

GSTAT

Single Bench Court No. 2

NAPA/108/PB/2025

DGAP

.....Appellant

Versus

NIRMA LTD.

.....Respondent

Counsel for Appellant

Counsel for Respondent

Hon'ble Justice (Retd.) Sh. Mayank Kumar Jain, Member(Judicial)

Form GST APL-04A

[See rules 113(1) & 115]

Summary of the order and demand after issue of order by the GST Appellate Tribunal

whether remand order : No

Order reference no. : ZA071025000082H

Date of order : 17/10/2025

1.	GSTIN/Temporary ID/UIN - 0	
2.	Appeal Case Reference no. - NAPA/108/PB/2025	Date - 23/05/2025
3.	Name of the appellant - DGAP , dgap.cbic@gov.in , 011-23741544	
4.	Name of the respondent - 1. Nirma Ltd. , info@nirma.co.in , 079-27546565	
5.	Order appealed against -	
	(5.1) Order Type -	
	(5.2) Ref Number -	Date -

6.	Personal Hearing - 17/10/2025 13/10/2025
7.	Status of Order under Appeal - Confirmed – Order under Appeal is confirmed
8.	Order in brief - On the basis of investigation, the DGAP arrived at the conclusion that the Respondent has not contravened with any provisions as contained under section 171(1) of the CGST, Act, 2017. Therefore, the report of the DGAP dated 23.05.2025 deserves to be accepted. The report submitted by DGAP dated 23.05.2025 is accordingly accepted.
Summary of Order	
9.	Type of order : Closure Report

Place :DELHIPB

Signature

Date : 17.10.2025

DELHIPB Priya Sharma

Designation : Stenographer/Law researcher

Jurisdiction :Delhi (PB)

Final order

1. Heard Shri Diwakar Sharma, Inspector on behalf of the DGAP.
2. Perused the record.
3. Fact giving rise to the present proceedings are that on the basis of a letter dated 18.04.2019 of the Secretary, National Anti-Profiteering Authority (NAA), Standing Committee made a reference to Directorate General of Anti-Profiteering (DGAP) for conducting detailed investigation. in respect of supplies made by M/s Nirma Limited (hereinafter refers the Respondent). There was an allegation against the Respondent that it has not passed the

commensurate benefit of the Reduction of tax rate to Recipient impacted vide Notification No. 41/2017 dated 14.11.2017.

4. The DGAP conducted a detailed investigation and submitted its report dated 15.12.2021. The DGAP, after investigation, concluded that the Respondent has not contravened the provisions as contained under section 171(1) of the CGST, Act, 2017.
5. The matter came up before the National Anti-profiteering Authority (NAA). The NAA vide its order dated 10.05.2022 remitted the matter to the DGAP to conduct further investigation on following issues:-

- i) Whether the Respondent has reduced, re-fixed and displayed the MRPs of the impacted SKUs commensurately w.e.f. 15.11.2017 after the rate of tax was reduced on them and conveyed the same to his Dealers i.e. Distributors / Whole Sellers / Retailers by whatever name known?
- ii) Whether the Respondent has affixed stickers or stamped or online printed the reduced MRPs on the stock lying with him or his Dealers as on 15.11.2017 and thus passed on the benefit of tax reduction on it?
- iii) Whether the Respondent has charged 18% GST after rate reduction on the impacted SKUs after rate reduction?
- iv) On which grounds the Respondent has increased the base price of his products in the month of

November, 2017 immediately after the tax reduction on 15.11.2017?

v) What evidence regarding increase in the process of Crude Oil is available on the basis of which has been it has been claimed that the Respondent has increased his pieces due to the increase in the prices of the Crude Oil?.

vi) Whether the Respondent has violated the provisions of Section 171 of the Act and if so what is the quantum of profiteering?

6. Pursuant to the aforesaid order, The DGAP, after the investigation, submitted its report dated 27.01.2023 arriving again at the conclusion that the Respondent has not contravened any provisions as contained under section 171(1) of the CGST, Act, 2017.
7. Thereafter, the matter came up before the Competition Commission of India (CCI), the erstwhile authority having jurisdiction of the matters pertaining to Anti-profiteering.
8. The CCI vide its order dated 23.08.2024 directed the DGAP to re-investigate the matter in light of the judgment passed in Writ Petition (C) No. 7743/2019 by Hon'ble High Court of Delhi, dated 29.01.2024.
9. The DGAP conducted the re-investigation pursuant to the directions given by CCI. It again arrived at the conclusion that no. of the provisions under section 171(1) of the CGST, Act, 2017 has been contravened by the Respondent.
10. w.e.f. 01.10.2024, the Central Government, on the recommendations of the GST Council has empowered the Principal Bench of GST Appellate Tribunal (GSTAT),

constituted under sub-section (3) of section 109 of CGST Act, 2017, to examine anti-profiteering cases in terms of Notification No. 18/2024-Central Tax dated 30.09.2024. Therefore, the DGAP submitted its report dated 23.05.2025 to this office.

- 11.** Shri Diwakar Sharma, representative of DGAP, has submitted that number of times the matter was investigated and examined by DGAP extensively. On the basis of investigation, no contravention of the provision under section 171(1) of the CGST, Act, 2017 was found on the part of the respondent.
- 12.** In this matter it is apparent that proceedings against Respondent were initiated on the basis of the letter dated 18.04.2019 of the Secretary, NAA.
- 13.** In view of the foregoing facts and circumstances as referred above, it is apparent that the investigation was conducted by the DGAP on several occasions under the direction of the higher authorities. On the basis of investigation, the DGAP arrived at the conclusion that the Respondent has not contravened with any provisions as contained under section 171(1) of the CGST, Act, 2017. Therefore, the report of the DGAP dated 23.05.2025 deserves to be accepted.
- 14.** The report submitted by DGAP dated 23.05.2025 is accordingly accepted.
- 15.** Consign the record.
- 16.** A copy of this order be sent to the Respondent and to the concerned Commissionerate CGST/SGST for necessary action, if any.

17. Final order signed, dated and pronounced in open court today.

Date- 17.10.2025

PS

(Justice Mayank Kumar Jain (Retd.))

Judicial Member,
GST Appellate Tribunal,
Principal Bench, New Delhi

Digitally signed by MAYANK KUMAR JAIN
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