

Director General of Anti-Profiteering v. The Anant Raj Corporation Ltd. (TARC Limited)

Case number: NAPA/49/PB/2025

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

Decision date: 2026-10-14

MACEO: revised actual-savings calculation, verified construction-cost escalation and project-specific nil profiteering

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

Bench: Justice Mayank Kumar Jain, Member (Judicial), Single Bench Court II

Decision stage: Final substantive no-contravention judgment accepting the supplementary DGAP report for MACEO after verified cost escalation exceeded additional ITC savings; no operative refund, fund deposit, interest or penalty award.

01 Facts of case and issues

A MACEO homebuyer complained that the developer had not passed on additional input-tax-credit benefits following introduction of GST through a commensurate price reduction. The judgment identifies the respondent in its caption as The Anant Raj Corporation Ltd. and in the body as TARC Limited. It recites a NCLT-approved transfer of the project division with appointed date 30 September 2018 and order dated 24 August 2020, including project liabilities. Those scheme facts are source recitals; the underlying NCLT order was not independently examined for this note.

The investigation covered 1 July 2017 to 31 March 2024. DGAP recorded continuation of the old 12% GST-with-ITC scheme, absence of final occupancy certification, and all 788 flats, covering 15,84,208 square feet, sold before final OC. The earlier purchase-based calculation compared credit-to-purchase ratios of 14.00% before GST and 14.49% afterwards. It used post-GST purchases of Rs. 1,79,54,30,365 and additional ITC savings of Rs. 87,97,609, and proposed Rs. 98,53,322 profiteering. That proposal was superseded and is not the amount ordered.

The respondent challenged the calculation method, inclusion of buyers beyond the complainant, inclusion of GST and interest liability. DGAP defended the pass-through obligation and calculation. The eventual issue was whether revised documentary evidence of actual expenses and cost escalation left any additional ITC savings requiring pass-through for MACEO.

Pinpoint: Identity and complaint: physical pp. 1–3, original paragraphs 1–3. Scheme/history and investigation: pp. 3–6, original paragraphs 6–12. Earlier calculation: pp. 6–8, original paragraphs 13–14 and reset paragraph 1. Competing submissions: pp. 8–10, reset paragraphs 2–4.

02 Discussion by Hon'ble Tribunal

The Tribunal recorded reliance on the actual-savings/actual-expenses approach discussed in Laureate Buildwell and quoted the earlier SVP Builders investigation directions. The quoted remand language is history, not the operative disposition of this case. It directed DGAP to examine additional documents and submit a supplementary report.

On a CA certificate and sample procurement invoices, DGAP accepted substantial post-GST increases in core construction-material costs. Its report of 1 September 2026 retained additional ITC savings of Rs. 87,97,609 on purchases of Rs. 1,79,54,30,365, but deducted verified cost escalation of Rs. 3,78,17,556. The resulting negative net savings of Rs. 2,90,19,947 led to a revised nil-profiteering finding for MACEO. The subtraction reconciles; the underlying certificate, invoice samples and detailed workings were not independently audited for this note.

The Tribunal recorded attempts to obtain the complainant's response through email, the GSTAT portal and registered post, with no response. Neither the respondent nor other homebuyers placed objections to the revised report on record. It accepted the documentary no-contravention conclusion. This is a project-specific acceptance of the revised evidence and calculation; it does not hold that any assertion of rising costs automatically extinguishes Section 171 obligations.

The source has defective paragraph numbering and inconsistent historical recitals. It also shows Rs. 98,53,322 in an earlier table as the product of Rs. 5.55 per square foot and 15,84,208 square feet, although those displayed figures do not yield that amount. The later nil conclusion uses a different, reconciled negative-savings calculation. The superseded table must not be silently repaired or mistaken for an operative liability.

Pinpoint: Quoted earlier approach: physical pp. 10–12, reset paragraph 4 and its quoted passages.

Supplementary investigation and revised calculation: p. 12, printed paragraphs 23–25, continuing table on p. 13. No objections and acceptance reasoning: p. 13, reset paragraphs 5–8. Superseded arithmetic: p. 7, original paragraph 14 table.

03 Judicial decision and operative relief

The Tribunal accepted DGAP's supplementary report dated 1 September 2026, which found nil profiteering and no contravention of Section 171 for the MACEO project on the revised record. It directed communication of the judgment to the concerned CGST/SGST Commissionerate for record and necessary action and its upload to the GSTAT portal. Judgment was pronounced on 14 October 2026.

No principal payment to homebuyers, Consumer Welfare Fund deposit, interest or penalty is ordered. The negative net-savings figure is not a refund award in the developer's favour. The earlier Rs. 98,53,322 proposal is not confirmed. The administrative Closure Report and Confirmed labels do not change the reasoned nil result.

The judgment does not separately decide all of the respondent's alternative legal objections. Its operative basis is acceptance of the revised DGAP report and the project-specific no-contravention conclusion.

Pinpoint: No-contravention reasoning: physical p. 13, reset paragraph 8. Operative acceptance, communication, pronouncement and upload: physical p. 14, final reset paragraphs 9–12. Administrative form labels: p. 2.

04 In favour of

The Anant Raj Corporation Ltd. / TARC Limited, limited to the Section 171 allegation for MACEO and the investigated record. No refund award or general real-estate exemption.

Final substantive no-contravention determination on the revised project calculation. The accepted cost escalation exceeded the additional ITC savings. Complainant nonresponse and absence of objections support the procedural history; the recorded calculation and report acceptance supply the merits basis.

Pinpoint: Physical pp. 12–13, printed paragraphs 23–25, revised table and reset paragraphs 5–8; p. 14, final reset paragraph 9.

05 AKHB REVIEW POINT

AKHB analysis: Preserve project-specific procurement values, ITC records, invoice samples, contemporaneous price evidence and the CA certificate's underlying workings when advancing a cost-escalation argument. Reconcile additional credit savings with the particular cost increases accepted in the supplementary investigation; a general statement of inflation does not reproduce this record.

Separate an earlier DGAP proposal from the final accepted report. Here, Rs. 98,53,322 was the superseded allegation, while the operative report found nil profiteering after cost escalation. The negative savings figure does not itself create a refund entitlement.

Use physical-page references together with paragraph numbers because the original repeatedly resets its numbering. Obtain the scheme documents and full investigation record before relying on the inconsistent historical chronology or the earlier arithmetic. Recheck later judicial treatment before using the judgment for current advice; the identified source does not establish appellate finality.

Pinpoint: AKHB commentary based on physical pp. 3–8 and 10–14, especially printed paragraphs 23–25 and final reset paragraphs 8–9. These practical recommendations are distinct from the Tribunal's holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Section 171, ITC-benefit pass-through and project-specific no-contravention finding; CGST Rules 2017: Rules 128, 129 and 133(4), complaint, investigation and reinvestigation history; CGST Rules 2017: Rule 133(3)(b), respondent interest objection only; no operative interest award; CGST Act 2017: Section 34, DGAP credit-note submission only; Constitution of India: Article 19(1)(g), DGAP response only; Notification 3/2019-Central Tax (Rate), dated 29 March 2019, old-scheme election as recorded in investigation history

Statutory note

The operative provision is Section 171. Rules 128, 129 and 133(4) are cited for the complaint/investigation history. Section 34, Article 19(1)(g), and Rule 133(3)(b) appear in competing submissions and are not separately decided in the final nil determination. The respondent's temporal assertion about the introduction of recipient-interest provisions is not adopted as an independently verified statement of law. The judgment's accounts of Notifications 3/2019 and 23/2022, Reckitt Benckiser, Laureate Buildwell, SVP Builders and the NCLT scheme are source-attributed; this pass did not independently verify all cited authorities or perform an exhaustive current-law audit.

Treatment note

Checked 17 October 2026. The official final-order listing and complete linked PDF establish this 14 October judgment. Bounded exact-party/date and official Delhi High Court/Supreme Court domain searches did not establish a later matching stay, recall, reversal or modification. These were indexed searches rather than a complete case-status registry review; failure to locate a result does not establish absence of an appeal or stay. No current unconditional enforceability, final Supreme Court disposition, actual compliance or independent human legal review is certified.

Scope of source review

One final reasoned Principal Bench anti-profiteering judgment for MACEO. All 14 pages of extracted source text were read; caption, key tables and final directions visually checked. The earlier quoted remand and superseded investigation figures are distinguished from the final nil determination. Underlying CA workings, invoices, scheme order and investigation annexures were not independently audited. No ordinary GST appellate or comprehensive GSTAT coverage is claimed.

Identity note

Caption: The Anant Raj Corporation Ltd.; body: TARC Limited. NAPA/49/PB/2025, order reference ZA070011026000102H, reserved 21 September and pronounced 14 October 2026. Visible final-page signature display is dated 14 October 2026; no cryptographic validation claimed. Numbering runs 1–14, resets 1–4, uses 23–25, then resets 5–12. Cite physical pages. Page 2 says established in 2019 while page 5 says existence/registration in August 2020. Page 4 recites a 2024 remand before a 2023 report. These unresolved historical inconsistencies do not alter the clearly identified 1 September 2026 revised report and 14 October 2026 operative acceptance.

Primary source

Complete 14-page official PDF, including Form GST APL-04A and final reasoned judgment. Full extracted text read; caption, calculation and operative pages visually checked. Source bytes preserved.

[Open original judgment](#)

Source pages: 14

Outcome type: final

Official GSTAT Anti-Profitteering final-order detail, posted 15 October 2026[Open cited source](#)

Pinpoint: Listing identifies NAPA/49/PB/2025 and 14 October 2026. The complete linked PDF supplies the substantive reasoning and relief.

Disclosures and source rights

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Source checked: 2026-10-17