

Director General of Anti-Profiteering v. Mangalbela Real Estates Pvt. Ltd.

Case number: NAPA/58/PB/2025

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

Decision date: 30 September 2026

Atri Green Valley: reinvestigation and limitation objections rejected; Rs. 31,20,542 plus interest for 66 buyers

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

Bench: Shri Anil Kumar Gupta, Member (Technical), Single Bench Court No. III

Decision stage: Final reasoned recipient-liability judgment rejecting jurisdiction, limitation and natural-justice objections and directing Rs. 31,20,542 plus 18% interest to 66 homebuyers.

01 Facts of case and issues

The complaint concerned Unit 7/1F(15) in Atri Green Valley, West Bengal. DGAP submitted its original report on 14 July 2021. The order records that proceedings had not culminated in a final NAA adjudication; CCI remitted the pending matter on 20 March 2024 under Rule 133(4), and DGAP submitted the revised report dated 20 November 2025. These are the investigation and institutional steps recorded in this GSTAT judgment.

The revised report described Atri Green Valley Phase-II and compared April 2013–June 2017 with July 2017–March 2019. It stated credit-to-purchase ratios of 2.37% and 8.42%, an increase of 6.05 percentage points, and allocated benefit over the project area. The respondent deliberately contested jurisdiction, limitation and natural justice rather than the calculation or buyer entitlement; its election is not described as completed payment or unconditional acceptance of the proceedings.

Pinpoint: Paragraphs 1–14, physical pp. 2–11; pending-proceeding finding, paragraphs 16.2–16.4, physical p. 14.

02 Discussion by Hon'ble Tribunal

GSTAT distinguished the binding methodological principle in Reckitt from relief confined to parties in that litigation. It held that correcting methodology in a pending investigation was not review of a concluded adjudication. The original reference remained alive, DGAP acted on a Rule 133(4) remand, and no fresh Standing Committee reference was required on these facts. This does not authorize reopening every concluded anti-profiteering matter.

02 Discussion by Hon'ble Tribunal

The Tribunal rejected the limitation objection by treating the reporting time as directory, noting that complete documents were received only in August 2025 and relying on opportunities afforded to the respondent. It also rejected natural-justice objections: the respondent received the report and was heard on its legal objections but chose not to address the calculation. Paragraph 17.2 prints an open-ended extension formulation for Rule 129(6). The historical official rule and the 2019 amendment instead retain a further-three-month extension limit after the initial period became six months. The Tribunal's directory-time conclusion is reported as its reasoning; the printed quotation is not endorsed as exact statutory text.

On the merits, GSTAT found no price list, credit note, refund voucher or other evidence of pass-through. It adopted Rs. 27,86,198 base benefit plus Rs. 3,34,344 GST, totaling Rs. 31,20,542 for 66 buyers. The figures use 2,21,255 square feet total saleable area, 69,085 square feet sold area and Rs. 40.33 per square foot; the displayed Table B calculations reproduce the stated rupee totals on rounding. Underlying ledgers and individual entitlements are not independently re-audited.

Pinpoint: Jurisdiction/remand: paragraphs 15.1–16.4, physical pp. 11–14. Limitation/natural justice: paragraphs 17.1–18.2, physical pp. 14–17. Merits: paragraphs 19.1–19.5, physical pp. 17–19; Tables A–B, physical pp. 4–5.

03 Judicial decision and operative relief

GSTAT accepted the report and directed the respondent to pass Rs. 31,20,542 to 66 eligible buyers in proportion to sold area within three months from the order. Interest at 18% per annum was ordered, but its start is internally inconsistent: paragraph 19.6 uses each buyer's last instalment payment date, while operative paragraph 20.2 uses accrual of the benefit. Both run to actual refund/passing-on. No harmonised trigger or buyer-wise interest amount is invented.

The Tribunal excluded Section 171(3A) penalty because the stated contravention period, 1 July 2017 to 31 March 2019, ended before its 1 January 2020 commencement. The respondent must file a compliance report with the jurisdictional CGST/SGST Commissioner within 30 days after expiry of the three-month period. The matter was disposed of and pronounced on 30 September 2026; actual payment and reporting remain unverified.

The project is called Atri Green Valley in the operative reasoning and Phase-II in the investigation. Earlier submissions are dated 15 May 2026 in paragraphs 10 and 14 but 18 May in paragraphs 18.1 and 19.3. The cited A J Enterprises date is truncated in paragraph 11.4 and stated as 20 February 2025 in paragraph 17.3. The freshly checked related original confirms 20 February 2026. The printed 2025 and truncated dates are preserved as source errors rather than silently corrected.

Pinpoint: Paragraphs 19.5–24, physical pp. 18–20; source recitals at paragraphs 7.1, 10, 11.4, 14, 17.3, 18.1 and 19.3, physical pp. 4, 6, 8, 10, 16–17.

04 In favour of

The 66 eligible homebuyers on the Rs. 31,20,542 award and 18% interest; the respondent on exclusion of retrospective penalty. Interest-start inconsistency, project scope and unverified compliance qualify the result.

04 In favour of

Final substantive contravention and recipient-payment determination after reasoned rejection of the developer's preliminary objections. No Section 171(3A) penalty; the two interest-start formulations remain unresolved.

Pinpoint: Paragraphs 15–20.2 and 22–24, physical pp. 11–20.

05 AKHB REVIEW POINT

AKHB analysis: Separate a pending investigative remand from reopening a concluded adjudication. Preserve the original reference, remand, methodological directions and hearing record before applying the Tribunal's reasoning to another case. An election to contest only jurisdiction does not supply documentary proof that the ITC benefit was passed on.

Maintain project-specific credit, purchase-value and area schedules, with buyer-level payment evidence. The recorded absence of supporting documents and the unchallenged calculation are important to the result; do not turn this fact-bound evidentiary conclusion into an irrebuttable presumption.

Obtain an authoritative clarification of the conflicting interest-start wording before calculating or advising on a concrete demand. Keep the three-month payment direction distinct from the subsequent 30-day reporting period and retain the wholly pre-2020 basis of the penalty exclusion. Neither this note nor an undertaking proves later compliance.

Pinpoint: AKHB commentary based on paragraphs 15–22, physical pp. 11–19; separate from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Sections 109(3), 171(1) and 171(3A); CGST Rules 2017: Rules 128, 129(6), 133(4) and 133(3)(b), with the reporting-time quotation treated as source reasoning; Central Tax Notification 23/2022, historical CCI empowerment recital; Central Tax (Rate) Notification 11/2017, historical construction-rate recital; Finance (No. 2) Act 2019, source-recorded insertion of Section 171(3A); 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. Central Tax Notification 31/2019: amending rule 15, targeted correction of the Rule 129(6) quotation rather than a separate operative holding.

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. Rule 129(6) is checked against the historical compilation and amending rule 15 of Notification 31/2019: the initial period changed from three to six months without removal of the further-three-month extension cap. This targeted comparison does not itself resolve every timeliness issue or validate the original quotation.

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. The fresh A J Enterprises original confirms 20 February 2026, whereas paragraph 17.3 here prints 20 February 2025 and paragraph 11.4 truncates the date as 20.02.20. The related order was checked for this limited citation issue, not independently approved for publication.

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/58/PB/2025; reference ZA070010926000248H; 30 September 2026. Atri Green Valley, described as Phase-II in the investigation. Rs. 31,20,542 includes GST. Last-instalment versus accrual-based interest starts, May submission dates and the cited A J Enterprises date require express qualification; no corrected chronology or interest computation is supplied.

Primary source

Source description: Complete 20-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: 20

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.

Central Tax Notification 31/2019 dated 28 June 2019

Source document: [Open source document](#)

Pinpoint: Amending rule 15 and rule 17(c), physical p. 5: initial investigation period and fund-interest insertion.

A J Enterprises, NAPA/2/PB/2025, official GSTAT order

Source document: [Open source document](#)

Pinpoint: Physical pp. 1 and 23 confirm 20 February 2026. Targeted identity check only; this linked case is not separately approved for publication by this note.

Disclosures and source rights

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

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