court domains did not establish a later matching stay, recall, reversal or modification. The underlying later Calcutta High Court direction quoted in paragraphs 14–15 was not independently retrieved from an official source, and full registry status was not checked. Secondary summaries with a 30 July date or no-linked-appeals labels were not relied on as authoritative. No finding of appellate finality, absence of challenge, unrestricted enforceability, actual compliance or human legal approval is certified.

Scope of source review

One complete final GSTAT anti-profiteering order. All 11 pages of extracted source text read; physical pages 1, 6, 7, 9, 10 and 11 visually checked. No independent audit of DGAP annexures, CA workings, purchase invoices, occupancy certificate or credit ledgers. Earlier NAA, Delhi High Court and Calcutta High Court proceedings are described as recited in the judgment unless separately identified. No comprehensive ordinary GSTAT appellate coverage is claimed.

Identity note

NAPA/21/PB/2025, order reference ZA070010726000185H. Caption includes Other Projects; the investigation principally concerns Digangana Housing Complex. Order date is 31 July 2026 on the cover and final page. The final-page digital-signature display bears 4 August 2026; the official listing was posted on 5 August 2026. These are different events, and no cryptographic signature validation is claimed. Paragraph 4 links a 25 June 2025 Avidipta-II report to preceding text mentioning a 6 January 2026 remand; the resulting chronology is not internally sequential and has not been silently corrected. The Calcutta case is printed as WPO 24942/2022; indexed secondary material suggests WPA, but the primary case type and later order date remain unverified.

Primary source

Complete 11-page official PDF, including Form GST APL-04A and reasoned final order. All extracted text read; caption, unit and credit tables, High Court recital and operative pages visually checked. Original bytes preserved.

[Open original judgment](#)

Source pages: 11

Outcome type: final

Official GSTAT Anti-Profiteering final-order detail, posted 5 August 2026

[Open cited source](#)

Pinpoint: Listing identifies NAPA/21/PB/2025 and order date 31 July 2026; the complete linked PDF supplies the reasons and disposition.

Disclosures and source rights

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

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