

**BEFORE THE NATIONAL ANTI-PROFITTEERING AUTHORITY
UNDER THE CENTRAL GOODS & SERVICES TAX ACT, 2017**

Case No. : 64 /2022
Date of Institution : 28.10.2021
Date of Order : 31.08.2022

In the matter of:

1. Shri Vijay Pal Singh, 22-Swaroop Park, Sahibabad, Ghaziabad-201005(UP)
2. Directorate General of Anti-Profitteering, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, New Delhi-110001.

Applicants

Versus

M/s. Nandi Infratech Pvt Ltd., GH 02C, Sector 10, Greater Noida West,
U.P.-201308

Respondent

Quorum:-

1. Sh. Amand Shah, Chairman and Technical Member
2. Sh. Pramod Kumar Singh, Technical Member
3. Sh. Hitesh Shah, Technical Member

Present: -

1. None for the Applicants.
2. None for the Respondent.

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ORDER

1. The present Report dated 27.10.2021 had been received from the Applicant No. 2 i.e. The Director General of Anti-Profiteering (DGAP) after a detailed investigation under Rule 129(6) of the Central Goods & Service Tax (CGST) Rules, 2017 alleging profiteering by the Respondent in respect of the purchase of flats in the Respondent's project "AMAATRA HOMES". Applicant No. 1, vide his complaint, has alleged that the Respondent was not ready to pass on the benefit of Input Tax Credit (ITC) in respect of flat No J-503 in 'AMAATRA HOMES' by reducing the installment amount despite repeated requests and had instead threatened to cancel the allotment of the Applicant No. 1 with a penalty. The Standing Committee forwarded the copy of the complaint of Applicant No. 1 along with demand letters to the DGAP for further investigation.
2. The DGAP vide the above-said Report dated 27.10.2021 has *inter-alia* stated the following:-
 - i. On receipt of the said reference from the Standing Committee on Anti-profiteering, a Notice under Rule 129 of the CGST Rules, 2017 was issued by the DGAP on 21.05.2021, calling upon the Respondent to reply as to whether he admitted that the benefit of ITC had not been passed on by him to the recipients by way of commensurate reduction in price and if so, to *suo moto* determine the quantum thereof and indicate the same in his reply to the Notice as well as furnish all supporting documents. Further, the Respondent was allowed to inspect the non-confidential evidence/information submitted by Applicant No. 1 during the period 01.06.2021 to 04.06.2021, which the Respondent did not avail.
 - ii. From the list of home buyers submitted by the Respondent vide his letter dated 18.09.2021, it was observed that the nature of agreements entered into with the prospective home buyers in

respect of the Respondent's project "AMAATRA HOMES" were mixed, the complete Occupancy Certificate was yet to be received and that the Respondent had opted for payment of GST availing the ITC as envisaged under Notification No. 3/2019-Central Tax (Rate), the period for current investigation has been considered as proposed in the NOI i.e. from 01.07.2017 to 28.02.2021.

- iii. The time limit to complete the investigation was up to 18.09.2021, as per Rule 129(6) of the CGST Rules, 2017. However, due to the force majeure caused by the Covid-19 pandemic, the investigation could not be completed on or before the above date. In terms of Notification No. 35/2020-Central Tax dated 03.04.2020 wherein *"any time limit for completion or compliance of any action, by any authority or by any person, has been specified in, or prescribed or notified under the said Act, which falls during the period from the 20th day of March 2020 to the 29th day of June 2020, and where completion or compliance of such action has not been made within such time, then, the time limit for completion or compliance of such action, shall be extended up to the 30th day of June 2020"*. This was amended vide Notification No. 55/2020 dated 27.06.2020 and 91/2020-Central Tax dated 14.12.2020, issued by the CBIC under Section 168A of the Act wherein the last date for submission of Report had been extended up to 31.03.2021. Further, the Hon'ble Supreme Court of India passed an Order dated 08.03.2021 in *Suo Moto* Writ Petition (Civil) No. 3 of 2020, wherein, it was stated that *"in cases where the limitation would have expired during the period between 15.03.2020 till 14.03.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 15.03.2021. In the event, the actual balance period of limitation remaining, with effect from 15.03.2021, is greater than 90 days, that longer period*

shall apply". The above relief has been extended and the period from 14.03.2021 till further orders shall also stand excluded in computing the limitation period as per the Hon'ble Supreme Court's Order dated 27.04.2021 passed in Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020. Further, the Hon'ble Supreme Court vide its Order dated 23.09.2021 passed in Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020 regarding cognizance for extension of limitation had directed that *"in cases where the limitation would have expired during the period 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event, the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply"*.

- iv. In response to the Notice dated 21.05.2021, various reminders and summons dated 03.09.2021, the Respondent submitted their reply vide letters/emails dated 25.08.2021, 26.08.2021, 02.09.2021, 07.09.2021, 11.09.2021, 16.09.2021, 18.09.2021, 28.09.2021, 29.09.2021, 30.09.2021 and 12.10.2021.
- v. Vide the aforementioned letters/e-mails, the Respondent submitted the following documents/information:
- a. Brief Profile of the Respondent.
 - b. Copies of GSTR-1 Returns for the period July 2017 to February 2021.
 - c. Copies of GSTR-3B Returns for the period July 2017 to February 2021.
 - d. Copy of GSTR-9 Returns for F.Y. 2017-18, 2018-19 & 2019-20.
 - e. Copy of Tran-1.

- f. Copy of Electronic Credit Ledger for the period July 2017 to February 2021.
- g. Copies of VAT Returns for the period April 2016 to June 2017.
- h. Copy of VAT Assessment Order for 2016-17 & 2017-18.
- i. Copies of ST-3 Returns for the period April 2016 to June 2017.
- j. Details of applicable Tax Rates, pre-GST, and post-GST.
- k. Copy of Annexure-IV dated 09.05.2019 in respect of the project "AMAATRA HOMES".
- l. Copy of Balance Sheet for FY 2016-17, 2017-18, 2018-19 & 2019-20.
- m. Details of VAT, ST, ITC of VAT, CENVAT Credit for the period April 2016 to June 2017 and output GST and ITC of VAT, CENVAT Credit for the period July 2017 to February 2021.
- n. List of home buyers of the project "AMAATRA HOMES".
- o. Copy of part Occupancy Certificates (OC) for the towers B, C, D, E, F, G, H & I wherein the part OC for Tower D was granted on 18.08.2021, for the towers B, C & E which was granted on 12.11.2020 and for the Towers F, G, H & I was granted on 16.01.2020.
- p. Copy of Demand Letters and copy of Allotment Letter dated 16.08.2016 issued in respect of Applicant No. 1.
- q. Details of sold and unsold units as on 28.02.2021 in the project "AMAATRA HOMES".
- r. Copy of project Report submitted to RERA in respect of the project "AMAATRA HOMES".

vi. Para 5 of Schedule-III of the CGST Act, 2017 (Activities or Transactions which shall be treated neither as a supply of goods nor a supply of services) reads as "Sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building". Further, clause (b) of Paragraph 5 of Schedule II of the Central Goods and Services Tax Act, 2017 reads as "(b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of the completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier". Thus, the ITC on the residential units which were under construction but not sold was provisional ITC which might be required to be reversed by the Respondent, if such units remained unsold at the time of issue of the Completion Certificate, in terms of Section 17(2) & Section 17(3) of the CGST Act, 2017, which read as under:-

Section 17 (2) "Where the goods or services or both are used by the registered person partly for effecting taxable supplies including zero-rated supplies under this Act or under the Integrated Goods and Services Tax Act and partly for effecting exempt supplies under the said Acts, the amount of credit shall be restricted to so much of the input tax as is attributable to the said taxable supplies including zero-rated supplies".

Section 17 (3) "The value of exempt supply under subsection (2) shall be such as may be prescribed and shall include supplies on which the recipient is liable to pay tax on reverse charge basis, transactions in securities, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building".

Therefore, the ITC on the unsold units in towers 'A' and 'J' in whose case the Occupancy Certificate was yet to be received may not fall within the ambit of this investigation and

the Respondent was required to recalibrate the selling price of such units to be sold to the prospective buyers by considering the net benefit of additional ITC available to him post-GST.

- vii. From the submissions made by the Respondent to the DGAP, it had been observed by the DGAP that he had executed towers A, B, C, D, E, F, G, H, I & J in his project "AMAATRA HOMES". The occupancy Certificate (OC) for Towers F, G, H & I was issued on 16.01.2020, while for Towers B, C & E it was issued on 12.11.2020 and for Tower D, it was issued on 18.08.2021 in the GST regime but the Occupancy Certificate for the towers A & J was yet to be issued.
- viii. Since Applicant No. 1 had booked flat no. J-503 in the building "Tower J" of the Respondent's project "AMAATRA HOMES" having single RERA Registration Number "UPRERAPRJ4783" for the entire project, the investigation had been carried out for the entire project "AMAATRA HOMES" consisting of 10 towers from tower A to tower J.
- ix. From the sold-unsold status as on 28.02.2021 submitted by the Respondent in respect of all the towers of the project "AMAATRA Homes", it was seen that there were total 946 units in total in the said project, out of which 857 units were sold and 89 units remained unsold (including 4 cancelled units). Further, the Respondent vide his email dated 28.09.2021 submitted that the total saleable area of the said project was 10,34,765 sq. ft. and accordingly, the same had been considered for the computation of profiteering in respect of the project "AMAATRA HOMES".
- x. From the submissions made from time to time by the Respondent, it was clear that the credit on input services was admissible to the Respondent under Rule 2(l) of the Cenvat Credit Rules 2004, which was utilized to pay Service Tax.

Further, the Respondent vide mail dated 18.09.2021 submitted the details of turnover and the ITC/Cenvat available. The Respondent vide the said email claimed the ITC of VAT available for the period 2016-17 as Rs.1,15,90,638/- and for the period April 2017 to June 2017 as Rs. 28,22,835/-. Whereas on verification of the Return of Tax paid -monthly/quarterly in form UPVAT-XXIV for the period April 2016 to March 2017 and April 2017 to June 2017, it was observed that the admissible ITC of VAT for the tax period as reflected against serial No. 14 (ii) (f) of the said Return, the ITC of VAT for the period April 2016 to March 2017 was Rs. 1,15,96,699/- and for the period April 2017 to June 2017, it was Rs. 28,09,030/-. Accordingly, the credit of ITC of VAT available for the period April 2016 to June 2017 was considered as Rs. 1,44,05,729/- (Rs. 1,15,96,699/- + Rs. 28,09,030/-) for computation of profiteering.

- xi. Before 01.07.2017, i.e., before GST was introduced, the Respondent was eligible to avail CENVAT credit of Service Tax paid on the input services and also the ITC of VAT. However, CENVAT credit of Central Excise Duty paid on the inputs was not admissible as per the CENVAT Credit Rules, 2004, which was in force at the material time. Further, post-GST, the Respondent could avail the ITC of GST paid on all the inputs and input services. From the information submitted by the Respondent for the period April 2016 to February 2021, the details of the ITC availed by them, his turnover from the project "AMAATRA HOMES" and the ratio of ITC to the turnover, during the pre-GST (April 2016 to June 2017) and post-GST (July 2017 to February 2021) periods was calculated and has been furnished in Table-'A' below:

Table-A			
S. N.	Particulars	Total (Pre-GST) (April 2016- June 2017)	Total (Post-GST) (July 2017- February 2021)
1	CENVAT of Service Tax Paid on Input Services used for flats (A)	3,64,38,625	-
2	Input Tax Credit of VAT Paid on Purchase of Inputs (B)	1,44,05,729	-
3	Input Tax Credit of GST Availed (C)	-	13,68,19,688
4	Total CENVAT/Input Tax Credit Available (D)	5,08,44,354	13,68,19,688
5	Turnover for Flats as per Home Buyers List (E)	77,15,58,845	112,85,60,437
6	Total Saleable Area (in SQF) (F)	10,34,765	10,34,765
7	Total Sold Area (in SQF) relevant to turnover (G)	6,32,773	8,35,311
8	Relevant ITC [(D) (D)*(G)/(F)]	3,10,91,996	11,04,47,224
9	Ratio of Input Tax Credit Post-GST [(E)-(D1)/(E)*100]	4.03%	9.79%

**The calculation above, is based on the home-buyers demand data submitted by the Respondent vide his email dated 18.09.2021 and the credit of ITC of VAT as discussed in para 20 of the Report.*

- xii. From the above Table-'A', it was clear that the ITC as a percentage of the turnover that was available to the Respondent during the pre-GST period (April 2016 to June 2017) was 4.03% and during the post-GST period (July 2017 to February 2021), it was 9.79%. This confirmed that post-GST, the Respondent had benefited from additional ITC to the tune of 5.76% [9.79% (-) 4.03%] of the turnover for the project "AMAATRA HOMES".
- xiii. It was also observed that the Central Government, on the recommendation of the GST Council, had levied 18% GST on Construction Service (after one-third abatement towards the value of land, the effective GST rate was 12% on the gross value), vide Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017. Based on the figures contained in Table- 'A' above, the comparative figures of ITC availed/available as a percentage of the turnover in the pre-GST and post-GST periods and the recalibrated basic price as well as the excess collection

(profiteering) during the post-GST period, has been tabulated in Table- 'B' below:-

Table-B			
S. No.	Particulars		Post-GST
1	Period	A	July 2017 to Feb 2021
2	Effective Output GST rate (%)	B	12%
3	The ratio of CENVAT credit to Total Turnover in pre GST period as per Table - 'A' above (%)	C	4.03%
4	The ratio of ITC to Total Turnover in post GST period as per Table - 'A' above (%)	D	0.79%
5	Increase in ITC availed post-GST (%)	E = D-C	5.76%
6	Analysis of Increase in ITC:		
7	Base Price raised from July 2017 to Feb 2021 (Rs.)	F	112,85,60,437
8	GST raised over Base Price (Rs.)	G = F*B	13,54,27,352
9	Total Demand raised	H = F+G	126,39,87,689
10	Revaluated Base Price	I = F*(1-E) or 94.24% of F	106,35,33,356
11	GST @12%	J = I*B	12,76,26,643
12	Commensurate demand price	K = I+J	119,11,60,000
13	Excess Collection of Demand or Profiteering Amount (in Rs.)	L = H-K	7,28,05,691

xiv. From table- 'B' above, it was clear that the additional ITC of 5.76% of the turnover should have resulted in a commensurate reduction in the basic price as well as cum-tax price for the home-buyers of the project "AMAATRA HOMES". Therefore, in terms of Section 171 of the CGST Act, 2017, the Respondent had not reduced the basic prices for the buyers of this project commensurate to the additional benefits accrued, and this benefit of the additional ITC was required to be passed on by the Respondent to the recipients. In other words, by not reducing the pre-GST basic price on account of the additional benefit of ITC and charging GST @12% on the pre-GST basic price, the Respondent had contravened the provisions of Section 171 of the CGST Act, 2017.

xv. Having established the fact of profiteering, the next step was to quantify the same. Based on the aforesaid CENVAT/ITC availability in the pre and post-GST periods and the demands

raised by the Respondent on the Applicant No. 1 and other home buyers towards the value of construction on which GST liability @12% was discharged by the Respondent during the period 01.07.2017 to 28.02.2021, the amount of benefit of ITC not passed on to the recipients or in other words, the profited amount came to Rs. 7,28,05,691/- which included GST.

- xvi. The Respondent vide his submission dated 16.09.2021, informed the DGAP that he had annexed documents evidencing that the benefit of ITC had been passed on by him to the home buyers with the said submissions. However, no such document was found enclosed. Further, the Respondent in his home buyers list submitted on 18.09.2021 did not claim to have passed on the benefit of ITC to the home buyers. Thereafter, the Respondent vide his email dated 29.09.2021 submitted a list of homebuyers wherein he has claimed to have passed on the benefit of ITC to 524 home buyers amounting to Rs. 1,10,58,570/-. Further, the Respondent along with his letter dated 29.09.2021 submitted a copy of the resolution dated 14.09.2017 passed by the Board of Directors of the Respondent. The contents of the above-said resolution have been reproduced below:-

"RESOLVED THAT" the Consent of the Board be and is hereby accorded for the passing of the benefit from any reduction in the rate of tax on any supply of goods or services or the benefit from Input tax credit on account of implementation of GST, by way of commensurate reduction in prices in final demand letter issued at the time of possession in respect of the project name "Amaatra Homes" in view of Anti-Profiteering measure as per Section 171(1) of GST (CGST/SGST) Act, 2017. Further, the said benefit shall be passed on to the flat owners at the time of issuance of the final demand letter i.e. letter intimating the installment at the time of possession in

Amaatra Homes based on the computation done by the appointed Chartered Accountant and duly certified by the Director of the company.

RESOLVED FURTHER THAT a certified copy of the resolution be given to anyone concerned or interested in the matter."

- xvii. The Respondent along with his said letter dated 29.09.2021 also submitted the copies of demand letters in respect of certain home buyers and copies of demand letters & copies of "settlement between the company and the Allottee(s) with respect to the interest for delayed payment of installments by the Allottee(s) and Penalty charges for delayed possession offer as well as flat cost, GST Rebate, and possession charges" in respect of certain other homebuyers. Such said documents were submitted in respect of a total of 490 home buyers out of 524 home buyers in whose case the Notice had claimed to have passed on the benefit of ITC. However, the Respondent had submitted email ids of 512 home buyers only. Further, the Respondent in his demand letters issued to the individual home buyers had mentioned some amount indicating "less GST", however no specific mention of passing on the additional benefit of ITC under Section 171 of the CGST Act, 2017 could be found in the said demand letter. To verify the claim of the Respondent of passing on the benefit of ITC to 524 home buyers, emails were sent to all the 512 homebuyers in respect of whom email ids were provided by the Respondent for confirmation of the receipt of the benefit of the ITC by the home buyer. A summary of the emails sent and replies received from the homebuyers was furnished in Table C below:

Table - 'C'

S. No.	Particulars	Amount
1	Number of home buyers (for profiteering calculation)	768
2	Number of Home buyers where the Respondent has claimed to have passed on the ITC benefit by way of reduced demand	524
3	Number of home buyers out of (2) above in respect of whom the Respondent has submitted documentary evidence for passing on the benefit of Input Tax Credit	490
4	Number of home buyers out of (2) above where email ids have been submitted by the Respondent	512
5	Number of emails sent by the office to the home buyers out of (4) above for confirmation of the receipt of the benefit of ITC	512
6	Total Number of home buyers, out of (5) above, who have replied (Annex-20)	54
7	Number of home buyers, out of (6) above who have confirmed the receipt of the benefit of ITC	38
8	Number of home buyers, out of (6) above who have denied the receipt of the benefit of ITC	8
9	Number of home buyers, out of (6) above, who have given other reasons	8
10	The total amount of benefit of ITC confirmed by the 38 home buyers as above in (7)	7,24,522/-
11	**Total amount of benefit of ITC admissible out of (10) above	7,17,439/-

***As seen from Table-C above the amount of ITC benefit confirmed by the two home buyers (owners of unit number F401 and F902) was more than the amount worked out in their respect. The excess amount of ITC benefit confirmed by such 2 home buyers could not be set off from the total benefit of ITC to be passed on in as much as the benefit of ITC was calculated based on the saleable area, schedule of payments, and other relevant parameters specific to each home buyer. Accordingly, the benefit of ITC confirmed to have been passed on in respect of the above 2 home buyers had been restricted to the amount of benefit of ITC worked out as detailed above.*

- xviii. A summary of the benefit of ITC required to be passed on and the ITC benefit claimed to have been passed on in respect of the Applicant No. 1 and the other home buyers has been furnished in Table-D below:-

Table- 'D'

(Amount in Rs.)

S. N.	Category of Home Buyers/Flat/s/ Units	No. of Units	Area (in Sqft)	Demands raised and advances received post-GST by the Respondent	Profiteered Amount	Amount of ITC benefit confirmed to have been received by the home buyers	Net Profiteered amount to be passed on
A	B	C	D	E	F	G	H F-G
1	Applicant	1	1405	13,13,814/-	84,752/-	0	84,752/-
2	Home buyers who have confirmed the receipt of ITC Benefit over email	58	40709	2,97,30,054/-	19,17,945/-	**7,17,439/-	12,00,506/-
3	Home buyers who have denied the receipt of ITC Benefit over email	8	7825.5	37,59,204/-	2,42,514/-	0	2,42,514/-
4	Other Buyers	721	785371	109,37,37,365/-	7,05,60,475/-	0	7,05,60,475/-
5	Flats/Units that have been sold post receipt of OC	30	50231	-	-	-	-
6	Flats/Units where no demands raised/ advances received post-GST/ negative demand	39	40619	-	-	-	-
7	Unsold Flats/Units	89	108004.3	-	-	-	-
Total		946	1034765	112,85,60,437/-	7,28,95,691/-	**7,17,439/-	7,20,88,252/-

*** Amount of ITC benefit confirmed to have been received by the owners of unit numbers F401 and F902 was more than the amount worked out in their respect. The excess amount of ITC benefit confirmed by such 2 home buyers could not be set off from the total benefit of ITC to be passed on in as much as the benefit of ITC was calculated based on the saleable area, schedule of payments, and other relevant parameters specific to each home buyer. Accordingly, the benefit of ITC confirmed to have been passed on in respect of the above 2 home buyers had been restricted to the amount of benefit of ITC worked out in respect of them.*

xix. From the sold-unsold status as on 28.02.2021 submitted by the Respondent in respect of all the towers of the project "AMAATRA Homes", it was seen that there were total 946 units

in total in the said project, out of which 857 units were sold and 89 units remained unsold (including 4 cancelled units). The Respondent vide his submission dated 18.09.2021 submitted a copy of the home buyers list containing details of 857 home buyers. On verification of the same, it was seen that 50 units of the said project had been sold post-OC. As Such these 50 units had not been considered for computation of profiteering. Further, it was observed that demands had been raised and advances received post-GST in respect of 768 units/home buyers only. Hence, 768 units of Towers A to J of the project "AMAATRA HOMES" had been considered for the computation of profiteering.

- xx. The DGAP concluded that post-GST, the benefit of additional ITC to the tune of 5.76% of the turnover, accrued to the Respondent, and the same was required to be passed on by the Respondent to Applicant No. 1 and the other eligible recipients. Section 171 of the CGST Act, 2017 had been contravened by the Respondent, in as much as the benefit of additional ITC on the demand raised by the Respondent during the post-GST period from 01.07.2017 to 28.02.2021, had not been commensurately passed on to the Applicant No. 1 and the other recipients. On this account, the Respondent had been found to have profited by Rs. 7,28,05,691/- (Seven Crore Twenty Eight Lakh Five Thousand Six Hundred Ninty One only) which included 12% GST amount over the basic price. Further as detailed in Table-'C' above, the benefit of ITC amounting to Rs. 7,17,439/- had been considered to have been passed on to 38 home buyers out of the 524 home buyers (as discussed against serial No.11 of Table-'C'). Hence, the Respondent was required to further pass on the benefit of ITC amounting to Rs.7,20,88,252/- (Rs.7,28,05,691 – Rs.7,17,439) to the home buyers including the Applicant No. 1, which included 12% GST amount over the basic price. The

profiteered amount in respect of Applicant No. 1 for his unit J-503 in the Respondent's project "AMAATRA HOMES" amounted to Rs. 84,757/- (inclusive of GST).

- xxi. The above said computation of profiteering was concerning 768 home buyers including Applicant No. 1. All the home buyers were identifiable as the Respondent had provided their names, email ids, and phone numbers along with unit nos. allotted to them. Computation of profiteering in respect of the individual home buyers was enclosed.
- xxii. The present investigation covered the period from 01.07.2017 to 28.02.2021. Profiteering, if any, for the period post-February, 2021, had not been examined as the exact quantum of ITC that will be available to the Respondent in the future could not be determined at this stage, when the construction of the project was yet to be completed. Further, In respect of the units/home buyers in whose case agreement had been made before the receipt of the Occupancy Certificate and where the balance amount was yet to be demanded, the Respondent had to work out the element of profiteering on similar lines as discussed/calculated above and to pass on the benefit of ITC to the respective home buyers.
3. The above Report was carefully considered by the Authority and a Notice dated 03.03.2022 was issued to the Respondent to explain why the Report dated 27.10.2021 furnished by the DGAP should not be accepted and his liability for profiteering in violation of the provisions of Section 171 should not be fixed. The Respondent was directed to file written submissions which had been filed vide submissions dated 08.04.2022 and 02.07.2022 wherein the Respondent had inter-alia submitted the following points:-
- A. No opportunity was given to him to inspect the information submitted by the Applicant No. 1 or a copy of the Application filed by the Applicant No.1 or the minutes of the Screening

Committee Meeting and hence the investigation proceedings were bad in law. The DGAP in Para no. 7 of the Report had stated that the Respondent was allowed to inspect the non-confidential evidence/information submitted by the Applicant No. 1 during the period 01.06.2021 to 04.06.2021, which the Respondent didn't avail. He stated that nonetheless he should have been given the said opportunity.

B. The investigation had been carried beyond the scope and hence bad in law:

i. As per the stay order granted by the Hon'ble High Court of Delhi in the case of Abbott Healthcare (P.) Ltd. v. Union of India [2019] 106 Taxmann.com 161, the investigation should be restricted only to the unit in respect of which the complaint had been filed or the same class of buyers and not to the whole project.

ii. The investigation must not go beyond the application submitted by Applicant No. 1 as per the Orders of this Authority passed as had been held in the case of Dinesh Mohan Bhardwaj Vs. Vrandavaneshwree Automotive (P.) Ltd. [2018] 92 taxmann.com 360/67 GST 429 (NAA) and Rishi Gupta Vs. Flipkart Internet (P.) Ltd . [2018] 95 taxmann.com 221/68 GST 443 (NAA). As there was only one Applicant who had filed the complaint, the DGAP should not *suo-moto* assume jurisdiction concerning other recipients (home-buyers) of the Respondent.

C. That non-disclosure of one of the key documents submitted as proof of ITC being passed on to the buyers. The DGAP in Para no. 11 of the Report stated the list of documents submitted by the Respondent during the various submissions. The Respondent has also submitted No Objection Certificates duly signed by the buyers wherein it was stated that there was no

claim outstanding on account of the GST rebate. This was submitted as proof of passing on the benefit to the buyers on account of GST. However, this Authority had not mentioned the said NOC in the list of documents submitted.

D. That in absence of a prescribed method of calculation of profiteering in the act or the rules or the procedure, the proceedings are arbitrary and liable to be dropped: -

i. Rule 126 of the CGST Rules, 2017 provides that this Authority may prescribe methodology and procedure for a determination as to whether the reduction in the rate of tax on the supply of goods or services or the benefit of ITC has been passed on by the registered person to the recipient by way of commensurate reduction in prices. The relevant Rule 126 has been extracted for ease of reference:-

"126. Power to determine the methodology and procedure.- The Authority may determine the methodology and procedure for determination as to whether the reduction in the rate of tax on the supply of goods or services or the benefit of input tax credit has been passed on by the registered person to the recipient by way of commensurate reduction in prices"

ii. No methodology/ procedure for the determination as to whether the reduction in the rate of tax had been passed on or whether the increased benefit of ITC had been passed on had been laid down to date.

iii. There was no definition of "profiteering" provided for under the Act. In the absence of any methodology and guidelines for implementation of the provisions of Section

171 of the CGST Act, the entire exercise undertaken by the DGAP was arbitrary and nullity.

iv. It was settled law that where there was no machinery for assessment, the law being vague, it would not be open to the Assessing authority to arbitrarily assess to tax the subject. In this regard, reliance could be placed upon the decision of the Hon'ble Supreme Court in the case of CIT, Bangalore Vs. BC Srinivas Shetty reported at 1981 2 SCC 460, the Hon'ble Supreme Court held that the charging section was not attracted where the computation provision was inapplicable. Below are the relevant extracts from the judgment:-

"8. Section 45 charges the profits or gains arising from the transfer of a capital asset to income tax. The asset must fall within the contemplation of the section. It must bear that quality that brings section 45 into play. To determine whether the goodwill of a new business is such an asset, it is permissible, as we shall presently show, to refer to certain other sections of the head "Capital gains". Section 45 is a charging section. For the purpose of imposing the charge, Parliament has enacted detailed provisions in order to compute the profits or gains under that head. No existing principle or provision at variance with them can be applied for determining the chargeable profits and gains. All transactions encompassed by section 45 must fall under the governance of its computation provisions. A transaction to which those provisions cannot be applied must be regarded as never intended by section 45 to be the subject of the charge. This inference flows from the general arrangement of the

provisions in the Income-tax Act, where under each head of income the charging provision is accompanied by a set of provisions for computing the income subject to that charge. The character of the computation provisions in each case bears a relationship to the nature of the charge. Thus, the charging section and the computation provisions together constitute an integrated code. When there is a case to which the computation provisions cannot apply at all, it is evident that such a case was not intended to fall within the charging section. Otherwise, one would be driven to conclude that while a certain income seems to fall within the charging section, there is no scheme of computation for quantifying it. The legislative pattern discernible in the Act is against such a conclusion. It must be borne in mind that the legislative intent is presumed to run uniformly through the entire conspectus of provisions about each head of income. No doubt there is a qualitative difference between the charging provision and a computation provision. And ordinarily, operation of the charging provision cannot be affected by the construction of a particular computation provision. But the question here is whether it is possible to apply the computation provision at all if a certain interpretation is pressed on the charging provision. That pertains to the fundamental integrity of the statutory scheme provided for each head."

- v. Further, reliance was placed upon the decision of the Hon'ble Madras HC in the case of Ethernet Everest Ltd. UOI reported at 1997 (89) ELT 28 Mad, where the

Hon'ble Madras High Court had held that in absence of machinery provisions on the determination and adjudication upon a claim or objection, the statutory provision would not be applicable;

- vi. Leaving the mechanism and procedure for determining whether the increased benefit of ITC had been passed on by the assessee and whether the same was commensurate to the reduction of prices, to the executive without framing any guidelines is violative of Articles 14 and 19 of the Constitution of India and therefore the provision of Section 171 of the CGST Act read with Rule 126 of CGST Rules was ultra vires the Constitution of India and therefore, the steps taken in pursuance of the same by the Standing Committee and the DGAP was without jurisdiction and arbitrary.
- vii. The 'Procedure and Methodology' issued by this Authority on 19.07.2018 was the procedure pertaining to the investigation and hearing. However, no method/formulae had been notified/prescribed pertaining to the calculation of the profiteering amount. It was submitted that in absence of any such methodology of formula prescribed under the laws, any calculation by the DGAP was without the authority of law and could not be relied upon for any proceedings under the GST laws.
- viii. Since the GST law was silent on the method or formula of computation to ensure compliance with the anti-profiteering provisions, it was impossible to defend and explain how the observations and findings on the complaint were incorrect. Thus, it violated the principles of natural justice.

E. That the methodology adopted by the DGAP in the present case was arbitrary and hence the same needed to be set aside:- The methodology adopted by the DGAP for determining the profiteering based on the ratio of ITC to turnover was flawed, erroneous, and contrary to the interpretation of Section for the reasons set out hereunder:

i. The DGAP had failed to consider that ITC had no nexus or correlation to the turnover since the ITC of a builder/developer was dependent on the goods and services procured during a financial year and not on the revenues generated. Simply put, the ITC was available on the inputs and input services procured by a builder during a particular period and not on the amount of consideration received from a customer. The same became more evident from the following illustrations:-

a. A builder launched a project and took a loan from the bank to start construction. Various goods and services were procured by the builder for construction works. However, no or negligible amount was received from the customers. In such circumstances, while the ITC amount would be huge, the turnover would be meagre leading to a distorted ITC to turnover ratio;

b. Similarly, in the next years when such builders would receive a substantial amount from the customer, but the comparative construction would be lower, the ITC to turnover ratio would again get skewed;

c. Also, for instance, where a builder sold all the flats in a year on a down payment basis, but the construction took place in 3 years, ITC to turnover ratio would be highly skewed in 2nd and 3rd year where no payments were received from customers. Similar complexities

would arise in scenarios where the flats were sold on different payment plans such as 50:50 payment plans, subventions schemes, etc.

Therefore, ITC to turnover ratio was a highly unreliable methodology and a comparison of the ITC to turnover ratio in a different year did not in any manner reflect the availability of additional ITC available in the hands of the builder.

- ii. There was no synchronization between the work done and the billing done by the Respondent. From the various agreement copies along with the home buyers list, it was evident that the Respondent had payment-linked plans in most of the cases. Thus, there was no synchronization between the work done and the billing which also led to no synchronization between credit availment and the billing. Hence the ratio computed by the DGAP based on turnover was not correct.

Billing Details as per Home Buyer List	
Particulars	Amount (Rs.)
Total agreement value for the flats sold in the pre-GST regime [Column 9 of the Home Buyers List excluding the value of flats sold post-GST]	2,009,336,563
Billing done till 30.06.2017 [Column 10 + Column 11 of Home Buyers List]	1,576,154,453
% of billing done till 30.06.2017	78%

- iii. That the lack of synchronization between the work done and the billing could also be established from the fact that the Respondent had done the billing of 78% of the amount due during the pre-GST period. However, the amount spent on construction during this period was only 45% of the total cost, and hence the Respondent would receive 22% of the total payment due during the post-GST period

when it would have to spend 55% of the total cost on construction. While calculating the ITC against the taxable value during the pre-GST period, the taxable value should be accordingly adjusted by giving effect to the above issue during the pre-GST and post-GST period and the percentage of ITC should be accordingly recalculated. Below is the detailed table justifying the same:-

Construction cost	
Particulars	Amount (Rs.)
Total construction cost as per balance sheet as on 31.03.2017	1,451,777,190
Less:- Land expenses	541,327,824
Less:- Borrowing cost	27,229,268
Add:- Construction cost April to June 2017	70,000,561
Construction cost as on 30.06.2017 -(A)	950,720,659
The total cost of the project-(B)	2,093,801,195
% of construction cost incurred till 30.06.2017 - (A)*100/(B)	45%

Copy of balance sheet for FY 2017-18, Trail balance for the period April 2017 to June 2017.

- iv. Thus, the methodology of comparing the ratio of ITC to the turnover for the pre-GST and the Post GST period adopted to calculate profiteering by the DGAP would not yield the correct quantum of profiteering. The comparison of the above ratios was not appropriate for the reason that in the real estate sector, there was no correlation of turnover with the cost of construction or development of a project. The turnover reflected the amount collected as per the payment or booking plan issued by the developer which was dependent upon a marketing-driven strategy. On the contrary, the ITC credit would accrue to a developer based on the actual cost incurred by him while undertaking the development of the project. Thus, the accrual of ITC was not dependent on the amount collected from the buyers. Accordingly, the calculation of

profiteering based on the turnover would not reflect the correct outcome.

- v. The DGAP failed to consider that, unlike other products which had a short production-to-market cycle, the construction of flats takes multiple years involving multiple changes in construction costs due to ensuing inflation, etc. and therefore computation of profiteering in the real estate sector could not be done in a piecemeal manner on financial year basis and would necessarily need to be done on a complete project basis that too after duly considering other peripheral issues such as escalations, labour costs, etc.
- vi. The additional ITC in the hands of the Respondent in terms of Section 171 of the CGST Act, 2017 should be that ITC on goods or services which was not available earlier. However, the approach adopted by the DGAP for calculating the additional benefit, which had accrued to the Respondent, had considered the change in the rate of tax on input goods and services, the credit of which was available earlier. They had not considered the tax cost which was earlier blocked in the hands of the Respondent. Hence, the above approach of comparison of ITC to turnover ratio for the pre-GST and the post-GST period was not a correct approach and thus, liable to be discarded. The DGAP had failed to consider that a mere difference in ITC availed pre and post-GST era could not be said to be the profit that had accrued to a builder/developer and several other factors merit to be considered such as a change in the rate of tax on various inputs and input services, non-availability of credit of Excise Duty which was built in the cost of inputs. For instance, on account of an increase in the rate of GST on various inputs/input

services from 12.5% / 15% to 18% / 28%, the ITC to turnover ratio would be higher but the same did not in any manner reflected the availability of additional ITC as the builder/developer incur additional cost for procuring such services. The comparison of tax rates under the erstwhile and post-GST regime is as under:

S.No	Description of Goods/Services	Tax Rate under erstwhile Regime	Post-GST Tax Rate
1	Architect	15%	18%
2	Brokerage	15%	18%
3	Steel	5.25%	18%
4	Cement	13.5%	28%

As evident from the table above, the Respondent would be paying GST at the rate of 18%/28% on the inputs instead of 5.25%/15%, due to which it would be eligible for a much higher amount of ITC which would, in turn, increase the ITC to Turnover ratio. However, such an increased ITC to turnover ratio could not in any manner be considered an additional benefit that had arisen to the Respondent.

- vii. The profiteering prepared by the DGAP was incorrect as the Authority had compared the credit based on turnover and computed the benefit arising under GST. It was pertinent to note that the profit to the Respondent had remained the same irrespective of the rate of GST charged on the product. The same could be seen from the following Table-'A' where it was assumed that the sale price was Rs.120.

S.No	GST rate of input	Cost of input	GST amount	Total invoice value	ITC under GST	Net cost to Company	Selling price	Gross profit	Ratio as per DGAP working
A	B	C	$D=C*B$	$E=C+D$	$F=D$	$G=E-F$	H	$I=H-G$	$J=D/H$
1	28%	100	28	128	28	100	120	20	23.3%
2	18%	100	18	118	18	100	120	20	15%
3	12%	100	12	112	12	100	120	20	10%
4	5%	100	5	105	5	100	120	20	4.17%

It could be seen that just because the GST rate had increased or decreased on a particular product, the ITC worked out by the DGAP had changed drastically. However, the gross profit and cost to the Respondent had remained constant irrespective of the GST rate on the product. This show that the computation of the profiteered amount by the DGAP suffered from an inherent fallacy and could not be accepted.

- viii. Section 171 of CGST Act, 2017 provides for provisions pertaining to Anti-Profiteering under GST in case of reduction of output tax liability. There was no reduction in the rate of tax in the case of the Respondent. On the contrary, the tax rate on construction activity had increased in the post-GST regime. Hence, there was no question of profiteering on account of the reduction in tax rates. Further, the said Section states that the benefit on account of the ITC should be passed on to the recipient. However, it was pertinent to note that not much additional benefit had arisen to the Respondent on account of the ITC on the inception of GST. The credit of Service Tax and VAT was duly admissible to the Respondent in the pre-GST regime.

Only the credit of Excise Duty levied on the goods was not admissible to him in the pre-GST regime. With the advent of GST, entire credit on purchases was now available to him. Thus, the additional benefit arising out of the introduction of GST was only the component of Excise Duty in respect of the material used in the execution of the project in the GST period. However, since the majority of the purchases made by the Respondent were from the traders, not much benefit had flown on that account as well. Further, major procurements for the products attracting Excise Duty were done in the pre-GST regime only. To illustrate: 83% of the steel procurements were done in the pre-GST regime only. And, the balance 17% of the steel procurements were only done in the post-GST regime. Thus, the additional benefit on account of Excise Duty is not much in the post-GST regime. Thus, the proportionate methodology adopted by the DGAP of comparison of ITC to turnover ratio for the pre-GST and the post-GST period was not a correct approach and is thus liable to be discarded.

- ix. Further, the computation done by the DGAP did not consider the impact of the increase in the cost of construction. The cost of construction has increased on account of abnormal price rise on the inputs which should have been taken into account and accordingly set off should have been given. That the Respondent would like to submit that though the benefit of ITC was made available post GST, the basic cost of the procurements had increased abnormally which resulted in setting off of the benefit of ITC. Below is the list of major items on which there has been a significant price increase:

Product	Pre-GST rate	Post-GST rate	% increase
Steel	34,120/mt	38,884/mt	14%
Granite	49 /sqft.	75/sqft	53%
RMC	3500/cum	4220/cum	20%

- x. That the Respondent had been a duly compliant corporate citizen and had complied with the provisions of Anti-Profitteering as envisaged in Section 171 of the CGST Act, 2017. He had duly passed on the benefit arising on account of the ITC in demand note raised/yet to be raised at the time of final possession to the customers in the GST regime. In the absence of the specific methodology for computation of benefit, the Respondent had decided to pass on the benefit at the time of possession at an estimated percentage via the board resolution dated 14th Sep 2017 and had duly passed the same. The details of the benefit passed on to buyers were duly provided to the DGAP in the Home Buyers list along with documentary proofs.
- xi. That the Respondent had made an estimated computation of the additional benefit which had accrued to him in the absence of specific formula in GST law. This computed benefit had been or would be distributed to the home buyers. The total benefit passed on by him is INR 1.1 crores. Details of the benefit passed on to the customers were mentioned in his homebuyer's data.

F. Considerable Reduction in Average Sale Price:-

- i. That as per Section 171 of CGST Act, 2017, the benefit on account of Anti-Profitteering shall be passed on by commensurate reduction in prices. It was pertinent to note that the average sale price of the flat in the post-GST regime

had reduced to Rs. 2,842 (after considering the value as per the homebuyers list as reduced by various discounts like waiver of registry fees, waiver of possession charges, etc. given by the Respondent) *vis a vis* a pre-GST price of Rs. 3,060. Thus, there had been a reduction of 7.15% in the price. The same could be established from the home buyers list data provided to the DGAP along with a copy of ledgers from books of accounts. The Authority had not considered the said fact in its report and thus the anti-profiteering computation done by them was incorrect.

Particulars	Amount
Agreement value of residential flats booked in Pre-GST regime [As per home buyer list]	1,950,442,804
Total Area sold pre-GST	637,310
Average Sale Price Pre-GST-(A)	3,060
Agreement value of residential flats booked in post-GST regime [As per home buyer list]	679,269,639
Less: Various discounts offered Post GST (excluding benefit as per board resolution at the time of final possession)*	24,778,517
Total Area sold Post-GST	230,326
Average Sale Price Post-GST-(B)	2,842
Reduction in Average Sale Price	219
% reduction in Average Sale Price	7.15%

**Discount includes the waiver of registry expenses of the total amount of Rs.17,144,394 out of which the actual benefit passed as of date is Rs. 4,283,568. Copy of ledger attached as proof for actual benefit passed on. The balance will be passed on at the time of registry.*

G. Proportionate ITC had been computed wrongly for the pre-GST regime:-

i. Assuming though not admitting that the methodology adopted by the DGAP was correct, the proportionate ITC

computed for the pre-GST period was not correct. In the pre-GST period, there was no specific provision to reverse the ITC already availed before the issuance of the Completion Certificate with respect to the flats where the entire consideration was received post-issuance of the Completion Certificate. Unlike the ITC provisions under GST, as per Rule 3 of the Cenvat Credit Rules 2004, credit eligibility was to be examined as on the date of receipt of input service and not governed by later developments such as a portion of property getting converted into the immovable property after receipt of Completion Certificate. While Rule 6 of the CCR, 04 dealt with credits availed afresh, i.e. after output activity becomes exempt. However, Rule 11 was the only provision that dealt with credits availed in the past when output activity was wholly taxable however, at a later point in time, became exempt. A harmonious reading of Rule 3 of the CCR, 04 read with Rule 6 and Rule 11 of the said Rules suggested that eligibility/entitlement to credit had to be examined only at the time of receipt of input service and once it was found to be availed at a time when output service was wholly taxable, and the said credit was availed legitimately, the same could not be denied and/or recovered unless specific machinery provisions were made in this regard. As per the above TRU clarification dt.28.2.07, even if one assumed the sale of the immovable property after the Completion Certificate to be "exempt service" even going by the findings in the impugned order, even then there was no legal requirement to reverse any credit availed on "input services" in the past (before obtaining Completion Certificate) at all. Honourable Gujarat High Court in the case of Principal Commissioner vs Alembic Ltd. [2021] 126 taxmann.com 3 (Gujarat) had held that Credit entitlement was on the date of

receipt of inputs/input services if output activity was taxable. Unlike inputs, there was no provision of recovery of credit of input services, if a part of output service became exempted later on - Rules 6 and 11(4) of Cenvat Credit Rules, 2004. Below is the relevant extract from the judgement:

"17. From the above sub-rule (4), it is clear that even if an output service provider avails the credit and output service becomes exempted in such case the credit only in respect of inputs lying in stock or is contained in taxable service is required to be paid whereas there is no provision for payment of Cenvat credit equivalent to the input services used in respect of exempted service. Therefore, Cenvat credit availed in respect of input service is not required to be paid back under any circumstances and therefore, the respondent was not legally required to reverse any credit which was availed by them during the period 2010 till obtaining completion certificate i.e. during the period when output service was wholly taxable in their hands, merely because later on, some portion of the property was converted into immovable property on account of receipt of completion certificate and on which no service tax would be paid in future."

Similarly, Ahmedabad CESTAT in its order No. A/12229-12232 OF 2018 ST/10017, 10018, 11475 & 11476 OF 2018-DB dated Oct 23, 2018, in case of Alembic Ltd. v Commissioner of Central Excise & Service Tax, Vadodara - I [2019] 101 taxmann.com 461 (Ahmedabad - CESTAT) had held that it was not required to reverse Cenvat Credit availed during the period when output service was wholly taxable before receipt of Completion Certificate, per the law. Below is the relevant extract from the judgement:

"19. We accordingly hold that the Appellants were not legally required to reverse any Credit which

was availed by them during the period 2010 till obtaining Completion Certificate, i.e. during the period when output service was wholly taxable in their hands, merely because later on, some portion of the property was converted into immovable property on account of receipt of Completion Certificate and on which no Service Tax would be paid in future."

Thus, the entire ITC which was incurred in the pre-GST regime was the relevant ITC and hence the pre-GST ITC to turnover ratio should be 6.59 and not 4.03. And, the incremental ITC benefit should be 3.20, and accordingly, the profiteering amount should be derived. Further, the amount which had already been passed by the Respondent should be deducted from the profiteering amount to arrive at the differential amount due to be paid. Below is the revised computation based on the said submission:

A. Ratio of Relevant ITC to turnover

S. No.	Particulars	April 2010 to March 2017	April 2017 to June 2017	Total (Pre GST)	Post GST to ITC up to the date of CC/total turnover from flats booked till CC
1	CENVAT of Service Tax paid on Input Services (A)	29,116,955	7,302,570	36,419,525	-
2	The input Tax credit of VAT paid on the purchase of inputs (B) Note-4	11,590,638	2,822,835	14,405,729	-
3	Relate of VAT (WCI) paid to registered contractor (C)				
4	Total CENVAT/ Input Tax Credit Available (D = A + B - C)	40,726,693	10,125,405	50,841,354	0
5	Input Tax Credit of	-	-	-	136,819,638

	GST Availed (E)				
6	Total Taxable Turnover(F)	552,622,423	343,161,417	771,558,845	1,128,560,437
7	Total Saleable Area of Flats/Commercial Shops in the project (sq mt) (G)			1,034,765	1,034,765
8	Area Sold relevant to above turnover as per returns (H)			632,773	835,311
9	Relevant Convst/TTC [I = D* (H/G)]			50,844,354	110,447,290
10	The ratio of Convst/TTC to Total Turnover [J = I*100/F]			6.59	9.79

B. Benefit computation based on the methodology followed by the DGAP:

However, the Respondent did not agree with the computation methodology followed by the DGAP for the various reasons stated above.

S.no.	Particulars		Pre - GST	Post - GST
1	Period	A	April 2016 to June 2017	July 2017 till Oct 2019
2	Input Tax rate	B		
3	The ratio of CINVAT/ Input tax credit to taxable turnover as per Table- A	C	6.59	9.79
4	Increase in tax rate post - GST (%)	D		
5	Increase in input tax credit availed Post - GST (%)	E		1.59
Analysis of increase in input tax credit:				
6	Basic price raised during July 2017 to date of OC (other than cancelled units) @ 12%	F		1,128,560,437
7	GST collected @ 12% over basic Price	G = F*12%		135,427,252
8	Total Demand raised	H = G + F		1,263,987,689
9	Re-calibrated Basic Price @ 12%	M = F*(1-E) or 96.80% of F		1,092,446,505
10	GST @ 12%	N = M*12%		131,093,580
11	Comprehensive Demand price	Q = M + N + O + F		1,223,540,083
12	Excess collection of demand or Profiteering amount	R = L - Q		48,447,606

H. The DGAP's Report was based on oral evidence instead of documentary evidence, thus liable to be set aside:

I. The DGAP in his report has relied upon oral evidence instead of documentary evidence. In para 27 of the DGAP

Report, it was stated that emails were sent to all 512 homebuyers out of which only 54 home buyers had replied. Based on the replies, 38 home buyers had confirmed that the benefit of ITC had been passed and 8 homebuyers had denied the receipt of the benefit of ITC and the rest 8 homebuyer had given other reasons. Thus, DGAP had considered the benefit of ITC passed to the 38 homebuyers only amounting to INR 7,17,439. However, the actual benefit passed on by the Respondent was much more than the same for which various documentary proofs had been submitted by the Respondent to the DGAP like original agreement copy, final demand letter issued at the time of possession stating the amount of GST benefit being passed on reflected under the head of GST rebate, NOC signed by the home buyers specifically stating that there are no dues on account of GST rebate and that they had been duly passed. The DGAP had not considered the said documents and thus the quantum of anti-profiteering amount computed was not correct.

- ii. Section 59 of Indian Evidence Act, 1872 states that all facts except that of the contents of a document can be proved as oral evidence. In a landmark case of *Bhima Tima Dhotre v. The Pioneer Chemical Co.* it was held that *"Documentary evidence becomes meaningless if the writer has to be called in every case to give oral evidence of its contents. If that were the position, it means that, in the ultimate analysis, all evidence must be oral and oral evidence would virtually be the only kind of evidence recognized by law. This provision would indicate that to prove the contents of a document utilizing oral evidence would be a violation of this section"*.

Further, in *Bhawanbhai Premabhai v. Bai Vahali* [AIR 1955 Bombay 320], the Court held that The evidence law of India regards the "Best Evidence Rule" as a principle guiding the Indian Evidence Act 1872. By the Best Evidence Rule, we mean that the secondary evidence won't be applicable when primary evidence exists. An essential component of the evidence law was that the best proof or the best evidence ought to be given importance in all cases. Where the demonstration of proof was shown by way of a record, this record was the best evidence of reality. Oral evidence had less value than documentary evidence because oral evidence requires corroboration for its acceptance. Thus, the ignorance of documentary evidence produced by the Respondent by the DGAP was not legally viable.

- I. Mere non-mentioning of a specific section under which benefit was being passed could not be held grounds for concluding that benefit had not been passed:- Para 27 of the DGAP Report stated that there was no specific mention of the passing of the additional benefit of ITC under Section 171 of CGST Act, 2017 on the demand letter submitted by the Respondent. The Respondent did not agree with the said contention of the authority. The Respondent had submitted a copy of the board resolution as well as NOCs from the home buyers along with demand letters which clearly show the deduction on account of the GST rebate. The use of the word rebate itself means it was a discount on account of GST. Merely non-mentioning of a Section in the demand letter could not be held as a valid ground for concluding that the benefit of GST had not been passed when it was clearly evident that a deduction had been made.
- J. Without prejudice request for reconsideration of the investigation report on limited grounds:- without prejudice to

the aforementioned preliminary submissions on merits, which were not exhaustive and for which the Respondents reserved the right to file a detailed response at an appropriate stage, if necessary, it was submitted that even in case the methodology of the DGAP was to be accepted, it suffered from patent errors as discussed in the preceding paragraphs. It was submitted that if such patent errors on the face of the Investigation Report were removed, even by the methodology of the DGAP, it would stand established that the Respondent had not profited from the introduction of GST.

- K. This Authority in its Notice stated to submit all the relevant documents which included the Demand letter & NOCs. Since all the documentation had already been submitted to the DGAP and also keeping in mind the voluminous nature of the documentation.
 - L. The DGAP has incorrectly included GST already paid by the Respondent to the Government in the profiteering amount.
4. A Copy of the above submissions dated 08.04.2022 & 02.07.2022 filed by the Respondent was supplied to the DGAP for supplementary Report under Rule 133(2A) of the CGST Rules, 2017. The DGAP filed his clarifications vide supplementary reports dated 13.05.2022 & 16.08.2022 wherein clarified that:-
- i. As regards Respondent's contention that no opportunity was given to inspect the information submitted by Applicant No. 1 was incorrect. The DGAP has provided the opportunity to the Respondent to inspect the non-confidential evidence/information submitted by Applicant No. 1 in its office on any working day during the period 01.06.2021 to 04.06.2021. The DGAP had also provided for inspection of the said documents through zoom call or any other secure electronic platform

during the said period given the prevailing situation due to Covid 19 pandemic at that time. However, the Respondent had neither availed the opportunity of physical inspection of the documents nor placed any request for online inspection of the documents as discussed supra. The Respondent was informed of the details of Applicant No. 1 and also the basis for preferring such application by the Applicant No. 1 in the Notice of investigation itself issued by the DGAP. Further, until the Respondent were contacted over phone after tracing the available phone numbers on internet, he did not bother to check his mail and respond till reminded to do so over a telephonic call.

Accordingly, the citations of Smt. Ritu Devi v. CIT[2004]141 Taxman 559 (Mad.) and E. Vittal Vs. Appropriate Authority [1996] 221 ITR were not relevant to the issue as the Respondent had been given sufficient time and opportunity and also had been provided all the requisite documents to represent his case and the Report was also prepared based on the information / documents submitted by the Respondent from time to time. Further, the Respondent was also provided an opportunity to represent his case in person through video conferencing which the Respondent had declined.

Further, the State Screening Committee constituted under Rule 123(2) of the CGST Rules, 2017 has been entrusted with the job of examination of the applications and upon being satisfied that the supplier has contravened the provisions of section 171, to the forward the application with its recommendations to the Standing Committee for further action under Rule 128(2) *ibid*. However, it has not been envisaged under the provisions of the said Rule to provide the details of

examination to the Respondent. Accordingly, the same was not supplied to the Respondent.

- ii. Further, regarding Respondent's contention that investigation had been carried beyond the scope was incorrect. The citation relied upon by the Respondent in the case of Abbott Healthcare (P) Ltd. Vs. UOI was not relevant to the issue under reference and the same had not reached finality on merits. Further, the Hon'ble High Court of Judicature at Madras in WP No. 15527 of 2020 and WMP Nos., 19385 of 2020 & 7418 of 2021 in the case of M/s. Theco India Pvt. Ltd., Vs. NAA and DGAP in para 25 of the order dated 27.10.2021 observed that:-

"Rule(5)(a) notwithstanding the power available under sub-rule (4) to review the matter again, endows the Authority with the power to direct the DGAP to cause investigation or enquiry with regard to such other goods or services in accordance with the provisions of the Acts and Rules. The phrase 'such other goods or services or both' figures only in Rule (5) (a). Thus, the distinction in my view is that while Rule (4) contemplates review of only the specific subject matter under the complaint, Rule(5)(a) empowers the Authority to cause enquiry even with regard to other goods or services".

The citation relied upon by the Respondent in the case of Dinesh Mohan Bhardwaj Vs. Vrandavaneshwree Automotive (P) Ltd was not relevant to the issue under reference as in the above citation relied upon by the Respondent it had been observed by this Authority that the respondent had not contravened the provisions of Section 171 of the CGST Act, 2017, and accordingly, the DGAP did not find any merit in the

application of Sh. Dinesh Mohan Bhardwaj filed under Rule 128 of the CGST Rules, 2017, and was accordingly dismissed.

The citation relied upon by the Respondent in the case of Rishi Gupta v. Flipkart Internet (P) Ltd was not relevant to the issue under reference as in the above citation relied upon by the Respondent it had been observed by this Authority that the facts of the allegations of profiteering made by the Applicant No. 1 against the Respondent as well as the supplier were not established and hence the present application was not maintainable and accordingly the same was dismissed.

- iii. As regards Respondent's contention of non-disclosure of one of the key documents submitted as proof of ITC being passed on to the buyers, it was clarified by the DGAP that the list of the documents mentioned in para 11 of the Report was illustrative and not exhaustive. Further, all the documents and submissions of the Respondent in this regard had been considered based on confirmations received from the homebuyers.
- iv. About the contention raised by the Respondent regarding the 'Procedure and Methodology' and the method of computation adopted by the DGAP, it was clarified that the methodology adopted by the DGAP was correct and strictly as per law enshrined in Section 171 of the CGST Act. The main contours of the 'Procedure and Methodology' for passing on the benefits of reduction in the rate of tax and the benefit of ITC are enshrined in Section 171 (1) of the CGST Act, 2017 itself which states that *"Any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices"*.

Section 171 itself provides the procedure and methodology for the determination of the profiteered amount.

The Respondent has got the benefit of ITC which he is required to be passed on.

The facts of each case are different so the quantum of profiteering is determined by taking into account the particular facts of each case. Hence, there cannot be one size-fits-all mathematical methodology.

The additional ITC which has accrued to him on account of the implementation of the GST is required to be passed on to the customers, but a straight-jacketed approach is not feasible as the facts of each case vary substantially. In one real estate project, the date of start and completion of the the project, price of the house commercial unit, mode of payment of the price, stage of completion of the project, the timing of the purchase of inputs, rates of taxes, amount of ITC availed, total saleable area, area sold and the taxable turnover realized before and after the GST implementation would always be different from those of the other project and hence the amount of benefit of additional ITC to be passed on in respect of one project would not be similar to that of another project.

Therefore, no set of parameters can be fixed for determining methodology to compute the benefit of additional ITC which would be required to be passed on to the buyers of such units. Further, the press release dated 15.06.2017 issued by CBIC referred to by the Respondent unequivocally clarifies that "Under GST, full input credit would be available for offsetting the headline rate of 12%. As a result, the input taxes embedded in the flat will not (&should not) form a part of the cost of the flat. The input credits should take care of the headline rate of 12% and it is for this reason that refund of overflow of input credits to the builder has been disallowed" and expected the

builders to pass on the benefits of lower tax burden under the GST regime to the buyers of property by way of reduced prices/installments.

Accordingly, this office has not adopted any self-derived method for computing the profiteering amount but has compared the ITC to turnover ratio in pre & post GST periods in the present case which is rational, logical & appropriate in terms of Section 171 and the same has been approved by the NAA in similarly placed cases.

- v. The contention of the Respondent that the expression profiteering was nowhere mentioned in the said Act was not correct as the Explanation to Section 171 (3) has defined the word profiteered, inserted vide the Finance (No. 2) Act, 2019 (23 of 2019) dated 01.08.2019 which is reproduced as follows:

Explanation - For the purposes of this section, the expression "profiteered" shall mean the amount determined on account of not passing the benefit of reduction in rate of tax on supply of goods or services or both or the benefit of input tax credit to the recipient by way of commensurate reduction in the price of the goods or services or both.

In this context, it was submitted that an explanation added to the provision of the Act is clarificatory in nature and has a retrospective effect unless it overrides the basic provision of the Act.

- vi. The Respondent has also contended that the interpretation of Section 171 had been done without considering the marginal notes. In this connection, it was submitted that if the explanation defining the word profiteering was not considered then the purpose of the statute would be rendered ineffective or

purposeless. While construing a provision, the full effect had to be given to the language used therein giving reference to the context and other provisions of the statute. If the contention given by the Respondent was accepted then the provision of Section 171 would be reduced to a "dead letter". Hence, the contention of the Respondent was erroneous and out of context. Further, the wilful action of not passing on the benefit of a reduction in the rate of tax or the benefit of input tax credit to the consumers was called profiteering. It did not make any difference if the word "profiteering" had not been mentioned in the statute. The essence of Section 171 of the CGST Act, 2017 is to pass on the above-said benefit to the consumers. Hence, Section 171 of the CGST Act 2017 is neither unconstitutional nor being violating Article 14 of the Constitution of India.

The citation relied upon by the Notice of the Hon'ble Supreme Court in the case of CIT, Bangalore v. BC Srinivas Shetty is not relevant to the issue under reference. The citation was related to the levy of Capital Gains Tax on the transfer of goodwill. The findings of the Hon'ble court are limited to the facts of the said case and cannot be applied to the present case.

The decision of Hon'ble High Court of Madras in the case of Eternet Everest Ltd. v. UOI relied upon by the Respondent was not relevant to the facts of the case under reference as in the instant case the machinery provisions had been envisaged under Section 171 of the CGST Act, 2017. Sub-section 1 of Section 171 stipulates that *"Any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices"* and the provisions of subsections 2 and 3 of Section 171 authorize the creation of the Authority entrusted with the powers and functions in this regard.

- vii. The Respondent has also contention that the methodology adopted by DGAP was arbitrary. In this regard, the DGAP clarified that there was a reasonable correlation between the turnover and the CENVAT credit of service tax / ITC as the Petitioner was discharging his Service Tax / GST output liability out of the CENVAT credit of Service Tax paid on input services / ITC available to him on the basis of the turnover i.e. the cost realized by him from the buyers. It only gave a ratio of CENVAT credit *vis a vis* turnover for pre and post GST periods of investigation.

Prior to 01.07.2017 i.e. before the introduction of GST, the Respondent was eligible to avail CENVAT credit of Service Tax paid on input services as envisaged under sub-rule (1) of Rule 2 of CENVAT Credit Rules, 2004 and also the ITC of VAT paid on inputs provided the Respondent had not availed the Composition Scheme under VAT. However, the Respondent were ineligible to avail credit of CENVAT paid on inputs under CENVAT Credit Rules, 2004. Whereas on introduction of GST from 01.07.2017 the Respondent could avail the ITC of GST paid on all inputs and input services in pursuance to the seamless credit facility allowed under Section 16 of the CGST Act, 2017 read with the rules prescribed there under.

Further, the press release dated 15.06.2017 issued by CBIC referred to by the Respondent unequivocally clarified that *"Under GST, full input credit would be available for offsetting the headline rate of 12%. As a result, the input taxes embedded in the flat will not (&should not) form a part of the cost of the flat. The input credits should take care of the headline rate of 12% and it is for this reason that refund of overflow of input credits to the builder has been disallowed"* and expected the builders to pass on the benefits of lower tax burden under the

GST regime to the buyers of property by way of reduced prices / instalments.

Accordingly, the benefit of additional ITC in the post-GST period compared to pre-GST period and the profiteered amount due to the facility of seamless credit allowed in the post-GST period had been computed following the standard practice as upheld by this Authority in similar cases.

The contention of the Respondent as to increase in the rate of GST on various inputs/input services in the post-GST compared to pre-GST era was not tenable in as much as the higher taxes paid in the post-GST were allowed as credit to the builder/developer and hence did not form part of cost to the builder. Further, increase in output tax rates also did not increase the cost of the builder/developer as the burden of increased tax rates is being borne by the homebuyers,

Further, increase in cost of construction due to increase in cost of inputs is out of the purview of investigation carried out under Section 171 of the CGST Act, 2017.

- viii. The contention of the Respondent that the sale price of the flat had been reduced from Rs. 3,060/- in the pre-GST to Rs.2,842/- in the post GST. Thus there had been a reduction of 7.15% in the price and accordingly the same was to be considered in the computation of profiteering was not tenable in as much as discounts offered were against other charges and not against the basic price which attracts GST. Further, discounts were offered in the normal course of business and the discount claimed to have passed on in the instant case was not on account of accumulation of benefit of ITC consequent to introduction of GST.

- ix. The contention of the Respondent that Proportionate ITC had been computed wrongly for pre-GST regime was incorrect. In this regard, the DGAP clarified that the entire credit for the pre-GST / post-GST period as well the total saleable area of the project is considered and accordingly the relevant ITC for the relevant area and the credit to turnover ratio for the pre and post GST period had been worked out. The citations relied upon by the Respondent were not relevant to the issue under reference as this was not the case of reversal of credit but this was the case of finding relevant ITC for the saleable area of the homebuyers in whose case demands had been raised or advances had been received. Further, the contention of the Respondent that documentary evidence prevailed over oral evidence had been taken care of and accordingly the confirmation/non-confirmation of passing on the benefit of ITC was being sought vide e-mail and the reply was also being received vide email and hence it was very much documented and thereby the conditions of evidence Act were fulfilled.
- x. For the contention raised by the Respondent that the DGAP's investigation and report were based on oral evidence instead of documentary evidence, the DGAP has clarified that as per the standard practice followed emails were sent to the home buyers in whose case the Respondent had claimed to have passed on the benefit and had provided the emails. The profiteered amount confirmed by the home buyers had been allowed. The said practice of confirmation by the homebuyers despite the submission of documents by the notice was being followed to comply with the directions of this Authority and also to ensure that the home buyers who were otherwise the ultimate beneficiaries under the provisions of Section 171 of the CGST Act, 2017 were not deprived of their due benefit.

xi. The contention of the Respondent that DGAP had incorrectly included GST already paid by the Respondent to the Government in the value of profiteering amount was not correct. In this regard, the DGAP stated that as per Section 171(1) of CGST Act, 2017 which governs the anti-profiteering provisions under GST states that *"Any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices"*. Accordingly, the Respondent at the first instance would have reduced the basic price commensurate to a reduction in the rate of tax and should have passed on the benefit to the recipients as envisaged under sub-section 1 of Section 171 of the CGST Act, 2017. However, it was observed that the Respondent had not complied with the provisions of the law discussed supra and had collected more than what was due. By doing so, the Respondent had defeated the very objective of the anti-profiteering provisions envisaged in Section 171 of the CGST Act, 2017 which aimed to provide the benefit of rate reduction / ITC to the general public. Therefore, the GST paid to the Government had also been considered for the computation of profiteered amount.

5. The hearing in the matter was scheduled to be held on 04.08.2022 via video conferencing. However, the Respondent vide his email dated 04.08.2022 informed that he will not be able to attend the virtual hearing as scheduled and requested to consider his submissions dated 08.04.2022 and 04.07.2022. The Respondent further stated that he did not want further opportunity of hearing in the matter. The submissions of the Respondent were taken on record. No one appeared on behalf of the Applicant.
6. The Authority has carefully considered the Reports filed by the DGAP, all the submissions and the documents placed on record, and the contentions raised by the Respondent vide his written submissions.

It is clear from the plain reading of Section 171(1) that it deals with two situations: - one relating to the passing on the benefit of reduction in the rate of tax and the second pertaining to the passing on the benefit of the ITC. On the issue of reduction in the tax rate, it is apparent from the DGAP's Report that there has been no reduction in the rate of tax in the post-GST period; hence the only issue to be examined is whether there was any net benefit of ITC with the introduction of GST. It is observed from the report that the ITC, as a percentage of the turnover, that was available to the Respondent during the pre-GST period (April 2016 to June 2017) was 4.03%, whereas, during the post-GST period (July 2017 to February 2021), it was 9.79% for the project 'AMAATRA HOMES'. This confirms that post-GST, the Respondent has benefited from additional ITC to the tune of 5.76% (9.79% - 4.03%) of his turnover for the project 'AMAATRA HOMES' and the same was required to be passed on to the customers/flat buyers/recipients. The DGAP has calculated the total profiteering amount as Rs. 7,28,05,691/- in respect of 768 home buyers including the Applicant No. 1.

7. The Respondent has raised several contentions in the matter and the findings of the Authority are as under:-

- a. The Respondent has raised a contention that no opportunity was given to him to inspect the information submitted by Applicant No. 1 and hence the investigation proceedings were bad in law. In this regard, the Authority finds that the DGAP had provided the opportunity to the Respondent for inspection of the non-confidential evidence/information submitted by Applicant No. 1 in its office on any working day during the period 01.06.2021 to 04.06.2021. The DGAP had also provided for inspection of the said documents through zoom call or any other secure electronic platform during the said period given the prevailing situation due to the Covid-19 pandemic at that time. However, the Respondent

had neither availed the opportunity of physical inspection of the documents nor placed any request for online inspection of the documents.

Therefore, the citations of Smt. Ritu Devi v. CIT[2004]141 Taxman 559 (Mad.) and E. Vittal v. Appropriate Authority [1996] 221 ITR are not relevant to the issue as the Respondent had been given sufficient time and opportunity and the report is also prepared based on the information/documents submitted by the Respondent from time to time.

Further, the State Screening Committee constituted under Rule 123(2) of the CGST Rules, 2017 has been entrusted with the job of examination of the applications and upon being satisfied that the supplier has contravened the provisions of section 171, to forward the application with its recommendations to the Standing Committee for further action under Rule 128(2) *ibid*. However, it has not been envisaged under the provisions of the said Rule to provide the details of examination to the Respondent. Accordingly, the contention raised by the Respondent is not sustainable and hence denied.

- b. One of the contentions made by the Respondent is that the Investigation had been carried out beyond the scope and hence bad in law. In this regard, the Authority notes that, in terms of Section 171(1) of the CGST Act, 2017, it is mandated that, "*Any reduction in rate of tax on any supply of goods or services or the benefit of ITC shall be passed on to the recipient by way of commensurate reduction in prices*". Thus the legal requirement is abundantly clear that in the event of a benefit of ITC or reduction in rate of tax, there must be a commensurate reduction in prices of the any supply of goods or services. The said provision provides for 'any supply', which extend the scope to

cover all supplies; where tax reduction or ITC benefit has not been passed on.

Therefore, the law prescribes that benefit of reduction in rate of tax or benefit of increase in ITC, in relation to any supply of goods or services should result in commensurate reduction in prices of such supply and accordingly, the DGAP was justified in examining all the supply made by the Respondent beyond the Application filed by the Applicant No. 1.

- c. The Respondent has also averred regarding the non-disclosure of one of the key documents submitted as a proof of ITC being passed on to the buyers. In this regard, the Authority finds that the list of the documents mentioned in para 11 of the DGAP's report is illustrative and not exhaustive. Further, all the documents and submissions of the Respondent in this regard have been considered on the basis of confirmations received from the homebuyers/shop buyers/customers.
- d. The Respondent has also contended that in the absence of prescribed method of calculation of profiteering in the Act of the Rules or the procedure, the proceedings are arbitrary and liable to be dropped. The Respondent also averred that the methodology adopted by the DGAP in the present case was arbitrary and hence the same needed to be set aside. In this regard, the Authority finds that the 'Procedure and Methodology' for passing on the benefits of reduction in the rate of tax and the benefit of ITC are enshrined in Section 171 (1) of the CGST Act, 2017 itself which states that "*Any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices.*" It is clear from the perusal of the above provision that it mentions "*reduction in the rate of tax on any supply of goods or services*" which does not mean that the reduction in the rate of

tax is to be taken at the level of an entity/group/company for the entire supplies made by it. Therefore, the benefit of tax reduction has to be passed on at the level of each supply of each unit to each buyer of such unit and in case it is not passed on the profiteered amount has to be calculated on each unit. Further, the above Section mentions "any supply" i.e. each taxable supply made to each recipient thereby clearly indicating that netting off of the benefit of tax reduction by any supplier is not allowed. Each customer is entitled to receive the benefit of tax reduction on each product purchased by him. The word "commensurate" mentioned in the above Section gives the extent of benefit to be passed on by way of reduction in the prices which has to be computed in respect of each product based on the tax reduction or availability of additional ITC as well as the existing base price (price without GST) of the product. The computation of commensurate reduction in prices is purely a mathematical exercise which is based upon the above parameters and hence it would vary from product to product and hence no fixed mathematical methodology can be prescribed to determine the amount of benefit that a supplier is required to pass on to a recipient or the profiteered amount.

One formula which fits all cannot be set while determining such a "Methodology and Procedure" as the facts of each case are different. In one real estate project, the date of start and completion of the project, price of the house/commercial unit, mode of payment of the price, stage of completion of the project, the timing of the purchase of inputs, rates of taxes, amount of ITC availed, total saleable area, area sold and the taxable turnover realized before and after the GST implementation would always be different from the other project and hence the amount of benefit of additional ITC to be passed on in respect of one project would not be similar to another project. Issuance of

Occupancy Certificate/ Completion Certificate would also affect the amount of benefit of ITC as no such benefit would be available once the above certificates are issued. Therefore, no set parameters can be fixed for determining the methodology to compute the benefit of additional ITC which would be required to be passed on to the buyers of such units.

Further, the facts of the cases relating to the Fast Moving Consumer Goods (FMCGs), restaurants, construction, and cinema houses are completely different and therefore, the mathematical methodology employed in the case of one sector cannot be applied in the other sector otherwise it would result in denial of the benefit to the eligible recipients. Moreover, both the above benefits have been granted by the Central as well as the State Governments by sacrificing their tax revenue in the public interest hence the suppliers are not required to pay even a single penny from their pocket, and hence they have to pass on the above benefits as per the provisions of Section 171 (1). Hence, the Authority finds that the above contentions of the Respondent cannot be admitted.

- W
- e. The Respondent has averred that there was a considerable reduction in the average sale price of the Flat in the post-GST regime which had been reduced to Rs. 2,842/- per sq. ft. vis-a-vis a pre-GST price of Rs. 3,060/- per sq. ft. In this regard, the Authority finds that the above averment made by the Respondent is not tenable in as much as discounts offered are against other charges and not against the basic price which attracts GST. Further, discounts are offered in the normal course of business and the discount claimed to have passed on in the instant case is not on account of the accumulation of benefit of Input Tax Credit consequent to the introduction of GST.

- f. The Respondent has also contended that proportionate ITC has been computed wrongly for the pre-GST regime. In this regard, the Authority finds that the amount of CENVAT or ITC earned on VAT during the pre-GST period is required to be compared with the amount of ITC available during the GST period to arrive at the quantum of ITC benefit, as it is only the additional ITC available during the GST period which is required to be passed on as per the provisions of Section 171 (1). This benefit is to be passed only w.e.f. 01.07.2017 when the provisions of Section 171 (1) have come into force. Further, to substantiate his claim the Respondent has not submitted any documentary evidence during the course of investigation by the DGAP that the price offered to the customers booking flats post-July, 2017 has arrived after adjusting/giving the benefit of additional ITC which accrued on account of GST. The citations relied upon by the Respondent are not relevant to the issue under reference as this is not the case of reversal of credit but this is the case of finding relevant ITC for the saleable area of the homebuyers in whose case demands have been raised or advances have been received. Therefore, the contention raised by the Respondent is not acceptable. y
- g. The Respondent has also contended that the DGAP's investigation and Report are based on oral evidence instead of documentary evidence, thus liable to be set aside. In this regard, the Authority finds that as a standard practice followed by the DGAP, emails for verification are sent to the home buyers in whose case the Respondent claims to have passed on the benefit of ITC. This is invariably done to ensure that the home buyers who are otherwise the ultimate beneficiaries under the provisions of Section 171 of the CGST Act, 2017 are not deprived of their

due benefit. Therefore, the contention of the Respondent is not correct and hence rejected.

h. For the contention raised by the Respondent that there was no definition of "profiteering" provided under the CGST Act, the Authority finds that Section 171 of the CGST Act is very much clear, according to which the benefit commensurate to the amount of reduction in the rate of tax or benefit of ITC has to be passed on to the recipients by way of reduction in prices. The insertion of the definition of the term "profiteered" in Section 171 of the CGST Act, 2017 vide the Finance (No. 2) Act, 2019 was only clarificatory in nature.

8. For the reasons mentioned herein above, the Authority finds no reason to differ from the above-detailed computation of profiteering in the DGAP's Report or the methodology adopted. The Authority finds that the Respondent has profiteered by Rs. 7,28,05,691/- during the period of investigation i.e. 01.07.2017 to 28.02.2021. The Authority determines an amount of Rs. 7,28,05,691/- (including 12% GST) under section 133(1) as the profiteered amount by the Respondent from his 768 home buyers/shop buyers/customers (as per Annexure A to this Order), including Applicant No. 1, which shall be refunded by him along with interest @18% thereon, from the date when the above amount was profiteered by him till the date of such payment, per the provisions of Rule 133 (3) (b) of the GCST Rules 2017. This amount profiteered is Rs. 84,757/- (including GST) in respect of Applicant No.1.

9. This Authority under Rule 133 (3) (a) of the CGST Rules, 2017 orders that the Respondent shall reduce the prices to be realized from the buyers of the flats/shop buyers/customers commensurate with the benefit of ITC received by him as has been detailed above.

10. The Respondent is also liable to pay interest as applicable on the entire amount profiteered, i.e. Rs. 7,28,05,691/-, for the project 'AMAATRA HOMES'. Hence the Respondent is directed to also pass on interest @18% to the customers/ flat buyers/ recipients on the entire amount profiteered, starting from the date from which the above amount was profiteered till the date of passing on/ payment, as per provisions of Rule 133 (3) (b) of the CGST Rules, 2017.
11. The complete list of homebuyers/shop buyers/customers has been attached with this Order, with the details of the amount of benefit of ITC to be passed on along with interest @ 18% in respect of the project 'AMAATRA HOMES' of the Respondent as in the **Annexure-'A'**.
12. This Authority also orders that the profiteered amount of Rs. 7,28,05,691/- for the project 'AMAATRA HOMES' along with the interest @ 18% from the date of receiving of advance from the homebuyer till the date of passing the benefit of ITC shall be paid/passed on by the Respondent within a period of 3 months from the date of this order failing which it shall be recovered as per the provisions of the CGST Act, 2017.
13. It has also been found that the Respondent has denied the benefit of additional ITC to his customers/recipients in contravention of the provisions of Section 171(1) of the CGST Act, 2017 and resorted to profiteering and hence, committed an offence under section 171 (3A) of the CGST Act, 2017. Therefore, the Respondent is liable for the imposition of penalty for the period 01.01.2020 to 28.02.2021 under the provisions of the above Section. Accordingly, a Notice be issued to him directing him to explain why the penalty prescribed under Section 171 (3A) of the above Act read with Rule 133 (3) (d) of the CGST Rules, 2017 should not be imposed on him.

14. The concerned jurisdictional CGST/SGST Commissioner is also directed to ensure compliance of this Order. It may be ensured that the benefit of ITC has been passed on to each homebuyer/shop buyer/customer as per this Order along with interest @18%. In this regard an advertisement of appropriate size to be visible to the public at large may also be published in a minimum of two local newspapers/ vernacular press in Hindi/English/local language with the details i.e., Name of the builder (Respondent) – M/s Nandi Infratech Pvt. Ltd., Project- "AMAATRA HOMES", Location- Sector-10, Knowledge Park V, Greater Noida, Uttar Pradesh and amount of profiteering Rs. 7,28,05,691/- so that the concerned home buyers can claim the benefit of ITC if not passed on. Home buyers/shop buyers/customers may also be informed that the detailed NAA Order is available on Authority's website www.naa.gov.in. Contact details of concerned Jurisdictional CGST/SGST who are nodal officers for compliance of the NAA's order may also be advertised through the said advertisement.
15. The concerned jurisdictional CGST/SGST Commissioner shall also submit a Report regarding the compliance of this Order to the Authority and the DGAP within a period of 4 months from the date of receipt of this order.
16. Further, the DGAP is also directed to monitor the compliance of the order by the concerned jurisdictional CGST/SGST Commissioner.
17. The present investigation has been conducted up to 28.02.2021 only. However, the Respondent is liable to pass on the benefit of ITC which would become available to him till the date of issue of the Completion Certificate. Accordingly, the concerned jurisdictional Commissioner CGST/SGST is directed to ensure that the Respondent passes on the benefit of ITC to the eligible

home buyers/shop buyers/customers as per the methodology approved by this Authority in the present case and submit his report to this Authority through the DGAP. The Applicants or any other interested party/person shall also be at liberty to file a complaint against the Respondent before the Uttar Pradesh State Screening Committee in case the remaining benefit of ITC is not passed on to them.

18. Further, the Hon'ble Supreme Court, vide its Order dated 23.03.2020 in *Suo Moto* Writ Petition (C) no. 3/2020, while taking *suo moto* cognizance of the situation arising on account of Covid-19 pandemic, has extended the period of limitations prescribed under the General law of limitation or any other Special laws (both Central and State) including those prescribed under Rule 133(1) of the CGST Rules, 2017, as is clear from the said Order which states as follows:-

"A period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings."

Further, the Hon'ble Supreme Court, vide its subsequent Order dated 10.01.2022 has extended the period(s) of limitation till 28.02.2022 and the relevant portion of the said Order is as follows:-

"The Order dated 23.03.2020 is restored and in continuation of the subsequent Orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings."

Thus, this Order having been passed today falls within the limitation prescribed under Rule 133(1) of the CGST Rules 2017.

19. A copy of this order be sent to the Applicant No. 1, the Respondent, Commissioners CGST/SGST Greater Noida, the Principal Secretary (Town and Country Planning), Government of Uttar Pradesh as well as Uttar Pradesh RERA free of cost for necessary action.

Encl: Annexure – 'A' (Pages 1 to 14)

Sd/-
(Amand Shah)
Technical Member &
Chairman

Sd/-
(Pranod Kumar Singh)
Technical Member

Sd/-
(Hitesh Shah)
Technical Member



Certified Copy

(Signature)
(Pinesh Meena)
Secretary, NAA

F. No. 22011/NAA/Nandi/67/2022 | 2440 — 2447 Dated: 31.08.2022

Copy To:-

1. M/s Nandi Infratech Pvt. Ltd., GH 02C, Sector 10, Greater Noida West, U.P. - 201308.
2. Sh. Vijay Pal Singh, 22-Swaroop Park, Sahibabad, Ghaziabad-201005(UP).
3. The Chief Commissioner, CGST (Lucknow zone), 7-A, Ashok Marg, Lucknow-226001.
4. The Commissioner, Commercial Tax U.P. Commercial Tax Head Office Vibhuti Khand, Gomti Nagar Lucknow - 226010.
5. The Principal Secretary, Town And Country Planning Department, Uttar Pradesh, TCG / 1-A-V/5, Vibhuti Khand, Gomti Nagar, Lucknow-226010.
6. Uttar Pradesh Real Estate Regulatory Authority, Naveen Bhavan, Rajya Niyojan Sansthan, Kala Kankar House, Old Hyderabad, Lucknow - 226007.
7. The Directorate General of Anti-Profiteering, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, New Delhi-110001.
8. Guard File.

Annexure-'A'

S.No.	Name of Customer	Unit No.	Total Profiteering Amount (in Rs.)
1	Mr. Kushlendra Pratap Singh	A-1	1,18,128
2	Mr. Sourabh Rokeja	A-1001	57,058
3	Mr. Ravi Shanker	A-1002	2,09,520
4	Mr. Kamal Kishore	A-1003	2,85,514
5	Mr. Tejas Srivastava	A-1004	1,18,379
6	Mrs. Veena Kumari	A-102	2,87,942
7	Mr. Pawan Kumar Aggarwal	A-103	2,73,600
8	Mrs. Sumati Dhall	A-104	3,78,432
9	Mr. Dimesh Yadav	A-1102	1,20,097
10	Mr. Gurminder Singh	A-1103	67,980
11	Mrs. Limesh Kumari	A-1104	2,16,069
12	Mrs. Sorita Tripathi	A-1201A	3,16,224
13	Mr. Tanmay Mitra	A-1202	1,84,451
14	Mr. Pramod Kumar	A-1202A	2,79,360
15	Mrs. Hemlata Sharma	A-1203	1,68,557
16	Mr. Sunny Jain	A-1204	3,51,360
17	Mr. Shalish Singh Saini	A-1204A	3,11,616
18	Mr. Priyadarshi Pattnaik	A-1402	1,76,294
19	Mrs. Neetu Verma	A-1403	1,20,097
20	Mrs. Menka Srivastava	A-1404	92,244
21	M/S. Vasudha realtech pvt. ltd.	A-1501	3,31,700
22	Mr. Sanjay Bishi	A-1502	1,34,146
23	Mr. Anuj Bhardwaj	A-1503	1,68,557
24	Ms. Amrita	A-1504	1,99,632
25	Mr. K.g.s Moorthy	A-1601	3,15,648
26	Mrs. Vidisha Goyal	A-1602	2,73,600
27	Mr. Genda Lal Kushwah	A-1603	1,68,557
28	Mr. Kashif Ahmad	A-1604	1,35,996
29	Mr. Rahul Suri	A-1701	3,12,102
30	Mr. Navrooh Kumar	A-1702	2,85,696
31	Mr. Sandeep Kumar Dwivedi	A-1703	2,85,514
32	Mr. Abhishek Masrya	A-1704	3,07,008
33	Mr. Thomas Kutty Nc	A-1801	3,13,920
34	Ms. Madhu Kumari	A-1802	1,40,401
35	Mr. Satya Prakash Rai	A-1804	3,09,160
36	M/S. Vasudha realtech pvt. ltd.	A-1901	2,49,264
37	Mr. Sudhanshu Kumar	A-1902	2,75,328
38	Mr. Kuldeep Sharma	A-1904	3,48,909
39	Mr. Pradeep Kumar Singh	A-2	1,71,347
40	Mr. Arshuman Gautam	A-2002	2,81,203
41	Mrs. Renu Ravi	A-2003	2,85,120
42	Mr. Shiv Bahadur Sahu	A-2004	3,28,320
43	Mr. Lokesh Pant	A-202	2,83,086
44	Mrs. Rajni Gupta	A-203	2,94,820
45	Mr. Rajeev Kumar	A-2102	2,81,037
46	Mr. Robin Harsh Bhatnagar	A-2103	2,59,280
47	Mrs. Sabeera Majid	A-2104	1,33,943
48	Mr. Vikrant Talwar	A-2202	2,19,458
49	Mr. Pradeep Kumar Gautam	A-2203	2,35,143
50	Mr. Pramod Kumar	A-3	61,802
51	Mr. Dipanshu Gupta	A-301	3,55,466
52	Mrs. Deepa Pant	A-302	2,68,746
53	Mr. Deepak Tamta	A-304	3,72,060
54	Mr. Hishabh Sabharwal	A-4	1,47,149
55	Mrs. Neeru Sharma	A-401	2,82,240

Annexure-'A'

56	Mr. Ravindra Kumar	A-402	2,82,240
57	Mr. Imran Ali Siddiqui	A-404	3,54,396
58	Mr. Arsal Rastogi	A-5	92,897
59	Mr. Sumit Kumar	A-502	2,93,776
60	Mr. Vikas Chauhan	A-503	1,11,954
61	Mr. Kamal Kohli	A-504	56,009
62	Mr. Deepak Rastogi	A-6	58,787
63	Mr. Sudhir Nohwar	A-601	78,860
64	Mrs. Pratiksha Shukta	A-602	2,93,760
65	Mrs. Sakshi Tyagi	A-7	1,17,670
66	Mr. Satish Sachdeva	A-701	85,118
67	Mr. Trilok Choud	A-702	2,79,360
68	Mrs. Pramila Pandey	A-703	23,457
69	Mrs. Kusumlata Wali	A-704	1,45,800
70	Mr. Anshul Mishra	A-8	1,43,372
71	Mrs. Priyanka	A-803	1,95,328
72	Mr. Praveen Kumar Agarwal	A-804	2,73,600
73	Mr. Rishi Ballabh	A-901	3,49,932
74	Mr. Ansh Kumar	A-902	1,23,723
75	Mr. Pawan Kumar Parashar	A-903	2,13,120
76	Mr. Vaibhav Bajpai	A-904	3,47,155
77	Mr. Gaurav Handa	B-1001	19,422
78	Mr. Wasim Raza	B-1002	2,05,056
79	Mr. Rajiv Ranjan Prasad	B-1003	24,628
80	Mr. Sumit Saxena	B-1004	21,303
81	Mr. Sunil Dutt Sharma	B-101	20,967
82	Ms. Amrita Agrawal	B-102	21,132
83	Mr. Jaideep Mohan Lal Gandhi	B-104	1,29,910
84	Ms. Megha Arora	B-1101	19,684
85	Mr. Neeraj Chopra	B-1102	99,543
86	Mr. Mahendra Kumar Verma	B-1103	21,467
87	Mr. Neeraj Kumar Triwari	B-1104	24,478
88	Mrs. Usha Prasad	B-1201	18,084
89	Mrs. Meena Kaushik	B-1201A	18,863
90	Mrs. Lila Devi	B-1202	18,084
91	Mr. Anil Kumar	B-1202A	19,606
92	Mr. Mayank Tyagi	B-1203	20,345
93	Mr. Kamlesh Chandra Pandey	B-1203A	20,778
94	Mr. Pavan Bhatnagar	B-1204	22,797
95	Mr. Manish Kumar Mishra	B-1204A	22,460
96	Mr. Santosh Kumar Yadav	B-1401	17,877
97	Mr. Samvit Spirk	B-1402	20,716
98	Ms. Itama Sikarwar	B-1403	21,097
99	Mr. Chandra Shekhar Pant	B-1404	20,131
100	Mr. Mofiz Alam	B-1501	28,778
101	Mrs. Moniza Rasool Khan	B-1502	18,850
102	Mr. Arvinder Singh Oberoi	B-1503	16,706
103	Mr. Abhishek Rawat	B-1504	69,334
104	Ms. Snigdha Debnath	B-1601	1,28,547
105	Mr. Abhishek Gupta	B-1603	71,597
106	Mr. Jai Prakash Narayan	B-1604	71,609
107	Mr. Shri Kant Tripathi	B-1701	10,608
108	Mrs. Shikha Kapoor	B-1702	2,04,480
109	Mr. Nitin Kaul	B-1703	19,716
110	Mr. Nikhil Kaul	B-1704	19,716
111	Mrs. Neethu Verma	B-1801	1,30,485

Annexure-'A'

112	Mrs. Shalini	B-1802	2,07,360
113	Mr. Awanish Kumar	B-1803	23,514
114	Mr. Ram Mohan Khanna	B-1804	19,817
115	Mrs. Iram Wani	B-1901	1,98,662
116	Mrs. Swati Goyal Jain	B-1902	1,91,578
117	Mr. Bangshi Ghosh	B-1903	1,38,809
118	Mrs. Ashu Rastogi	B-1904	19,817
119	Mrs. Neelam Rattan	B-2001	1,98,720
120	Mr. Avtar Singh	B-2003	1,38,809
121	Mrs. Priyadarshini Sharma	B-2004	24,430
122	Mr. Kanta Ram	B-201	1,27,442
123	Mr. Anand Kumar Ray	B-202	18,918
124	Mrs. Tanuja Sharma	B-204	15,203
125	Mr. Anuj Rastogi	B-2101	20,840
126	Mr. Manish Kumar	B-2102	18,566
127	Mr. Abhinav Mayer	B-2103	1,18,653
128	Mr. Rohan Bahl	B-2104	21,693
129	Mr. Atul Kumar	B-2201	1,85,803
130	Mrs. Renu Rai	B-2202	2,00,434
131	Mr. Ravi Mehra	B-2203	1,20,935
132	Mr. Fraveen Kumar	B-2204	21,164
133	Mr. Aishwari Srivastava	B-2303	1,18,653
134	Mr. Manish Kumar Srivastava	B-2304	1,18,653
135	Mrs. Manika Pataria	B-301	21,290
136	Mr. Raj Kumar Singh	B-302	2,05,056
137	Mrs. Archana	B-303	28,616
138	Mrs. Snehal Satija	B-304	22,452
139	Mr. Neeraj Kumar	B-401	22,526
140	Mrs. Virena Sharma	B-402	1,02,285
141	Mr. Asharam Madwal	B-403	21,877
142	Mr. Nirmosh Kumar Srivastava	B-404	60,218
143	Mr. Virendra Khare	B-501	22,419
144	Mr. Bhupesh Bhojwani	B-502	1,87,200
145	Mr. Kuldeep Singh	B-503	24,521
146	Mr. Kumaresh Das	B-504	22,309
147	Mr. Manoj Sharma	B-601	19,634
148	Mr. Pradeep Tripathi	B-602	81,130
149	Mr. Surendra Singh	B-603	21,090
150	Mr. Atul Kumar	B-604	20,232
151	Mr. Narinder Singh	B-701	20,891
152	Mr. Manoj Rawat	B-702	20,799
153	Mr. Yatharth	B-703	20,933
154	Mr. Sunil Gupta	B-704	22,711
155	Mr. Suprat Kumar Singh	B-801	18,504
156	Mr. Nafis Athar Karmi	B-802	18,504
157	Mr. Sarvesh Kumar Singh	B-803	22,863
158	Mr. Rishabh Sharma	B-804	24,339
159	Mr. Arvind Kumar Arora	B-901	20,350
160	Mrs. Khoshbu Singh	B-902	2,16,164
161	Mr. Anuj Kumar	B-903	20,701
162	Mr. Somender Singh	B-904	21,715
163	Mr. Vipin Bhatt	C-1001	17,378
164	Mr. Shubham Chaturvedi	C-1002	12,310
165	Mr. Amit Kumar	C-1003	18,221
166	Mr. Jitendra Kumar	C-1004	19,070
167	Mr. Suresh Kumar	C-101	18,013

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168	Mr. Pramod Bansal	C-102	14,931
169	Mrs. Mithlesh Bartaria	C-103	19,157
170	Mr. Atul Kumar	C-1101	18,968
171	Mr. Swarup Chanda	C-1102	1,19,071
172	Mr. Ranjan Kumar	C-1103	18,966
173	Mr. Vishwadeep Pachauri	C-1104	99,494
174	Mr. Avinash Kumar Jha	C-1201	1,17,146
175	Mr. Arbind Kumar Singh	C-1201A	1,93,584
176	Mr. Santosh Gupta	C-1202	18,615
177	Mr. Rahul Barthwal	C-1203	18,647
178	Mr. Amit Agarwal	C-1203A	92,433
179	Mr. Amit Jain	C-1204	18,013
180	Ms. Neha	C-1204A	1,27,300
181	Mr. Virender Kumar Pandey	C-1401	20,347
182	Mr. Pankaj Kumar Yadav	C-1402	20,347
183	Mr. Deepak Kumar Jha	C-1403	20,331
184	Mr. Dheeraj Kumar	C-1404	20,331
185	Mr. Asish Ghosh	C-1501	1,19,071
186	Mr. Shyelendra Kumar Varshney	C-1502	20,240
187	Ms. Shikha Jindal	C-1503	19,437
188	Mrs. Bhumika Pant	C-1504	16,869
189	Mrs. Priyanka	C-1601	1,77,408
190	Mr. Vinay Kumar Singh	C-1602	20,191
191	Mr. Indu Bhushan	C-1603	18,768
192	Mrs. Girja	C-1604	17,303
193	Mrs. Rajeshwari Mishra	C-1701	1,17,146
194	Mrs. Phool Kumari	C-1702	1,88,499
195	Mr. Prashant Kumar Singh	C-1703	94,519
196	Mr. Pundit Saha	C-1704	17,600
197	Mrs. Pooja Aggarwal	C-1801	1,87,200
198	Mr. Raj Kumar	C-1802	20,087
199	Mr. Suthir Sharma	C-1803	18,130
200	Mrs. Yasha Arora	C-1901	1,87,200
201	Mr. Ankit Saxena	C-1903	1,95,610
202	Mr. Amit Mishra	C-1904	1,84,370
203	Mr. Pawan Kumar Singh rathore	C-2001	1,89,740
204	Mrs. Bhagwati Kumari	C-2003	71,539
205	Mr. Devashresh	C-201	17,955
206	Mr. Satish Kumar	C-202	86,335
207	Mrs. Richa	C-203	19,051
208	Mr. Avinash Kumar Rai	C-2101	1,03,987
209	Ms. Kavita Choudhary	C-2102	1,02,061
210	Mr. Sachin Bhatt	C-2103	20,155
211	Mrs. Stuti	C-2104	1,02,061
212	Mr. Ahinsa Aakash	C-2201	1,03,987
213	Mr. Shamsul Raja	C-2202	10,110
214	Mr. Amit Ghildiyal	C-2203	1,02,061
215	Mr. Manish saxena	C-2204	1,02,061
216	Mr. Abhijeet Pal	C-2301	1,03,987
217	Mr. Tarun Kumar Day	C-2302	1,09,764
218	Mr. Bhavya Sain Sharma	C-2303	90,122
219	Mr. Pankaj Paul	C-2304	1,02,061
220	Mr. Rajat Sharma	C-2402	1,81,440
221	Mr. Nitish Swarup Sarkar	C-2403	1,80,504
222	Mr. Amit kumar	C-301	96,284
223	Mr. Aluk Katiyar	C-302	1,20,997

Vijay Pal Singh Vs. M/s Nandi Infratech Pvt. Ltd.

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224	Mr. Rahul Kumar Bhati	C-303	18,063
225	Mr. Rajesh Kumar Pandey	C-304	97,632
226	Mr. Kanchan Singh	C-401	18,845
227	Mrs. Anju Pandey	C-402	1,27,737
228	Mr. Lalit Sharma	C-403	18,217
229	Mr. Bhupinder Singh Gill	C-404	19,295
230	Mr. Shamshad Alam	C-501	20,059
231	Mr. Mukesh Singh	C-503	1,64,160
232	Mrs. Aja Rastogi	C-601	1,30,997
233	Mr. Kapil Uniyal	C-602	21,237
234	Mr. Satish Kumar	C-603	19,268
235	Mr. Vijay Verma	C-604	17,765
236	Mr. Satyavir Singh Balyan	C-702	17,273
237	Mrs. Aruna Jalan (c-703)	C-703	21,099
238	Ms. Inderpreet Kaur Chauhan	C-704	95,552
239	Mr. Mayank Rawat	C-801	95,032
240	Mr. Chetan Panwar	C-802	18,429
241	Mrs. Kumkum Garg	C-803	18,429
242	Mr. Kulveer Singh	C-804	89,753
243	Mrs. Meenakshi Gupta	C-901	18,375
244	Mr. Ramesh Kumar Prasad	C-902	20,867
245	Mrs. Bisha Aggarwal	C-903	17,470
246	Mrs. Suman Sharma	C-904	18,328
247	Ms. Pallavi Ranjan	D-1001	1,72,032
248	Mr. Manoj Kumar Sharma	D-1002	1,77,742
249	Mr. Sumit Kumar	D-1003	1,81,440
250	Mr. Harish Kumar Verma	D-1004	18,919
251	Mr. Wishu Pal Singh	D-101	1,83,601
252	Mr. Srijan Kumar	D-104	1,83,427
253	Mr. Aman Kumar	D-1101	18,131
254	Mr. Ravindra Singh Negi	D-1102	1,06,454
255	Mr. Gaurav Chaudhary	D-1103	1,81,440
256	Mr. Anjali Kumar	D-1104	88,712
257	Mrs. Anika	D-1201	12,982
258	Mr. Itswajit Mondal	D-1201A	1,72,811
259	Ms. Ranjeeta Samuel	D-1202	29,415
260	Mr. Ruben Singh	D-1203	18,290
261	Mr. Palash Sinha	D-1203A	1,71,871
262	Mr. Sanjay Kumar	D-1204	98,494
263	Mrs. Abha Kumari	D-1204A	88,712
264	Mr. Kamwarjit Singh Chodha	D-1401	17,268
265	Mrs. Anjana Rai	D-1403	1,77,984
266	Mr. Rakesh Kumar	D-1404	1,76,479
267	Mrs. Meena Kapoor	D-1501	17,187
268	Mr. Anshul Mishra	D-1502	17,728
269	Mrs. Sophie Garg	D-1503	16,767
270	Mr. Sanjeev Kumar Sharma	D-1504	88,712
271	Mr. Raja Sengupta	D-1601	16,321
272	Ms. Priyanka Verma	D-1602	17,677
273	Mr. Arun Gulati	D-1603	18,553
274	Mr. Nitin Pawar	D-1701	26,547
275	Mr. Ashish Pratap Singh	D-1702	1,75,090
276	Mr. Vipin Kumar	D-1703	1,78,560
277	Mrs. Dali	D-1704	1,84,896
278	Mr. Mohit Jain	D-1801	18,893
279	Mr. Jai Kumar	D-1802	18,556

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280	Mr. Manoj Kumar	D-1803	16,638
281	Mr. Subhash Chand Dhijan	D-1804	16,221
282	Mr. Ayush Razada	D-1901	17,293
283	Mr. Deepak Sharma	D-1902	1,76,102
284	Mrs. Priti Maheshwar	D-1903	1,76,851
285	Mrs. Snehlata Tiwari	D-1904	1,67,040
286	Mr. Hemon Bordoloi	D-2001	94,937
287	Mr. Rajesh Kumar	D-2002	15,461
288	Mrs. Jamsuanching	D-2003	21,098
289	Mr. Vivek Anand Sharma	D-2004	1,78,472
290	Mr. Mohit Watwani	D-201	98,050
291	Mr. Amit Kumar	D-202	93,381
292	Mr. Mukesh Kumar	D-204	1,87,085
293	Mr. Sudhir Kumar Gautam	D-2101	20,295
294	Mr. Harendra Kumar	D-2102	98,625
295	Mr. Ashish Kumar Singh	D-2103	1,00,852
296	Mrs. Aruna Devi	D-2104	1,66,464
297	Mr. Chaudhary Chirmoya Thakur	D-2201	1,77,046
298	Mr. Sanatan Malik	D-2202	1,08,372
299	Mr. Mohammed Shakil Khan	D-2203	16,539
300	Mr. Sameer Akhtar	D-2204	17,475
301	Mr. Rakesh Kumar	D-2302	98,984
302	Mrs. Tania Lamba	D-2304	98,984
303	Ms. Hemlata Bisht	D-2401	1,79,749
304	Mr. Ashish Pandey	D-301	20,843
305	Mr. Nandhir Kumar Jha	D-302	91,825
306	Mrs. Manisha Bhardwaj	D-303	13,465
307	Mrs. Madhuri Bhardwaj	D-304	14,618
308	Mr. Subhash Chandra	D-401	99,507
309	Mr. Manish Kumar	D-402	18,777
310	Mrs. Dimpal Sharma	D-404	21,266
311	Mrs. Sheetal Singh	D-501	18,175
312	Mr. Ajit Kumar Singh	D-502	20,541
313	Mr. Ravikant Singh Kushwaha	D-503	1,80,648
314	Mr. Ram Shringar	D-504	19,404
315	Mrs. Divya Kumar	D-601	1,89,504
316	Mr. Kamlesh Kumar	D-602	1,96,988
317	Mr. Harsh Chander Paneru	D-603	2,00,160
318	Mr. Kamlesh Yadav	D-604	19,311
319	Mr. Ankit Jain	D-701	17,974
320	Mr. Krishan Prakash Sharma	D-702	16,563
321	Mr. Amit	D-703	18,753
322	Mr. Deepak Kumar Singh	D-704	1,10,190
323	Mr. Vaibhav Saxena	D-801	19,112
324	Mrs. Chhaya Singh	D-802	1,80,648
325	Mr. Deepak Rana	D-803	1,84,320
326	Mr. Ashish Kumar Singh	D-804	1,10,190
327	Mr. Harender Singh	D-901	18,396
328	Mr. Soornik Mukherjee	D-902	19,227
329	Ms. Reema Ghiman	E-1001	18,850
330	Mrs. Kriti Jain	E-1004	1,05,408
331	Mr. Anil Kumar Rana	E-101	1,83,427
332	Ms. Richa Mudgale	E-102	1,94,112
333	Mr. Deepak Chaudhary	E-104	1,78,560
334	Mrs. Vasudha Panigrahi	E-1101	20,036
335	Mr. Rahul Singh	E-1102	88,712

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336	Mr. Amit Rawat	E-1103	88,123
337	Mr. Mukesh Kumar deo	E-1104	88,713
338	Mrs. Arti Pundir	E-1201	18,030
339	Ms. Shagun Sharma	E-1201A	1,41,018
340	Mr. Satendra Singh Rawat	E-1202	29,415
341	Mr. Narendra Singh	E-1203	29,415
342	Mrs. Geeta Sharma	E-1204	88,712
343	Mrs. Sakshi Dadani	E-1204A	94,937
344	Mr. Manpreet Singh	E-1401	19,718
345	Mr. Vohesh Kumar	E-1404	96,494
346	Mr. Rohit Kumar	E-1503	1,55,520
347	Mrs. Neha Sharma	E-1504	17,728
348	Mrs. Sandhya Singh	E-1601	16,736
349	Mr. Jyoti Kumar	E-1602	1,70,137
350	Mr. Ramesh Chandra Mahari	E-1503	1,55,520
351	Mr. Shubham Gupta	E-1604	1,06,454
352	Mrs. Annu Kumari	E-1701	19,532
353	Mr. Kaushal Rajora	E-1702	17,020
354	Mrs. Saroj Singh	E-1704	1,74,862
355	Mr. Kamaldeep	E-1801	18,939
356	Ms. Qimmat Johar Zaidi	E-1803	1,69,251
357	Mr. Ashish Kumar Singh	E-1804	1,74,240
358	Mrs. Sarita Vijay Yadav	E-1903	17,576
359	Mr. Deep Kumar	E-1904	1,70,985
360	Mr. Stryev Srivastava	E-2001	1,16,527
361	Mr. Gaurav Chaudhary	E-2004	1,69,461
362	Mr. Anil Kumar	E-201	1,95,656
363	Mrs. Bhawana Saxena	E-202	91,825
364	Mrs. Pooja Dhall	E-204	91,825
365	Mr. Anil Kumar Vind	E-2101	1,16,527
366	Mr. Rakesh Tiwari	E-2102	15,564
367	Mr. Firoz Ahmad Ansari	E-2104	98,984
368	Mr. Debayan Ghoshal	E-2201	1,51,541
369	Mrs. Priti Gupta	E-2202	1,72,013
370	Mrs. Nikita Sunil Kamthan	E-2203	18,794
371	Mr. Gagandeep Singh	E-2204	1,66,925
372	Mrs. Poonam Rani	E-2301	14,941
373	Mr. Vinod Singh	E-301	16,629
374	Mr. Chhotelal Singh	E-302	1,88,038
375	Mr. Anil Kumar Ojha	E-304	96,805
376	Mr. Ansh Singh Rawat	E-401	1,84,120
377	Mr. Shiv Kumar Gupta	E-402	18,287
378	Mr. Ajok Chandra Ranjan	E-403	2,00,734
379	Mrs. Bhagwati Bhatt	E-404	91,825
380	Mr. Vikas Sahu	E-501	19,355
381	Mr. Israr Ahmad	E-502	1,96,600
382	Mr. Ranjeet Kumar	E-504	91,825
383	Mr. Sunil Dutt Suman	E-601	19,855
384	Mrs. Anuradha Bhatt	E-602	1,80,643
385	Mr. Upendra Kumar Rawat	E-604	96,950
386	Mr. Gaurav Kumar Nayyar	E-701	17,139
387	Mr. Ramesh Kumar	E-702	19,212
388	Mr. Sudarshan Manigain	E-703	1,83,744
389	Mr. Ashutosh	E-704	21,802
390	Mr. Yogesh Choud	E-802	19,112
391	Mr. Prashant Roy	E-804	21,694

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392	Mr. Shalender Singh	E-901	17,772
393	Ms. Priyanka	E-902	1,78,560
394	Mr. Ashish Srivastava	E-904	1,88,928
395	Mr. Vinendra Kumar Singh	F-1001	21,618
396	Mr. Rantadheen Yadav	F-1002	21,787
397	Mrs. Vibha Singh	F-1003	31,703
398	Mr. Praveen Kumar	F-1004	28,044
399	Mr. Shankaracharya Pachauri	F-101	1,44,000
400	Mr. Mohander Kumar Bhardwaj	F-102	28,769
401	Mr. Namdar Kumar	F-104	1,84,958
402	Mr. Vikas Aggarwal	F-1101	26,745
403	Mr. Ranvijay Sharma	F-1102	26,004
404	Mrs. Poojpa Kroufa	F-1103	15,619
405	Mr. Sandeep Shukla	F-1104	18,697
406	Mr. Ankit Beohar	F-1201	26,205
407	Mrs. Babita Sharma	F-1201A	28,405
408	Mr. Prabhat Kumar	F-1202	29,579
409	Mr. Ashish Kumar	F-1202A	15,137
410	Mr. Karn Sharma	F-1203	29,579
411	Mr. Chitransh Srivastav	F-1203A	1,75,848
412	Mr. Krishan Chandra Pandey	F-1204	15,185
413	Mrs. Rakhi Sharma	F-1204A	1,71,376
414	Mr. Prakash Rawat	F-1401	26,225
415	Mr. Jeevan Chandra Bhatt	F-1402	28,549
416	Mr. Harsh Chandra Belwal	F-1403	17,058
417	Mr. Pankaj Singh	F-1404	11,352
418	Mr. Narendra Nath Shukla	F-1501	23,034
419	Mr. Vikram Singh Jannal	F-1503	15,258
420	Mrs. Seema Chauhan	F-1504	19,899
421	Mrs. Nidhi Singh	F-1603	29,719
422	Mr. Krishan Pal Singh	F-1604	1,44,000
423	Mr. Raj Kumar Pandey	F-1701	25,895
424	Mr. Sanjeev Kumar Singh	F-1703	15,175
425	Mr. Ashok Kumar Prasad	F-1704	14,817
426	Mr. Harpal Singh Gill	F-1801	18,145
427	Mr. Harjeet Singh	F-1802	19,425
428	Mr. Harjeet Singh	F-1803	19,425
429	Mr. Harpal Singh Gill	F-1804	19,425
430	Mr. Ranjeet Karjan Sahi	F-1901	14,776
431	Mr. Harjeet Singh	F-1903	18,145
432	Mrs. Nidhi Dixit	F-1904	1,49,069
433	Mr. Ashish Rawat	F-2001	15,993
434	Mr. Shishupri Singh Yadav	F-2002	27,222
435	Mr. Bharad Saxena	F-2003	27,863
436	Ms. Poonam Dixit	F-2004	28,354
437	Mrs. Prachi Gupta	F-201	1,84,320
438	Mrs. Phalgum Ghosh	F-203	1,81,440
439	Mr. Ashok Kumar Sharma	F-2101	1,62,450
440	Mr. Sandeep Kumar Tyagi	F-2102	14,751
441	Mr. Sanjay Singh Bisht	F-2104	28,984
442	Mrs. Dolly Tiwari	F-2201	11,039
443	Mr. Affan Masood	F-2301	1,61,700
444	Mr. Mukesh Kumar Sharma	F-2302	1,68,814
445	Mr. Ajay	F-2304	1,72,284
446	Mrs. Lalita	F-301	1,83,477
447	Mrs. Pawan Sinha	F-302	1,90,310

Vijay Pal Singh Vs. M/s Nandi Infratech Pvt. Ltd.

Annexure-'A'

448	Mr. Sukanta Kumar Dass	F-303	1,93,175
449	Mr. Sunil Kumar Viji	F-304	32,343
450	Mrs. Sarita Kumari	F-401	25,019
451	Mr. Mukesh Kumar	F-402	96,805
452	Mr. Harishankar Rajbali	F-403	1,72,800
453	Mr. Arjan Kumar Vishwakarma	F-404	91,825
454	Mr. Navneet Verma	F-501	1,80,672
455	Mr. Gokula Nand Pandey	F-502	29,435
456	Mr. Ravi Ranjan	F-503	1,71,648
457	Mrs. Rani Kumari	F-504	17,751
458	Mrs. Sneha Saha	F-601	1,78,560
459	Mrs. Sangeta Bajaj	F-602	29,919
460	Mrs. Ranjita Sinha	F-603	70,678
461	Mr. Tinku Kumar	F-702	1,78,560
462	Mrs. Shweta Pundir	F-703	1,87,318
463	Mrs. Rina Prasad	F-704	74,101
464	Mr. Ashish Kumar	F-801	1,77,768
465	Mr. Prakash Kumar	F-803	68,152
466	Mr. Mani Bhushan Kumar	F-804	68,466
467	Mr. Dinesh Chand	F-901	26,560
468	Mr. Rupak Ranjan Sahoo	F-902	15,802
469	Mr. Jaiwant Kumar	F-903	1,80,046
470	Mr. Vipin Chandra Joshi	F-904	1,95,840
471	Mrs. Anu Singh	G-1003	24,816
472	Mr. Harbans Singh Gulsela	G-1002	20,989
473	Mr. Lovleen Malhotra	G-1004	1,82,016
474	Ms. Jayanti Negi	G-101	1,81,440
475	Mr. Singhason Rai	G-102	1,78,848
476	Mr. Rohin Agrawal	G-1102	31,592
477	Mr. Rajender Singh Rawat	G-1103	29,898
478	Mr. Chunchal Dwivedi	G-1104	30,023
479	Mr. Ramesh Chand Pardhan	G-1201	29,130
480	Mr. Anwar Mahmoed	G-1201A	89,329
481	Mr. Vikram Singh	G-1202	28,247
482	Mr. Dharma Raj	G-1202A	31,612
483	Mr. Kanwarjit Singh Chadha	G-1203	29,424
484	Mr. Rupanjan Biswas	G-1204	28,560
485	Mr. Gaurav Kuroja	G-1204A	31,549
486	Mr. Chandani Kumar	G-1401	29,524
487	Mr. Gaurav Verma	G-1402	1,76,479
488	Mr. Anand Kumar	G-1403	27,537
489	Mr. Surendra Singh	G-1404	31,370
490	Mr. Pragon Kudmisia	G-1501	28,991
491	Mrs. Prasanna Sivadas	G-1502	28,997
492	Mr. Itendra Kumar	G-1503	18,460
493	Mr. Divesh Kumar Mishra	G-1504	31,191
494	Mr. Raj Hans Pathak	G-1601	17,263
495	Mr. Yogesh Bisht	G-1603	54,692
496	Ms. Rutala Yamana	G-1604	1,72,513
497	Mr. Arosh Kumar Ujjain	G-1701	30,789
498	Mrs. Yasmin Paul	G-1702	30,420
499	Mr. Harak Singh Bisht	G-1703	54,580
500	Mr. Yashpal Singh Solanki	G-1704	27,414
501	Mr. Naresh Kumar	G-1801	27,602
502	Mr. Manoj Kumar	G-1802	29,551
503	Mr. Satil Chopra	G-1803	30,289

Vijay Pal Singh Vs. M/s Nandi Infotech Pvt. Ltd.

Annexure-'A'

504	Mrs. Deepa Gupta	G-1804	21,804
505	Mrs. Priya Goswami	G-1901	1,74,528
506	Mrs. Anshu Tyagi	G-1902	27,470
507	Mr. Sumit Kumar Singh	G-1903	27,357
508	Ms. Kavita Rawat	G-1904	1,80,578
509	Mr. Aditya Kumar Prasad	G-2001	1,67,616
510	Mr. Ravi Thakur	G-2003	56,300
511	Mr. Neeraj Kumar Sharma	G-2004	27,539
512	Mr. Shivraj Singh	G-201	1,77,120
513	Mr. Vivek Gautam	G-202	1,83,790
514	Mr. Divyans Tyagi	G-203	1,79,424
515	Mr. Prashant Kumar Sharma	G-2101	32,080
516	Mr. Manoj Kumar	G-2103	15,086
517	Mr. Arpit Sharma	G-2105	1,74,182
518	Mr. Dinesh Kumar	G-2104	15,564
519	Mr. Anurender Kumar	G-2201	1,79,952
520	Mr. Vijay Kumar	G-2202	1,64,736
521	Mrs. Debasree Chakraborty	G-2203	1,69,980
522	Mr. Mohd Umar Ahanger	G-2204	1,75,826
523	Mr. Nixon Massey	G-2301	1,80,505
524	Mr. Vijay Shankar Shukla	G-2303	27,464
525	Mr. Rakesh Kumar	G-2404	1,67,144
526	Mr. Santosh Kumar	G-301	79,789
527	Mr. Ramakant	G-302	31,518
528	Mr. Uday Singh	G-303	16,764
529	Mr. Asif Anwar	G-304	71,757
530	Mrs. Deepthi Singh	G-401	1,74,200
531	Mrs. Shafiq	G-402	31,151
532	Mr. Anil Kumar Singh	G-403	18,246
533	Mr. Kamlesh Kumar Jaiswal	G-404	91,825
534	Mr. Rajiv Sachdeva	G-501	32,454
535	Mrs. Divya Gupta	G-502	23,025
536	Mrs. Ishwara Priya	G-503	71,410
537	Mr. Mohamad Nayibur Rahman	G-504	70,973
538	Mr. Deepak Yadav	G-601	54,277
539	Mr. Naresh Kumar Mahato	G-602	1,85,532
540	Mr. Vinender Prasad	G-603	16,068
541	Mr. Naresh Kumar Jureja	G-604	1,77,120
542	Mr. Satpal Singh Choudhary	G-701	51,962
543	Mr. Surendra Singh Chaudhary	G-702	32,698
544	Ms. Abu Rashid	G-704	70,353
545	Mr. Rajiv Ranjan Sarkar	G-801	51,646
546	Mr. Dan Singh Bisht	G-802	15,891
547	Mr. Chandrajeet Yadav	G-803	30,415
548	Mr. Prashant Kumar	G-804	15,891
549	Mr. Raghav Kumar	G-901	53,331
550	Mr. Navab Singh	G-902	53,331
551	Mrs. Maninder Kaur	G-903	72,630
552	Mr. Akash Srivastava	G-904	93,381
553	Mr. Arun Kumar	H-1001	17,338
554	Mrs. Neeta Tyagi	H-1003	57,770
555	Mr. Manoj Kumar Bansal	H-1004	21,306
556	Mr. Praveen Kumar Chaudhary	H-101	2,01,600
557	Mr. Sandeep Kumar	H-102	2,09,148
558	Mr. Mohitish Bakshi	H-103	1,83,558
559	Mrs. Pratima Shukla	H-2101	26,471

Vijay Pal Singh Vs. M/s Nandi Infratech Pvt. Ltd.

Annexure-'A'

560	Mr. Kumar Abhishek	H-1102	22,380
561	Mrs. Nirmal Gupta	H-1103	28,734
562	Mr. Chandresh Shah	H-1104	26,638
563	Mr. Ashish Joshi	H-1201	20,412
564	Mr. Ritesh Kumar Srivastava	H-1201A	22,783
565	Mr. Rohit Anshwal	H-1202	16,897
566	Mr. Ashutosh Sharma	H-1202A	1,93,586
567	Mrs. Babita Dhanra	H-1203	27,130
568	Mr. Kapil Rajoria	H-1204	48,431
569	Mr. Birendra Singh Chauhan	H-1204A	2,02,236
570	Mr. Arvind Kumar Tawari	H-1401	23,473
571	Mrs. Mamta Tripathi	H-1402	27,677
572	Mr. Parikaj Sharma	H-1404	18,594
573	Mr. Dipankar Kalita	H-1501	25,780
574	Mr. Harish Chandra Singh	H-1502	24,904
575	Mr. Avinash Kumar Singh	H-1508	17,703
576	Mr. Deependra Singh Tomar	H-1504	23,199
577	Mrs. Urmila Devi	H-1601	1,91,136
578	Mrs. Aruna Jagan (H-1602)	H-1602	18,924
579	Ms. Asha Kalra	H-1603	47,420
580	Mrs. Anju Rawat	H-1604	73,434
581	Mr. Mihalesh Kumar	H-1702	16,480
582	Mr. Lokesh Kumar	H-1703	32,033
583	Mrs. Manjari Sinha	H-1704	1,81,377
584	Mr. Soenir	H-1801	26,296
585	Mrs. Neetu Yadav	H-1804	1,87,145
586	Mr. Rajkumar Malik	H-1903	26,165
587	Mr. Chandar Shekhar Sharma	H-1904	22,989
588	Mr. Virender Singh	H-2001	17,652
589	Mr. Shashi Prakash Pandey	H-2002	18,770
590	Mr. Ravi Sharma	H-2004	18,874
591	Mrs. Shilpi Saxena	H-201	18,051
592	Mrs. Sangeeta Sharma	H-202	19,263
593	Mr. Dabinder Singh	H-203	17,338
594	Mr. Sami Akhtar	H-2101	18,770
595	Mr. Vikash Kumar Tawari	H-2102	17,479
596	Mrs. Smita Srivastava	H-2103	90,448
597	Mr. Sanjay Singh	H-2104	1,80,579
598	Mr. Suresh Kumar	H-2201	24,786
599	Mr. Vibhore Agarwal	H-2202	27,059
600	Mr. Mayank Dhawan	H-2203	88,567
601	Mr. Tabrez Adil	H-2204	1,81,440
602	Mr. Adnan Masood	H-2301	17,423
603	Mr. Ritish Sharma	H-2302	17,424
604	Mr. Ram Gopal Singh	H-2304	1,81,679
605	Mr. Kushendra Parashar	H-301	22,466
606	Mr. Lovendra Parashar	H-302	22,466
607	Mr. Pradeep Kumar Burmal	H-303	18,330
608	Mr. Tarun Kumar Joshi	H-304	26,979
609	Mrs. Poonam Kumari	H-401	28,963
610	Mr. Choudhary Avatar Singh	H-402	27,520
611	Mr. Pramod Kumar	H-403	94,166
612	Mr. Pradeep Khari	H-404	94,166
613	Mr. Chandra Prakash	H-501	28,855
614	Mr. Suraj Bhan	H-502	17,803
615	Mr. Gaurav Gupta	H-503	16,129

Annexure-'A'

615	Mr. Gaurav Gupta	H-503	16,333
616	Mr. Narendra Kumar	H-504	1,88,164
617	Mr. Vipin Kumar	H-601	18,631
618	Mr. Surendra Nath Rai	H-602	27,218
619	Mr. Amarjeet Singh	H-603	30,953
620	Mr. Muneesh Kumar Sharma	H-604	26,513
621	Mr. John Khammuanlal Swite	H-701	26,725
622	Mr. Ashutosh Kumar	H-702	27,059
623	Mr. Arun Kumar Gupta	H-703	57,770
624	Mrs. Usha Rawat	H-704	21,825
625	Mr. Ajay Kumar Jha	H-803	27,307
626	Mr. Sourav Yadav	H-804	27,117
627	Mr. Niraj Kumar Karn	H-901	28,016
628	Mr. Suresh Nandiyal	H-902	21,524
629	Mr. Kamlesh Kumar Dubey	H-903	17,911
630	Mr. Yogesh Kumar Bhattar	I-1001	15,470
631	Mr. Vivek Saxena	I-1002	21,084
632	Ms. Prachi Singh	I-1003	21,365
633	Mr. Ramakant Chauhan	I-1004	22,354
634	Mr. Maruti Nandan Mishra	I-101	2,19,620
635	Mr. Deepak Kumar	I-102	2,05,056
636	Mr. Ajay Kumar Singh Chauhan	I-1101	18,760
637	Mr. Nihil Sharma	I-1103	2,41,920
638	Mrs. Shikha Tyagi	I-1104	27,317
639	Mr. Santosh Kumar Shaw	I-1201	18,084
640	Mrs. Indu Malik	I-1203	22,077
641	Mr. Sanjiv Kumar Sinha	I-1203A	22,217
642	Mr. Harish Kumar Dimri	I-1204	30,462
643	Mr. Santosh Kumar Sharma	I-1204A	66,172
644	Mr. Tarun Srivastava	I-1401	19,630
645	Mr. Naveen Kumar	I-1402	26,094
646	Mr. Ashwini Kumar Vimal	I-1403	25,267
647	Mrs. Pallavi Sharma	I-1404	23,065
648	Mr. Sunil Kumar Verma	I-1501	18,297
649	Mr. Kewal Pal Sharma	I-1602	1,96,426
650	Mr. Pritish Priya	I-1603	28,149
651	Mr. Lalit	I-1703	66,172
652	Mr. Emteyaz Ahmed	I-1704	21,829
653	Mr. Brajesh Singh Chaudhan	I-1801	2,02,812
654	Mr. Deepak Kumar	I-1803	1,10,286
655	Mr. Arun Kumar Tameja	I-1804	53,685
656	Mrs. Charu Sharma	I-1901	2,02,550
657	Mr. Deymani Rambharos Pande	I-1903	21,754
658	Mr. Amar Nath	I-1904	1,10,286
659	Mrs. Vinita Gola	I-2001	20,780
660	Mr. Arun Kumar Singh	I-2003	21,396
661	Mr. Prasenjit Bose	I-2004	26,854
662	Mrs. Uma Kumari Dairvedi	I-202	2,02,087
663	Mr. Karan Chandra	I-204	23,118
664	Mrs. Usha Singh	I-2103	2,36,160
665	Mr. Shiv Kumar Sharma	I-2104	1,20,935
666	Mrs. Usha Bahri	I-2203	1,20,935
667	Mr. Pradeep kumar	I-2204	1,20,935
668	Mrs. Mridusmita Boruah	I-2303	1,20,935
669	Mr. Abhishek Joshi	I-2304	1,20,935
670	Mrs. Jyoti	I-2404	1,20,935

Vijay Pal Singh Vs. M/s Nandi Infratech Pvt. Ltd.
Annexure-'A'

671	Mr. Manmohan Singh	I-301	1,88,846
672	Mrs. Usha Kathuria	I-302	14,630
673	Mr. Sanket Gangwar	I-303	22,453
674	Mr. Manish Kukreti	I-304	22,537
675	Mr. Zahoor Ahmed Bhat	I-401	20,005
676	Mr. Prvush Agarwal	I-402	13,511
677	Mr. Mukesh Sundriyal	I-403	22,330
678	Ms. Meenu Arora	I-504	27,925
679	Mr. Anshu Prakash Mishra	I-501	60,848
680	Mrs. Shylaja Prakash	I-502	22,308
681	Mrs. Preeti Agarwal	I-503	30,013
682	Mr. Jaldeep Mohan Lal Gandhi	I-504	63,586
683	Mr. Avneesh Kumar Singh	I-601	60,886
684	Mrs. Reena Gupta	I-602	26,570
685	Mr. Vikas Kumar Sinha	I-603	72,470
686	Mr. Rakesh	I-604	56,919
687	Mr. Atul Khanna	I-701	26,548
688	Mrs. Niraj Khanna	I-702	28,548
689	Mr. Surender Kashyap	I-703	21,960
690	Mr. Manjeet Singh Panwar	I-704	68,454
691	Mr. Dharam Veer Sharma	I-802	20,080
692	Mr. Amar Nath	I-803	1,14,089
693	Mrs. Chitra Rani	I-901	19,345
694	Mrs. Richa Saxena	I-902	2,19,367
695	Mr. Raj Deep	I-903	68,454
696	Mr. Sushildeep Kumar	I-904	67,931
697	Mr. Amit Kumar Singh	J-1	85,611
698	Mr. Anup Kumar Shaw	J-1002	2,98,064
699	Mr. Kumar Sagar	J-1003	41,671
700	Mr. Phasomei Krongkhon	J-1004	80,700
701	Mr. Mayank Aggarwal	J-102	2,73,800
702	Mr. Akhil Aggarwal	J-103	2,73,600
703	Ms. Bimia Zutshi	J-1102	32,177
704	Mr. Pardeep Sethi	J-1103	37,177
705	Mrs. Nehu Gautam	J-1104	3,44,621
706	Mr. Sanjeet Kumar Verma	J-1201	1,45,056
707	Mr. Neeraj Kumar Tiwari	J-1201A	85,909
708	Mr. Anoop Kumar Sharma	J-1202	48,884
709	Mr. Sandeep Kumar Gupta	J-1202A	75,865
710	Mr. Sanjiv Chauhan	J-1203	48,886
711	Mr. Sanvik Kapoor	J-1203A	78,317
712	Mr. Yogendra Singh	J-1204	1,03,313
713	Mrs. Priyanka Kapoor	J-1204A	85,909
714	Mr. Kumar Indramani	J-1401	3,19,056
715	Mr. Sanjay Kumar	J-1402	58,587
716	Mrs. Lalita Wadhwa	J-1403	71,001
717	Mrs. Prabhu Rajan	J-1404	95,891
718	Mr. Ranjay Kumar Singh	J-1501	65,958
719	Mrs. Neha Sharma	J-1502	38,034
720	Mrs. Mala Chakraborty	J-1503	83,715
721	Mr. Ravi Wadhwa	J-1504	67,459
722	Mrs. Nutan Kaulshik	J-1601	84,661
723	Mr. Brajesh Kumar	J-1602	1,89,236
724	Mr. Vikash Kumar	J-1603	43,466
725	Mr. Shashi Shekhar Niraj	J-1604	66,536
726	Mr. Rahul Gola	J-1702	81,861

Vijay Pal Singh Vs. M/s Nandi Infratech Pvt. Ltd.
Annexure-'A'

727	Mrs. Kavita Kiran Kiro	J-1703	80,080
728	Mr. Anup Kumar	J-1704	3,25,328
729	Mr. Saroj Kumar Choudhary	J-1802	75,975
730	Mrs. Shobha Kumar	J-1803	60,733
731	Mr. Ratnesh Kumar Jha	J-1804	1,41,068
732	Mrs. Shalini Rastogi	J-1902	41,180
733	Mr. Shuvranga Kar	J-1903	66,563
734	Mr. Amit Srivastava	J-1904	3,11,040
735	Mrs. Vaisali Kundal	J-2002	58,877
736	Mrs. Shadman Kalim	J-2003	64,628
737	Mrs. Shashi Sharma	J-202	92,398
738	Mrs. Sushma Khanna	J-203	51,959
739	Mr. Diwan Singh Bhandari	J-204	1,06,646
740	Mrs. Shefali Sinha	J-2101	1,44,260
741	Mr. Naresh Kumar	J-2102	74,303
742	Mr. Kamal Singh	J-2103	1,90,633
743	Mr. Abhinav Choubey	J-2202	76,330
744	Mr. Rishi Nath Ojha	J-302	30,497
745	Mrs. Vasudha Sharma	J-303	60,210
746	Mr. Kumar Rituraj	J-401	38,592
747	Mr. Vivek Negi	J-402	85,980
748	Mr. Rajesh Kumar Kareel	J-403	63,404
749	Mr. Vijay Vir Singh	J-404	93,752
750	Mrs. Baljeet Kaur	J-501	54,209
751	Mr. Mukul Singh	J-502	2,88,000
752	Mr. Vijay Pal Singh	J-503	84,757
753	Mr. Jawad Amjad	J-504	1,01,880
754	Mrs. Nootan Kumari	J-6	1,50,958
755	Mr. Pravin Kumar	J-601	3,41,694
756	Mrs. Priyanka Singhal	J-602	2,78,531
757	Mrs. Sadhna	J-603	68,890
758	Mr. Santosh Singh	J-703	81,914
759	Mrs. Renu Saxena	J-704	1,10,245
760	Mr. Divyansh Srivastava	J-801	3,44,448
761	Mrs. Nirmala Khulbe	J-802	1,50,733
762	Mr. Arvind Yadav	J-803	78,068
763	Mr. Ajitabh Kumar Sharma	J-804	3,39,840
764	Mrs. Kiran Sharma	J-9	94,704
765	Mr. Prashant Tomar	J-902	76,379
766	Mr. Gopal Kumar	J-903	2,87,456
767	Mr. Krishna Bihari Sharma	J-904	75,761
768	Mr. Atsar Khan	J-ANCHOR SHOP	14,82,048
	Total		7,29,05,691

*:- No amount indicated in the DGAP's Report dated 27.10.2021 (Home buyers List attached as Annexures to the Report)