

Director General of Anti-Profiteering v. Maruti Developers

Case number: NAPA/156/PB/2025

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

Decision date: 18 September 2026

Maruti Tower: reversed unutilised credit reduces computation; recipient liability and interest remain

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 revised-quantification judgment directing Rs. 2,62,832 inclusive of GST with 18% recipient interest, a conditional Flat 202 adjustment safeguard and no pre-2020 penalty.

01 Facts of case and issues

A complainant who requested confidentiality alleged failure to pass on ITC benefit for Maruti Tower, Malad (West), Mumbai. DGAP's original report was dated 24 March 2022. The judgment records subsequent CCI-directed reinvestigation following Reckitt and a revised DGAP report dated 21 November 2024. The relevant post-GST period was 1 July 2017 to 31 March 2019; the developer was recorded as opting for the 5% scheme without ITC from 1 April 2019.

The earlier computation compared 13.97% pre-GST with 17.64% post-GST credit-to-purchase ratios, yielding 3.67 percentage points and Rs. 4,38,421 inclusive of GST. That historical amount was later revised; it is not the operative demand. The rate and scheme references are historical findings in this project, not a complete current-rate opinion.

Pinpoint: Paragraphs 1–8.7, physical pp. 2–7.

02 Discussion by Hon'ble Tribunal

On the Tribunal's request for clarification about utilisation, DGAP accepted that Rs. 5,26,200 of the reported Rs. 62,94,879 GST ITC had remained unutilised up to March 2019 and was reversed through DRC-03 dated 24 July 2026. Net credit became Rs. 57,68,679; the post-GST ratio changed to 16.17% and the increment to 2.20 percentage points. The revised calculation used Rs. 38.08 per square foot, 20,617.14 square feet saleable area and 6,162.59 square feet sold area.

GSTAT examined the revised report, reversal, supporting material and flat-wise reconciliation. It found the revised computation consistent with the record and accepted Rs. 2,34,671 base benefit plus Rs. 28,161 GST, totaling Rs. 2,62,832. The respondent's acceptance and promise of passing on the benefit did not end the matter as completed compliance: the Tribunal made statutory payment, interest and affidavit directions.

02 Discussion by Hon'ble Tribunal

The operative table contains 12 flat entries and prints a total of Rs. 2,62,830, whereas the form and paragraphs 18 and 21 repeatedly determine Rs. 2,62,832. The two-rupee discrepancy is preserved without altering a buyer's amount or inventing a reconciliation. Joint purchasers are listed for several flats; the table is not described as exactly 12 natural-person recipients.

Pinpoint: DGAP clarification: paragraphs 9.1–9.5, physical pp. 7–9. Reconciliation: paragraph 11 and table, physical pp. 9–12. Tribunal findings: paragraphs 12–18, physical pp. 13–17; final flat table, physical p. 18.

03 Judicial decision and operative relief

GSTAT accepted the 12 August 2026 clarification and fixed the inclusive amount at Rs. 2,62,832, payable to eligible recipients with 18% interest from collection of the higher amount until return under Rule 133(3)(b). The 12-entry flat table remains subject to its printed Rs. 2,62,830 total discrepancy. Paragraph 22 requires compliance within 30 days but does not expressly state a separate receipt-based trigger; this note does not invent a concrete calendar deadline.

For Flat 202, Rs. 10,364 had been adjusted against the amount otherwise receivable. The developer must give the jurisdictional authorities an affidavit undertaking that, if those homebuyers pay the adjusted amount, it will forthwith pay/refund Rs. 10,364 with applicable interest, ensuring that the benefit is ultimately received. This conditional safeguard is not proof of a cash refund or authority for unrestricted netting.

No Section 171(3A) penalty was imposed because the entire investigated period ended on 31 March 2019, before its 1 January 2020 commencement. The form's decision field and final typed date are 18 September 2026; the administrative date on page 2 and final-page digital-signature appearance are 19 September. Both dates are retained distinctly. Later payment, affidavit filing and interest calculation remain unverified.

Pinpoint: Paragraphs 17–23, physical pp. 16–19; form dates, physical pp. 1–2; digital signature, physical p. 19.

04 In favour of

Eligible Maruti Tower recipients on the revised Rs. 2,62,832 amount and 18% interest. The respondent obtained recognition of the unutilised-credit reversal and exclusion of pre-2020 penalty; table/date discrepancies and the conditional adjustment safeguard remain qualifications.

Final substantive liability at the revised amount, with recipient interest and a conditional affidavit safeguard. The historical Rs. 4,38,421 computation is superseded, but no completed-payment finding or total exoneration is made.

Pinpoint: Paragraphs 12–23, physical pp. 13–19.

05 AKHB REVIEW POINT

AKHB analysis: Reconcile availed, utilised and reversed ITC with the project accounts and DRC-03 before assessing the pass-through calculation. The accepted reversal here was fact-specific; the judgment is not a rule that every later reversal automatically extinguishes historical benefit.

05 AKHB REVIEW POINT

Keep the operative Rs. 2,62,832 and the table's Rs. 2,62,830 separately visible until authoritative clarification. Do not redistribute the difference across buyers or count joint names as one person. Buyer-level payment and interest records remain necessary even after aggregate computation is accepted.

Document the Flat 202 adjustment and exact affidavit condition, including subsequent payment that would activate the refund safeguard. An accounting adjustment, undertaking or filed reconciliation does not by itself establish that the recipient ultimately received the statutory benefit. Verify the operative time trigger and preserve the 18/19 September source dates.

Pinpoint: AKHB commentary based on paragraphs 9–23, physical pp. 7–19; recommendations are distinct from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171, including Sections 171(1), 171(2), 171(3) and 171(3A), with the statutory quotation distinguished from the actual pre-2020 penalty ruling; CGST Rules 2017: Rules 128, 129(6) and 133(3)(b); Central Tax (Rate) Notification 11/2017, historical construction-rate recital; 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 PDFs remain byte-identical to the collected sources. The current official final-order index and bounded party/case searches located no later matching stay, recall, reversal or modification of this identified order. This is not certification of the complete appellate docket or actual compliance. Related Reckitt proceedings remain qualified: same-day official Supreme Court procedural/listing evidence, including the 13 May 2026 cause list, does not establish a stay, merits affirmation or final Supreme Court outcome. No fresh complete Supreme Court docket search 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/156/PB/2025; reference ZA070010926000161H; decision/form header and final typed date 18 September 2026, administrative and digital-signature dates 19 September. Maruti Tower only. Ordered Rs. 2,62,832 differs from the 12-flat table total Rs. 2,62,830; no corrective allocation is invented.

Primary source

Source description: Complete 19-page official PDF, including Form GST APL-04A and the final reasoned order. Every original page read and individually viewed by the AI author and independent source reviewer; source bytes preserved.

Official source: [Open source document](#)

Source pages: 19

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.

CGST Rules, historical official compilation updated 13 September 2018

Source document: [Open source document](#)

Pinpoint: Rule 129(6), physical p. 105; Rule 133(3)(b)–(c) and 133(4), pp. 106–107. Historical text read with the identified later amendment; not a complete current rules audit.

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