

Director General of Anti-Profiteering v. Amal Realtors Pvt. Ltd.

Case number: NAPA/122/PB/2025

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

Decision date: 11 August 2026

Madhu Vasant: no additional ITC found for five investigated flats; applicant-specific transitional VAT claim rejected

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

Bench: Shri A. Venu Prasad, Member (Technical), Single Bench Court No. IV

Decision stage: Final reasoned acceptance of DGAP's no-contravention report for the five investigated Madhu Vasant flats, with a separate applicant-specific transitional VAT-credit finding.

01 Facts of case and issues

The applicant alleged failure to pass on ITC benefit for Flat MV 06041 in Madhu Vasant CHS Ltd., Mumbai. DGAP's report dated 29 January 2025 covered 1 April 2015 to 31 March 2019, including the pre-GST comparator period. The respondent was recorded as opting for the 5% GST scheme without ITC from 1 April 2019.

The project had 36 residential units and 26,714 square feet of saleable area. The investigation excluded 21 flats allotted without monetary consideration to existing society members and ten flats booked under the later no-ITC scheme, leaving five flats. DGAP accepted a reversal of Rs. 68,92,459 from reported GST credit of Rs. 1,23,45,880, leaving Rs. 54,53,421 net credit. These are project-specific investigation findings, not an exemption for every redevelopment or later-booked flat.

Pinpoint: Paragraphs 1–5.5, physical pp. 2–4; Tribunal's scope finding at paragraph 13, physical p. 9.

02 Discussion by Hon'ble Tribunal

The report compared credit with purchase value and found a decline from 8.26% before GST to 7.87% afterwards, or 0.39 percentage points. Table A labels purchase values as including taxes and duties. GSTAT accepted the conclusion that no additional ITC benefit arose on this investigated record.

The applicant challenged reliance on CA-certified figures, consolidated returns for more than one project and selective pass-through. DGAP said the statutory returns could not be bifurcated project-wise but the supplied CA-certified figures related exclusively to Madhu Vasant. The Tribunal accepted that evidentiary explanation. This is not a general holding that a CA certificate replaces all project-wise reconciliation.

02 Discussion by Hon'ble Tribunal

GSTAT separately accepted that Rs. 4,51,873 transitional SGST credit from VAT had been passed to eligible purchasers under Maharashtra Trade Circular 18T of 2017. For this applicant it recorded a post-GST executed/registered agreement, VAT collected on the pre-GST advance described as Rs. 52,416 and deposited with the VAT Department, and no corresponding credit available to pass on. Paragraph 9.2 instead prints Rs. 4,71,873. That Rs. 20,000 discrepancy is preserved without substituting a new entitlement or treating every post-GST agreement as ineligible.

Pinpoint: Ratios: paragraphs 5.5–5.7, physical pp. 4–5. Objections/replies: paragraphs 8–10, physical pp. 5–8. Tribunal findings: paragraphs 16–18, physical pp. 9–10.

03 Judicial decision and operative relief

GSTAT accepted DGAP's report dated 29 January 2025 and disposed of the proceedings. It found no additional ITC benefit from the GST transition for the investigated flats and no corresponding transitional VAT-credit benefit for the applicant's transaction on the stated facts. Copies were directed to the parties, DGAP and jurisdictional Commissioners. No refund, interest amount or penalty was imposed in the operative order.

The result concerns Madhu Vasant, not the respondent's other projects. Paragraph 11 lists a hearing on 30 November 2025 while the form lists 30 October 2025; neither historical entry is silently corrected. The decision and digital-signature date are 11 August 2026. The underlying schedules, complete project reconciliation and VAT payment records are not independently audited by this note.

Pinpoint: Paragraphs 12–22, physical pp. 9–10; hearing recital, paragraph 11, physical p. 8; form, physical p. 2.

04 In favour of

Amal Realtors Pvt. Ltd. on the investigated five-flat no-additional-ITC result and the applicant-specific VAT-credit finding. The scope exclusions, source amount/date discrepancies and evidentiary limits remain qualifications.

Final project-specific no-contravention disposal after consideration of the applicant's objections. The prior pass-through of transitional VAT credit is distinct from additional post-GST ITC benefit.

Pinpoint: Paragraphs 16–21, physical pp. 9–10.

05 AKHB REVIEW POINT

AKHB analysis: Keep GST-transition ITC, accepted reversals and transitional VAT credit in separate schedules. Preserve the applicant's agreement/registration date and the exact advance/VAT documents before relying on the transaction-specific conclusion. Do not convert Rs. 52,416 into a newly calculated tax or refund figure.

05 AKHB REVIEW POINT

Obtain the CA certificate and its reconciliation to consolidated returns, project ledgers and credit reversals. Acceptance of those documents here is not a universal replacement for auditable allocation across projects. Keep the Rs. 4,71,873 recital distinct from the repeatedly stated Rs. 4,51,873 until an authoritative correction is obtained.

Apply the five-flat scope on its actual facts. Neither the no-consideration redevelopment exclusions nor the later no-ITC regime supplies a blanket answer for different supplies, agreements or tax-rate events. Preserve the conflicting historical hearing dates without inventing a corrected chronology.

Pinpoint: AKHB commentary based on paragraphs 5–18, physical pp. 3–10. Recommendations are distinct from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Sections 171, 171(1) and 109(3); CGST Rules 2017: Rules 128 and 129(6); Central Tax (Rate) Notification 03/2019, historical no-ITC real-estate regime; Maharashtra Trade Circular 18T of 2017, transitional VAT-credit context; CGST Act 2017: Sections 109 and 171(2), institutional/current-law context; Central Tax Notifications 18/2024 and 19/2024, empowerment and new-request-cutoff context.

Statutory note

Checked 13 October 2026. Section 171(1) requires the benefit of a tax-rate reduction or ITC to be passed to recipients through commensurate price reduction. Notification 18/2024-Central Tax, issued under Section 171(2) read with Section 109(1) and the second proviso to Section 109(5), empowers the Principal Bench constituted under Section 109(3) from 1 October 2024. Notification 19/2024-Central Tax fixes 1 April 2025 as the date from which the authority shall not accept new examination requests. Its text does not repeal Section 171 or direct automatic termination of pending matters. This anti-profiteering jurisdiction must be distinguished from ordinary GST appellate jurisdiction; earlier NAA/CCI investigations are historical steps.

Treatment note

Checked 13 October 2026. Fresh exact official listings and case-specific searches located no later stay, recall, reversal or modification of this identified order. This is a bounded search result, not certification of the complete appellate docket or later compliance. The related Reckitt proceedings remain qualified: official Supreme Court procedural/listing records, including the 13 May 2026 cause list, do not establish a stay, merits affirmation or final Supreme Court outcome. The original Maharashtra Trade Circular 18T/2017 was not retrieved from an official source during this bounded check. Its case-specific operation is therefore attributed to GSTAT paragraph 18; no independent circular interpretation or underlying VAT-record audit is claimed.

Scope of source review

One final order of the GSTAT Principal Bench exercising anti-profiteering jurisdiction. DGAP reports and earlier NAA/CCI or High Court steps are history as recorded in this order unless a separate source is expressly identified. The administrative form is read with the signed reasons. Ordinary GST appeals, all State Benches and corpus-wide completeness are not covered.

Identity note

NAPA/122/PB/2025; order reference ZA070010826000044H; 11 August 2026. Madhu Vasant CHS Ltd. only, with five investigated flats out of 36. Paragraph 9.2 states Rs. 4,71,873 whereas the final reasoning states Rs. 4,51,873. The 30 November/30 October 2025 hearing discrepancy remains unresolved; no corrected entitlement is invented.

Primary source

Source description: Complete 10-page official PDF, including Form GST APL-04A and the final reasoned order. Every original page read and individually viewed; source bytes preserved.

Official source: [Open source document](#)

Source pages: 10

Outcome type: final

Additional source

Central Tax Notification 18/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Paragraphs 1–2, physical p. 1: statutory power and commencement on 1 October 2024.

Central Tax Notification 19/2024 dated 30 September 2024

Source document: [Open source document](#)

Pinpoint: Operative paragraph, physical p. 1: 1 April 2025 cutoff for accepting examination requests.

CGST Act 2017, India Code compilation marked as at 11 June 2026

Source document: [Open source document](#)

Pinpoint: Sections 109 and 171; relevant statutory passages reviewed, not a complete legislative-update audit.

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

Source document: [Open source document](#)

Pinpoint: W.P.(C) 7743/2019 and connected matters; background authority. This note does not claim final Supreme Court approval.

Supreme Court cause list for 13 May 2026

Source document: [Open source document](#)

Pinpoint: Physical p. 37, Reckitt SLP(C) 12705/2024. Listing evidence only, not a merits judgment or stay order.

Central Tax (Rate) Notification 03/2019 dated 29 March 2019

Source document: [Open source document](#)

Pinpoint: Relevant construction-rate/non-avilment conditions, physical pp. 1–3, and 1 April 2019 commencement, p. 12. Conditional historical scheme; not a universal post-GST-booking exemption.

Disclosures and source rights

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

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