BEFORE THE NATIONAL ANTI-PROFITEERING AUTHORITY

UNDER THE CENTRAL GOODS & SERVICES TAX ACT, 2017

I.O. No.	:	14/2022
Date of Institution	:	16.04.2020
Date of Order	:	29.08.2022

In the matter of:

1. Shri Anil Kumar Kota, Flat No. 430, Radhe Shyam Residency, Near Bonthalamma Temple, Karakambadi Road, Tirupati-517501.
2. Director General of Anti-Profiteering, Central Board of Indirect Taxes & Customs, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, Gole Market, New Delhi-110001.

Applicants

Versus

M/s IJM Lingamaneni Township Pvt. Ltd., Opp. Nagarjuna University, Kanteru (PO), Namburu (via), Guntur (Dist.) -522508.

Respondent

Quorum:-

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

Present:-

1. Sh. Anil Kumar Kota, Applicant No. 1 in person.
2. Sh. Manoj Kumar, Assistant Commissioner for the DGAP.
3. Sh. Ramachandra Murthy, Advocate and Sh. C. H. Balakrishna, Representative, for the Respondent.

ORDER

1. The present Report dated 23.03.2020 has been received on 16.04.2020 by this Authority from the Applicant No. 2 i.e. the Director General of Anti-Profiteering (DGAP), under Rule 129 (6) of the Central Goods & Services Tax (CGST) Rules, 2017. The brief facts of the case are that a reference was received on 01.07.2019 from the Standing Committee on Anti-profiteering under Rule 129 of the CGST Rules, 2017 to conduct a detailed investigation in respect of an application filed by the Applicant No. 1, under Rule 128 of the CGST Rules, 2017, alleging profiteering in respect of construction service supplied by the Respondent. The Applicant

No. 1 had submitted that he had purchased flat No. Willows 1040 in the Respondent's project "Raintree Park", Dwaraka, Krishana Phase-II, Opp Nagarjuna University, Kanteru (PO), Nambure (via), Guntur (Dist.) and had alleged that the Respondent had not passed on the benefit of input tax credit (ITC) to him by way of commensurate reduction in price. As mentioned in the application, the Applicant No. 1 had lodged the complaint directly with the DGAP.

2. The DGAP in his Report dated 23.03.2020, inter-alia stated that:-

   i. The application was forwarded to the Standing Committee on Anti-profiteering and the same was examined by the Standing Committee on Anti-profiteering in its meeting held on 13.06.2019, the minutes of which were received in the DGAP's office on 01.07.2019, whereby it was decided to forward the same to the DGAP, to conduct a detailed investigation in the matter.

   ii. Further, the Applicant No. 1 had submitted the following documents along with his application:

      a. Copies of communication/invoices between the Applicant and the Respondent.

      b. Copy of Aadhar Card as proof of identity.

      c. Duly filled APAF form.

   iii. Ongoing through the said application, it was observed that the Applicant No. 1 had booked flat in the Respondent's project "Raintree Park" on 22.06.2015, i.e., in the pre-GST era. In terms of the instalment plan agreed upon, the Applicant No. 1 was to pay the consideration in 6 payment parts each linked with different stages. Prior to GST, he had already paid two installments. As per the agreement, the Respondent issued demand letters for three, fourth and fifth installments without providing any benefit of additional ITC in the post-GST era. However, the Respondent had

not issued any bills regarding the sixth instalment to the Applicant No. 1.

iv. On receipt of the said reference from the Standing Committee on Anti-profiteering, a notice under Rule 129 of the Rules was issued by the DGAP on 12.07.2019, calling upon the Respondent to reply as to whether he admitted that the benefit of ITC had not been passed on to the homebuyers 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.

v. Vide the notice dated 12.07.2019, the Respondent was also given an opportunity to inspect the non-confidential documents/reply furnished by the Applicant No. 1 during the period from 18.07.2019 to 22.07.2019, however the Respondent didn't not avail of the opportunity.

vi. Further, vide email letter dated 21.01.2020, the Applicant No. 1 was also given an opportunity to inspect the non-confidential documents/reply furnished by the Respondent on 24.01.2020, however the Applicant No. 1 didn't not avail of the opportunity.

vii. The time limit to complete the investigation was extended up to 30.03.2020 from 31.12.2019 by the Authority, vide order dated 27.12.2019 in terms of Rule 129(6) of the CGST Rules, 2017.

viii. The period covered by the current investigation was from 01.07.2017 to 30.06.2019.

ix. In response to the notice dated 12.07.2019, the Respondent submitted his reply vide letters/e-mails dated 24.07.2019, 08.08.2019, 20.08.2019, 31.10.2019, 29.11.2019, 27.12.2019,

04.02.2020, and 03.03.2020 The reply of the Respondent was summed up as follows:

a. The Respondent vide his submission dated 24.07.2019 has submitted that he was a company established under the Companies Act, 1956 and main objective of the company was construction of residential complexes in Guntur. The company had given construction contract to IJM (India) Infrastructure Limited which was a group company. The IJM (India) Infrastructure Limited was a company established under Companies Act, 1956 which was located in Hyderabad, Telangana, India.

b. The Respondent further stated that he was complying with all the Rules and Regulations of CGST Act and regularly filing all GST Returns and paying taxes promptly. He was registered with the RERA with registration no. P07270020004 in Andhra Pradesh.

c. The Respondent further vide email dated 04.02.2020 submitted final payment sheet (sample basis) and Journal Vouchers for supporting his claim regarding passing the benefit of ITC of Rs. 27,29,748/- to his customers.

x. Vide the aforementioned letters/e-mails, the Respondent submitted the following documents/information:

a. Copies of GSTR-1 Returns for the period July, 2017 to June, 2019.

b. Copies of GSTR-3B Returns for the period July, 2017 to June, 2019.

c. Copies of Tran-1.

d. Electronic Credit Ledger for the period July, 2017 to March, 2019.

e. Copies of VAT& ST-3 Returns for the period April, 2016 to June, 2017.

f. Copies of all demand letters, sale agreement/contract issued in the name of the Applicants.

g. Details of applicable taxes pre-GST and post-GST.

h. Copy of Balance Sheet and Cost Audit Report for Finance Years 2016-17, 2017-18.

i. Details of VAT, Service Tax, ITC of VAT, Cenvat Credit for the period April, 2016 to June, 2017, Output GST and ITC for the period July, 2017 to March, 2019 for the impugned Project.

j. Cenvat/Input Tax Credit register for the Finance Years 2016-17, 2017-18 and 2018-19 reconciled with VAT, ST-3 and GSTR-3B returns.

k. List of home-buyers for the impugned Project.

xi. The Respondent did not claim confidentiality of any of the details/information furnished by him, in terms of Rule 130 of CGST Rules, 2017.

xii. The subject application, the various replies of the Respondent and the documents/evidence on record had been carefully examined. The main issue to be examined were as under:

a. Whether there was reduction in rate of tax or benefit of ITC on the supply of construction service by the Respondent after implementation of GST w.e.f. 01.07.2017.

b. If so, whether the Respondent passed on such benefit to the recipients, in terms of Section 171 of the CGST Act, 2017.

xiii. It would be pertinent to refer to 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) which reads as "*Sale*

of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building" along with clause (b) of Paragraph 5 of Schedule II of the CGST Act, 2017 which 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 completion certificate, where required, by the competent authority or after his first occupation, whichever is earlier"*. Thus, it was apparent that the ITC pertaining to 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 remain 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 exempted 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 exempted supply under sub-section (2) shall be such as might 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, ITC pertaining to the unsold units was outside the scope 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 proportionate additional ITC available to him post-GST.

xiv. The present case pertains to supply of construction service and the investigation was limited to one project i.e. "Raintree Park" only, in which the Applicant No. 1 had booked the unit.

xv. Upon analysis of the home-buyer's data submitted by the Respondent, it was observed that the Respondent's Project "Raintree Park" had only one category of units there in, namely "Willows", "Raintree Park". In this regard, the Respondent vide his submission dated 08.08.2019 has submitted Cenvat/ITC register for the project "Raintree Park" reconciled with VAT, ST-3 and GSTR-3B returns for the period being covered in this investigation.

xvi. As regards the allegation of profiteering, it was observed that prior to 01.07.2017, i.e., before GST was introduced, the Respondent was eligible to avail CENVAT credit of Service Tax paid on input services. However, CENVAT credit of the Central Excise duty paid on 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 including the sub-contracts. The Respondent vide his email dated 29.11.2019, submitted the home-buyer's data and from other documents/information for the period April, 2016 to June, 2019, the details of the ITCs availed by him with respect to the impugned project, his turnovers from the project namely "Raintree Park" and the ratios of ITCs to the turnovers, during the pre-GST (April, 2016 to June, 2017) and post-GST (July, 2017 to June, 2019) periods, have been furnished in Table-'A' below:

Table- 'A'

Amount in Rs.

S.No.	Particulars	(Pre-GST)	(Post-GST)
1	Credit of Service Tax Paid on Input Services (A)	3,37,17,337	
2	Input Tax Credit of VAT paid on Inputs (B)	-	
3	Total CENVAT/VAT/Input Tax Credit Available (C=A+B)	3,37,17,337	
4	ITC of GST Availed (D)		16,97,85,535
5	Total Turnover from Residential Area (E)	13,79,91,214	29,23,07,862
6	Total Saleable Area (F)	8,25,836	8,25,836
7	Sold Area relevant to Turnover in Sq Ft. (G)	1,25,760	1,81,907
8	ITC proportionate to Sold Area (H= (C or D)* G/F)	51,34,545.24	3,73,98,681
9	Ratio of Cenvat/ITC to Turnover (I=H/E*100)	**3.72%**	**12.79%**

xvii. From the above Table- 'A', it transpired 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 3.72 % and during the post-GST period (July, 2017 to June, 2019), it was 12.79%. This indicates that post-GST, the Respondent had apparently benefited from additional ITC to the tune of 9.07% [12.79% (-) 3.72%] of the turnover.

xviii. It was observed that the Central Government, on the recommendation of the GST Council, had levied 18% GST on construction service (after one third abatement towards value of land, effective GST rate was 12% on the gross value), vide Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017. The Respondent vide his submission dated 29.11.2019 submitted that the impugned project had total of 632 units in the said project and all units were categorised in the category of other than affordable housing. Total 136 units out of 632 units had been sold out. Accordingly, the profiteering had been examined by comparing the applicable tax rate and ITC available to the Respondent during for the pre-GST period (April, 2016 to June, 2017) when Service Tax @ 4.5% was payable with the post-GST period (July, 2017 to June, 2019) when the GST rate was 12% on the gross value. On the basis of 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

Amount in Rs

S. No.	Particulars		Pre-GST	Post- GST
1	Period	A	April,2016to June,2017	July,2017 to June, 2019
2	Output tax rate (%)	B	4.50%	12.00%
3	Ratio of CENVAT/VAT/GST Input Tax Credit to Total Turnover as per Table - B above (%)	C	3.72%	12.79%
4	Increase in input tax credit availed post-GST (%)	D	-	9.07%
5	**Analysis of Increase in input tax credit:**			
6	Total Basic Demand during July, 2017 to June , 2019	E		29,23,07,862
7	GST @12%	F= E*12%		3,50,76,943
8	Total demand	G= E+F		32,73,84,805
9	Recalibrated Basic Price	H=E*(1-D) or 90.93% of E		26,57,95,539
10	GST @12%	I=H*12%		3,18,95,465
11	Commensurate demand price	J=H + I		29,76,91,004
12	**Excess Collection of Demand or Profiteered Amount**	**K=G - J**		**2,96,93,802**

xix. From Table-'B' above, it appeared that the additional ITC of 9.07% of the turnover should have resulted in commensurate reduction in the basic price as well as cum-tax price. Therefore, in terms of Section 171 of the CGST Act, 2017, the benefit of the additional ITC should have been passed on by the Respondent to the recipients. In other words, by not reducing the pre-GST basic prices by 9.07% on account of additional benefit of ITC and charging GST @12% on the pre-GST basic prices, the Respondent appeared to have contravened the provisions of Section 171 of the CGST Act, 2017.

xx. Having established the fact of profiteering; the next step was to quantify the same. On the basis of 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

30.06.2019, the amount of benefit of ITC not passed on to the recipients or in other words, the profiteered amount came to Rs. 2,96,93,802/- which included GST on the base profiteered amount of Rs. 2,65,12,323/-. The buyer-wise and unit no. wise break-up of this amount was given in Annexure 14 of the Report. This amount is inclusive of the profiteered amount in respect of the Applicant No. 1 of Rs. 2,88,435/- mentioned at serial no. 79 of Annexure 14 of the Report.

xxi. As mentioned in the submissions dated 04.02.2020, the Respondent has claimed that he had passed on benefits to the tune of Rs. 27,29,748/- to 40 home buyers who had booked their flats up to 30.06.2019. Further, the Respondent has submitted final payment sheet (sample basis) and Journal Vouchers (sample basis) for supporting his claim regarding passing on the benefit of ITC to his customers which has been verified. A summary of category-wise profiteering and the benefit passed on was furnished in the Table-'C' below:

Table -C

S. No.	Category of Customers	No. of Units	Area (in Sqf)	Amount Raised Post GST (July, 2017 to June, 2019)	Profiteering Amt. as per Annex-	Benefit already Passed on by the Noticee	Difference	Remark
A	B	C	D	E	F	G	H=F-G	I
1	Applicant	1	1,279	28,39,380	2,88,435	0	2,88,435	Further Benefit to be passed on
2	Other Than Applicants	133	1,82,039	28,94,68,482	2,94,05,367	27,29,748	2,66,75,619	Further Benefit to be passed on
3	Other Than Applicants	2	2,822	-	0	0	0	No Consideration raised Post-GST
	Sub Total	**136**	**1,86,140**	**29,23,07,862**	**2,96,93,802**	**27,29,748**	**2,69,64,054**	-
4	Other Than Applicants	496	6,39,696					Unsold Units as on 30.06.2019
	Grand Total	632	8,25,836					

xxii. From the above Table "C", it was also observed that the benefit already passed on by the Respondent was lesser than what he should

have passed on in 134 cases including the Applicant No. 1 (Sr. 1 & 2 of above table) amounting to Rs. 2,69,64,054/- (Rs. 2,88,435/-+ Rs 2,66,75,619/-). The benefit already passed on by the Respondent had been duly verified with the demand invoices/journal voucher submitted by the Respondent.

xxiii. The above computation of profiteering was with respect to 134 home buyers from whom construction value had been received by the Respondent during the period 01.07.2017 to 30.06.2019 excluding two serially numbered 132 & 136 units in homebuyers list on which no demand was raised post GST i.e., after 01.07.2017. Therefore, the benefit of ITC in respect of these 134 units should be calculated when the consideration towards construction was received from the concerned home buyers, by taking into account the proportionate ITC in respect of such units. On the basis of the details of outward supplies submitted by the Respondent, it was observed that construction service had been supplied by the Respondent in the State of Andhra Pradesh only.

3. Therefore, the DGAP has concluded that:-

i. From the above discussion, it appeared that the benefit of additional ITC of 9.07% of the turnover has accrued to the Respondent and the same was required to be passed on to the Applicant No. 1 and the other recipients. The Respondent appeared to have contravened the provisions of Section 171 of the CGST Act, 2017, inasmuch as the benefit of additional ITC @ 9.07% of the demand raised by the Respondent during the post-GST period from 01.07.2017 to 30.06.2019, had not been passed on to the Applicant No. 1 and the other recipients. On this account, the Respondent had realized an excess amount to the tune of Rs. 2,88,435/- from the Applicant No. 1 which included both the profiteered amount @ 9.07% of the basic price and the GST @12% on the said profiteered amount. On the

basis of above discussion, it appeared that post-GST, the benefit of additional ITC of 9.07 % of the turnover has accrued to the Respondent for the project "Raintree Park". Therefore, the total additional amount of Rs. 2,69,64,054/- (Rupees Two Crore, Sixty-Nine Lakh, Sixty-Four thousand, and Fifty Four only) was required to be returned to the Applicant No. 1 and other such eligible recipients.

ii. As aforementioned, the present investigation covered the period from 01.07.2017 to 30.06.2019. Profiteering, if any, for the period post June, 2019, had not been examined as the exact quantum of ITC that would be available to the Respondent in future could not be determined at this stage, when the construction of the project was yet to be completed.

4. The above Report was carefully considered by this Authority and it was decided to allow the Respondent to file his consolidated written submissions by 28.05.2020. A notice dated 05.05.2020 was issued to the Respondent to explain why the Report dated 23.03.2020 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.

5. The Respondent filed his written submissions on 06.07.2020 and executive summary of his submissions on 05.10.2020 in which he has submitted :-

i. That the prices of the goods and the services keep on changing upwards due to various reasons including due to demand supply ratio. It was submitted that passing on ITC benefit was only one side of the coin and the present exercise had not taken into consideration the other side of the coin i.e., increase in the cost of construction of flats/villas over the years.

ii. That in almost all the cases, such computations were made typically for a selected period under investigation. It did not cover the entire tenure of the project or time of receipt of occupancy/completion certificate and why only a part period had

been considered could not be known, as the same had not been explained in the Report.

iii. That in Table A of the Report, 'sold area' during post-GST period was shown as 1,81,907 sq. ft. It was submitted that in respect of the bookings made in the post-GST regime, the customer was well aware of the GST implications and the price had been fixed by considering all the benefits, including ITC benefit if any. In fact there were 14 flats, which had been booked after 1.7.2017 out of the 136 flats mentioned in the Statement. It was submitted that there could not be a thumb-rule for computing the benefits. What was the quantum of benefit to be passed on, was a question of fact to be computed on case to case basis and there could not be a generalization in taxation matters. In the case of Cradle Runways (India) Vs Commissioner of Commercial Taxes, Karnataka 144 STC 465, the Karnataka High Court held 'in our opinion, a sweeping generalization could not have been made in respect of all types of contracts that the appellant-company has entered into with his employers'.

iv. That the words 'commensurate reduction' used in Section 171 of the CGST Act, 2017 were not defined. There were also no guidelines issued on how ITC could be translated into price changes. On a consideration of several issues, the price was struck. If the computation was made only in terms of ITC, without relevance to various other aspects influencing increase in the non-creditable expenditure like salaries, purchase of Diesel oil and petrol, interest, purchases from composition dealers, loss of goods due to various reasons, etc., in the humble submission of the Respondent, the methodology adopted was not correct.

v. That the ITC and turnover could not be compared for the simple reason that there was no correlation between turnover and credit. It was therefore a case to case computation that was to be adopted.

vi. That another flaw in the methodology adopted was that as and when the rates of tax were increased in the post-GST regime, credits increase, which were termed as benefits. At the same time increase in non-creditable expenditure had not been taken into account to arrive at the amount of profit.

vii. That the Report had not considered the pre-GST period costs (VAT and CST) as explained in detail in the written submissions. It was submitted that without taking into consideration all these factors which influenced the price, which was not disturbed by the Respondent and the amount of profit, computation of the so called ITC benefit was not correct.

viii. That the Respondent invited attention to the following table, to evidence the fact of increase in costs over the years, which had large impact on profit margin. This table clearly showed the extra cost incurred by the Respondent, though the price per Sq.ft. remained the same over the years.

Sl. No	Description	Pre-GST period (Rs.)	Post –GST period (Rs.)
1	Purchase of goods	1000	1000
2	VAT/C/GST/credit	Nil	180
3	Receipt of services	500	500
4	ST 6%/CGST 18%	30	90
5	Total cost (1+2+3+4)	1500+30	1500+270
6	Price per Sft	20	20
7	Sale price	1800(net of tax)	1800(net of tax)
8	Output tax	5.75% (4.5 ST+1.25 VAT)	(GST 12%) 216
9	Total (7+8)		2016
10	Escalation in the first year 4%	Nil	60
11	Net Total Cost (5+10)		1560
12	Extra Cost to developer (11-5)		60
13	Escalation in the second year 4%		62.40

14	Total Cost (11+13)		1622.40
15	Extra cost to developer (14-5)		122.40
16	Total Extra cost in the two years (12+15)		182.40

ix. That but for increase in prices, net cost to the developer was only Rs. 4500 in the three years. But due to increase in prices, the cash outflow was Rs. 4682.40 resulting in extra cost of Rs. 182.40. It was submitted that unless such extra cost was considered, it was not possible to arrive at the amount of profit so as to determine profiteering.

x. That there were several factors that influence the prices in relation to real estate sector. Rain Tree Park project was situated within a ten kilometer radius of the capital city of Andhra Pradesh i.e., Amaravati. Now with the proposal to shift the executive capital to Visakhapatnam, developers were not able to sell even at the prices offered in 2015. All projects including Rain Tree project in the area would end in unimaginable loss. Though the prices of several goods like sand, had skyrocketed, Respondent could not increase the price per Sq. ft. All such instances had not been considered in the Report. If this Authority considered only the benefit that might be passed on to the flat buyer, it would be not in the interests of the real estate sector, in not considering the rise in the prices of goods and services, which the Respondent was not able to recover from the buyers. In the submission of the Respondent a balance should be struck and a correct methodology had to be applied.

xi. That unfortunately in this case, there was no escalation clause. There had never been any reduction in prices of goods and services. Developer had to mutely absorb all such increases in costs. It was submitted that it was of paramount importance to consider absence of escalation clause, while computing the so

called ITC benefit. The Respondent submitted that there could not be any one-sided decision.

xii. It was submitted that construction cost increases year after year because of the following reasons :-.

a. Construction material cost consists of material cost and shipping charges. In addition to increase in the cost of materials, continuous increase in the prices of Diesel oil results in increase in freight charges.

b. Wages to laborers. Always there had been upward trend. Due to demand and supply ratio, increased costs were to be borne. In the absence of work, for retaining the work force, wages had to be paid without stop.

c. Inflation: Construction project continues for years before completion. It was estimated that every year there was inflation to a tune of about 4.5% in this industry. It would be cost to the Respondent and no customer bore the same.

d. If for any reason, project duration increases, it also increases the project cost year after year.

It was submitted that while considering the benefit to be passed on to the buyer-customer, all these contingencies were also to be considered and a holistic approach adopted.

xiii. That the entire construction contract of the project was given to M/s. IJM (India) Infrastructure Limited and the Respondent had not purchased any construction material for use in this project. It was submitted that as per the existing law as on 30.6.2017, the Respondent was liable to pay VAT at a fixed rate of 1.25% of the total sale value of the flat and Service Tax @ 4.5% of the total sale value of the flat. It was submitted that the said sub-contractor i.e. IJM (India) Infrastructure was exempted from VAT liability and he was liable to pay service tax @ 6% which was charged and

collected from the Respondent. It was submitted that the Respondent was eligible to claim the ITC under the Service Tax Act, the entire amount of Service Tax charged by IJM Infra to the Respondent as the said amount had been paid to him. Similarly during the GST period IJM infra charged GST @ 18% which had been paid to him and the Respondent was entitled to claim ITC and it could adjust this ITC against the output tax collected from the customers. It was submitted that in this process whatever amount had been paid by the Respondent towards tax either it was Service Tax or GST and the Respondent was eligible to recover the same amount form his customers as customers were the ultimate consumers who were to bear the tax component in the supply of services. It was therefore submitted that the Respondent had not made any profit out of this input tax amount and whatever that had been paid by him to his supplier of service only he had claimed as ITC and it could not be said that he had made undue profit in this process. For the reasons mentioned in the earlier paras, the Respondent submitted that Section 171 of the Act cannot be applied to this project.

xiv. That the total salable area of this project was 8,89,656 sq. ft. out of which 1,75,846 sq. ft. was sold prior to 30.06.2017 and as on 30.06.2017 the unsold area was 7,13,810 sq. ft. It were submitted that the total benefit of ITC for the entire project which were to be passed on by the sub-contractor i.e. IJM infra was calculated as Rs. 4,46,92,454/- and benefit per sq. ft. was calculated as Rs. 50.24 (i.e. 4,46,92,454/8,89,656) and this benefit on account of ITC had been accepted by the Respondent to be passed on to the existing customers as on 30.6.2017 to whom 1,75,846 sq. ft. had been sold. The remaining benefit received on account of reduction in ITC if any was to be attributed to the unsold area of the project. It was

also submitted that after getting the Occupation certificate the Respondent was not eligible to avail any ITC and hence the same could not be passed on to the customers to whom the flats were sold subsequent to the receipt of the occupation certificate. It was submitted that till the date of receipt of the occupation certificate, the Respondent was able to sell only 1,84,736 sq. ft. which included 1,75,846/- sq. ft. which were sold prior to 30.06.2017. Hence it was submitted that the Respondent had correctly calculated the benefit of ITC which he was getting from the contractor had been passed on to his customers.

xv. That the word 'profiteering' had to be understood as 'the act of making unreasonable profit'. In any case, profit must be computed only after deducting all the costs. It was submitted that without deducting all the costs incurred during the relevant period, but attempting to arrive at the profit and thereafter concluding that there was 'profiteering' opposed the very provision (Section 171) itself.

xvi. That in the flyer released by CBEC on Authority in GST, it had been concluded as follows:

> "National Anti-Profiteering Authority was a mechanism devised to ensure that prices remain under check and to ensure that businesses do not pocket all the gains from GST because profit is fine, but undue profiteering at the expense of the common man is not."

It might be seen that the intention of CBIC was very clear. There had been reference to profit' only, which meant the amount that remains, after paying all the costs. It was not simply examining whether ITC had been passed on or not but whether there had been undue profiteering. Even as regards profit, it was respectfully submitted that there was no control on the prices. Prices in real estate sector were fixed based on demand and supply principle. It

was submitted that non-GST factors, which go into fixation of price were not considered.

xvii. That the intention of Section 171 of the CGST Act, 2017 was not to enquire whether the Respondent had transmitted the ITC benefit to the buyer but whether the Respondent made an unreasonable profit. Any exercise, must be in the direction of ascertaining whether there was any high or unreasonable profit or not.

xviii. That in Malaysia "The Price Control and Anti-profiteering (mechanism to determine unreasonably high profit) Regulations, 2018 prescribed a mechanism to determine unreasonably high profits by examining either: (i) the mark-up percentage; or (ii) the margin percentage, of the goods and services sold. If either the mark-up percentage or margin percentage adopted on any date in a particular financial year or calendar year was higher than the mark-up or margin percentage adopted on the first day of that financial year or calendar year, then such profit was determined as unreasonably high. Even the Australian anti-profiteering measure was based on the net dollar margin rule method that is, if taxes and costs fell by $1, then prices should also fall by at least $1. No such mechanism or methodology had been prescribed in India under the GST law. It was submitted that in the case of the Respondent, the costs (prices) didn't fall. The Respondent placed reliance on the decision of the High Court of Andhra Pradesh in the case of Delux Wines Vs. State of A. P. 77 STC 373, wherein similar issue had come up for consideration.

xix. In view of the above binding decision, it was submitted that unless the expressions 'anti-profiteering' and 'commensurate reduction in prices' used in Section 171 of the CGST Act, 2017 were defined and necessary guidelines were prescribed, there would be unguided and uncanalized procedure in determining the ITC to be

passed on to the home-buyers. Applying a standard methodology for every developer in the country without relevance to costs and other facts was not contemplated by Section 171 of the CGST Act, 2017 as per in the submissions of the Respondent.

xx. That it was true that Rule 126 of the CGST Rules, 2017 grants power to the Authority to determine the methodology and procedure for determining profiteering'. However it was submitted that such guidelines, Methodology and procedure must be part of the statute i.e., either Act or the Rules as per the said judgment. For this ground also, it was submitted that the present computation was not correct.

6. Copy of the above submissions filed by the Respondent was supplied to the DGAP for clarifications under Rule 133(2A) of the CGST Rules, 2017. The DGAP filed his clarifications dated 15.10.2020 vide which the DGAP has clarified:-

i. That the benefit of ITC had been arrived at by following a certain methodology in the Report submitted by the DGAP. The calculations made in Table-A of Para-17 & Table-B of Para-19 of the Report dated 23.03.2020 were based on the documents/data submitted by the Respondent, which was self-explanatory. While computing the amount of profiteering under Section 171 of the CGST Act, 2017, the cost component had not been taken recourse to.

ii. That the complaint with regard to Anti-Profiteering was Investigated by the DGAP on the recommendations of the Standing Committee of Anti-Profiteering and the investigation had to be completed in a time bound manner as prescribed under the law. Therefore, Investigation was carried out for a particular period for which a methodology had been devised. The Investigation could not be prolonged indefinitely till the project was complete since it was time

bound. The Respondent's contention that the methodology adopted by the DGAP was not reasonable and acceptable as the profiteering had been arrived at meticulously in the Report submitted by the DGAP on the strength of data/documents submitted by the Respondent. The DGAP and the Authority were statutorily required to complete their task within a given time frame, the ITC availed and the consequential profiteering, if any, had to be determined at a given point of time and such determination could not be deferred till the completion of the project. To address the contention of the Respondent, a reasonably long period of 2 years (July, 2017 to June, 2019) had been considered to calculate the quantum of ITC available to the Respondent during the post-GST period and compared with the ITC available in the pre-GST period (April, 16 to June, 17). Furthermore, the ITC taken into consideration was proportionate with the area sold in the project.

iii. That the figures including that of sold area during the post-GST period taken in to consideration in Report were based on the data/documents submitted by the Respondent during the course of investigation. The contention of the Respondent was baseless as the "Methodology and Procedure" had been prescribed in Section 171 (1) itself. The Authority had notified the same vide its Notification dated 28.03.2018 under Rule 126 of the CGST Rules, 2017. However, one formula which fits all could not be set while determining such a "Methodology and Procedure" as the facts of each case were different. Accordingly, different cases were investigated applying different calculations depending on the facts of each case.

iv. That the provisions of Section 171 of the CGST Act, 2017 on Anti-profiteering and Rules made thereunder had been passed by the Parliament. The Respondent cannot proceed with an assumption

that the Legislature enacting the statute had committed a mistake when the language of the statute was plain and unambiguous. Section 171(1) of the Act, envisages that any reduction in the rate of tax or the benefit of ITC had to be passed on to the recipient by way of commensurate reduction in price. In other words, every recipient of goods or services had to get the benefit from the supplier and hence, this benefit had to be calculated for each and every product supplied.

v. That the cost component had not been taken recourse to while computing profiteering.

vi. That The Report of the DGAP was only a finding, prepared on the basis of documents /replies/ statements given by the Respondent. The DGAP or the Authority had not acted in any way as price controller or regulator as it did not have legislative Intent to regulate when it came to price hike decisions. The supplier was absolutely free to exercise his right to practice any profession, or to carry on any occupation, trade or business, as Article 19 (1) (g) of the Constitution protects it. The supplier could fix any price/margin he wanted but in the event of invocation of Section 171, the Authority had only been mandated to ensure that the benefit which was a sacrifice of precious revenue from the kitty of Central and State Governments was passed on to the recipients. The soul of this provision was the welfare of the consumers who was voiceless, unorganized and scattered. The Authority/DGAP had neither mandate nor do they meddle with the suppliers' rights to pricing/profits/margins/trade. It was further submitted that Article 19 (1) (g) of the Constitution guarantees all the citizens the right to freedom of trade and commerce and Section 171 of the act or the rules 126, 127 and 133 made thereunder nowhere infringes upon this Fundamental Right.

vii. That the procedure adopted by the Respondent for quantifying the amount of profiteering was not accepted because a standardized methodology had been adopted in respect of construction sector by the DGAP. The Authority vide exercise of it's power delegated to it the Rule 126 had notified the Methodology & Procedure vide Notification dated 28.03.2018 which was also available on its website. However, it was submitted that no fixed/uniform mathematical methodology could be determined for all the cases of profiteering as the facts and circumstances of each case as well as the nature of goods or services supplied in each case differ. Therefore, the determination of the profiteered amount had to be computed by taking into account the particular facts of each case. The computation of commensurate reduction in prices was purely a mathematical exercise which was based upon the above parameters and hence it would vary from product to product and therefore no fixed mathematical methodology could be prescribed to determine the amount of benefit which a supplier was required to pass on to a recipient or the profiteered amount. As stated above, the "Methodology and Procedure" had been notified by the Authority vide his Notification dated 28.03.2018 under Rule 126 of the CGST Rules, 2017. However, one formula which fits all cannot be set while determining such a "Methodology and Procedure" as the facts of each case were different. The facts of the cases relating to the Fast Moving Consumer Goods (FMCGS), restaurants, construction and cinema houses was completely different and therefore, the mathematical methodology employed in the case of one sector could not be applied in the other sector otherwise it would result in denial of benefit to the eligible recipients. Therefore, the methodology and procedure adopted in the Instant case was within the confines of law.

viii. That there was no dispute about the fact that the Respondent was eligible to recover the amount of tax paid by him from his customers. However, the issue involved in the case was not about recovery of tax paid by the Respondent. The issue involved was that the Respondent did not pass on the benefit of additional ITC which he availed, to the customers. The contention made by the Respondent in this Para was insufficient to state that the Section 171 of the CGST Act, 2017 could not be applied to this project.

ix. That all the figures including that of total salable area taken in Report were based on the data/documents submitted by the Respondent during the course of investigation.

x. That the escalation clause had not been considered while computing the benefit of additional ITC and even the Govt. pays extra amounts to the contractor for the increase in the prices of cement, steel etc. Further, as per Section 171 of the CGST Act, 2017, 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 increase in cost, on account of factors other than the output tax rate or input tax credit, could not be offset against the benefit to be passed on due to increased availability of input tax credit. Moreover, if the input costs incurred on account of higher tax incidence had increased in the post GST period, the effect of such increase was neutralized by the availability of input tax credit. The profiteering had been computed strictly in terms of Section 171 of the CGST Act, 2017. No factors including escalation, Inflation or cost had been considered while computing the amount of profiteering.

xi. That the Respondent had quoted the "The Price Control and Anti-Profiteering (mechanism to determine unreasonably high profit) Regulations, 2018" of Malaysia. However, every tax jurisdiction and

statute was distinct and unique and thus, the procedure and the definitions adopted in Malaysia waere not relevant to the present proceedings. The profiteering had to be determined in accordance with Section 171 of the CGST Act, 2017 and Chapter XV of the CGST Rules, 2017. The Judgment quoted by the Respondent in the matter of "Delux Vines vs State of AP" passed by the Hon'ble High Court of Andhra Pradesh was not applicable in the present case because of two reasons. One, the Judgement pertains to Section 14-B(1) of the AP GST Act, 1957, whereas the present case deals with Section 171 of the CGST Act, 2017. Secondly, as per the judgement, the expressions 'prevailing market prices' and 'abnormally low' cannot be given effect to as the same had not been prescribed by the legislature.

xii. That the "Methodology and Procedure" had been notified by this Authority vide its Notification dated 28.03.2018 under Rule 126 of the CGST Rules, 2017. 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 was 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 ITC shall be passed on to the recipient by way of commensurate reduction in prices." It was 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 was to be taken at the level of an entity/group/company for the entire supplies made by it. Therefore, the benefit of tax reduction had to be passed on at the level of each supply of Stock Keeping Unit (SKU) to each buyer of such SKU and in case it was not passed on the profiteered amount had to be calculated on each SKU. Each customer was entitled to receive the benefit of tax

reduction or benefit of additional ITC 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 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 could be prescribed to determine the amount of benefit which a supplier was required to pass on to a recipient or the profiteered amount. However, to give further clarifications and to elaborate upon this legislative Intent behind the law, the Authority has been empowered to determine/expand the Procedure and Methodology in detail.

xiii. However, 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, date of start and completion of the project, price of the house/commercial unit, mode of payment of price, stage of completion of the project, timing of 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 than 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 certificate was issued. Therefore, no set parameters could 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.

xiv. 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 could not 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 and hence the suppliers are not required to pay even a single penny from their own pocket and hence, they have to pass on the above benefits as per the provisions of Section 171 (1).

7. Further, the DGAP's clarifications dated 15.10.2020 were supplied to the Respondent and the Applicant No. 1 to file their rejoinder/submissions. The Respondent has submitted his rejoinder on 18.11.2020 against DGAP's clarifications wherein he has reiterated his earlier submissions dated 06.07.2020 and 05.10.2020.

8. Personal hearing via video conferencing in the matter was held on 15.02.2021. Same was attended by Sh. Ramachandra Murthy, Advocate and Sh. C.H. Balakrishna, Representative for the Respondent. During the personal hearing the Respondent reiterated his arguments based on his written submissions dated 06.07.2020, 05.10.2020 and 18.11.2020 and also requested to file additional submissions. The Respondent vide letter dated 18.02.2021 has filed additional submissions vide which he stated.-

i. That he had not availed any VAT credit, as he was not eligible to take the VAT credit, and had opted to pay under the Composition Scheme. He had availed only Cenvat credit of Service Tax.

ii. That he had transferred the GST benefit to the customers during the final payment/registration. Out of total 116 units booked/allotted

as on 30.06.2017, he had already passed on the benefit by way of credit to their account or paid directly to 105 customers (73 units registered and 32 units yet to register) and 11 customers had cancelled their booking of units.

9. The proceedings in the matter could not be completed by the Authority due to lack of required quorum of Members in the Authority during the period 29.04.2021 till 23.02.2022 and the minimum quorum was restored only w.e.f. 23.02.2022 and hence the matter was taken up for further proceedings vide Order dated 24.02.2022 and the Respondent and the Applicant No. 1 were given opportunity for personal hearing in the matter on 01.04.2022. The hearing, held on 01.04.2022 via video conferencing, was attended by Sh. Anil Kumar Kota, Applicant No. 1 in person, Sh. Manoj Kumar, Assistant Commissioner represented the Applicant No. 2 and Sh. Ramachandra Murthy, Advocate and Sh. C.H. Balakrishna, Representative, appeared for the Respondent. During the hearing, The Applicant No. 1 has orally stated that he has not received the total amount of profiteering which was established by the DGAP in his Report dated 23.03.2020 and the Respondent was directed to file his additional submissions with the complete list of homebuyers. The Applicant No. 1 was also directed to file his written submissions.

10. The Respondent has filed his submissions on 04.04.2022 vide which he has inter-alia stated:-

i. That the method followed by the DGAP in his report dated 23.03.2020 was not correct and it was not having any legal sanctity.

ii. That the DGAP had arrived at the ratio of ITC claimed by the Respondent with regard to the turnovers received by the Respondent during the pre GST period and post GST period and then arrived at the alleged additional benefit of ITC from pre-GST period to post GST period. In this process, the DGAP had considered pre-GST figures for a period of 15 months from April,

2016 to June, 2017 and considered post GST figures for a period of 24 months from July, 2017 to June, 2019. It was submitted that in the case of long tenure projects i.e. construction of complexes etc., ITC varies based on the construction progress of the project and it was in no way connected to the sales turnover. It was submitted that even though there was no booking of flats, construction was required to be continued by using inputs and input services and the sale income would be received only with regard to the apartments booked by the prospective buyers. It was submitted that both of them were not inter dependent and hence ratio between these two figures could not be basis at all to compare two different periods particularly in his case, the pre-GST period of 15 months was not comparable with the post-GST period of 24 months.

iii. That the DGAP had to arrive at the figure which represented the quantum of input tax which was not able to be utilized by the Respondent during the pre-GST period towards set off against the output tax liability, which was eligible during the post GST period. No such attempt was made in the Report. It was submitted that the quantum of ITC which was not able to be utilized for payment of output tax liability only would be added to the basic cost of construction and thereby this amount becomes part of sale price. It was submitted that during the pre GST regime, he was not able to utilize the ITC relating to VAT, Central Excise Duty component in the value of materials purchased for use in the project against the output tax liability as we was under composition scheme under the VAT Act and hence these amounts were only to be identified as VAT and Central Excise Duty subsumed into GST and this GST was now eligible for taking credit and offsetting against the output tax liability. It was submitted that such quantum of tax which was not available as ITC during the pre GST regime was to be

calculated and it was to be transferred to the buyers of the flats who booked the flats prior to the GST regime.

iv. That after the introduction of GST Act, he had taken a report from an independent Chartered Accountant firm, M/s DSRK & Associates, Hyderabad about the quantum of tax benefit that was required to be passed on to the existing customers who booked the flats and credited the same to the respective customers and this benefit was passed on to them at the time of registration of the flats. It was submitted that he had already shared this report with the DGAP and also with this Authority.

v. That in view of the above and the written submissions already submitted he submitted that the quantum of the amount arrived at by the DGAP was not correct as it was not properly calculated based on the different elements as mentioned above and since he had already passed on the benefit to the existing customers who booked the flats prior to GST regime i.e. prior to 1st July, 2017 by way of giving credit to their account and received the net balance consideration after this adjustment at the time of registration of the apartments, he prayed to this Authority to drop further action in this regard.

11. This Authority has carefully considered the Report filed by the DGAP, all the submissions and the documents placed on record and the arguments advanced by the Respondent and the submissions of the Applicants on record. On examining the various submissions, the Authority finds and directs as follows:-

i. The Respondent vide his submissions dated 06.07.2020 has submitted that it has given the entire construction contract of the project to M/s. IJM (India) Infrastructure Limited and the Respondent has not purchased any construction material for use in this project. It was submitted by the Respondent that IJM (India)

Infrastructure is exempt from VAT liability and he is liable to pay Service Tax @ 6% which is charged and collected from the Respondent during the pre GST period. It was also submitted that, during the said period, the Respondent was eligible to claim ITC of the entire amount of Service Tax charged by M/s. IJM (India) Infrastructure Limited to the Respondent as the said amount has been paid to him. Similarly, during the GST period M/s. IJM (India) Infrastructure Limited charged GST @ 18% to the Respondent which has been paid by the Respondent to M/s. IJM (India) Infrastructure Limited and the Respondent is entitled to claim ITC of the same and it can adjust this ITC against the output tax collected from the customers. It is claimed that, in this process whatever amount has been paid by the Respondent towards tax, whether Service Tax or GST, the Respondent is eligible to recover the same amount from its customers as customers are the ultimate consumers who are to bear the tax component in the supply of services. It is therefore submitted that the Respondent has not made any profit out of this input tax credit amount because whatever amount of tax has been paid by it to its supplier of service, such amount has been claimed as ITC and it cannot be said that the Respondent had made undue profit in this process.

ii. With respect to the above contention of the Respondent, this Authority finds that profiteered amount (if any) in the said project i.e. "Raintree Park" and the beneficiaries, if any to whom such amount needs to be passed on, cannot be determined under Section 171 of the CGST Act, 2017 until the information relating to the Cenvat/ITC availed and utilised by M/s. IJM (India) Infrastructure Limited in the pre and post GST in relation to the Project "Raintree Park" is collected and investigated to first determine the benefit of ITC, if any, accruing to M/s. IJM (India)

Infrastructure Limited. It is necessary for the DGAP to also issue Notice to and investigate M/s. IJM (India) Infrastructure Limited because the entire construction of the said project i.e. supplying construction services was done by M/s. IJM (India) Infrastructure Limited as per the provisions of the Service Tax and GST laws and such supply was made to the present Respondent and the latter had made supply to his customers/recipients in consequence of being recipient of such supply from M/s. IJM (India) Infrastructure Limited in this project.

iii. During such investigation the DGAP must examine as to whether M/s. IJM (India) Infrastructure Limited is passing on the benefit of ITC to the Respondent, who in turn would pass on such benefit to its homebuyers/customers/recipients of supply.

iv. Therefore, without going into the merits and the other submissions made by the Respondent and the Applicants at this stage, this Authority finds this case must be reinvestigated by the DGAP based on the above observations of this Authority by issuing requisite notice to M/s. IJM (India) Infrastructure Limited in addition to the present Respondent and consequently determine the profiteered amount, if any, on account of availability of ITC to M/s. IJM (India) Infrastructure Limited and liability of such entity to pass on such benefit to the present Respondent/recipients of supply and consequent liability of the present Respondent to pass on such benefit to its customers/recipients of supply.

v. Thus, we direct the DGAP to reinvestigate the matter as per the provisions of Rule 133(4) of the CGST Rules, 2017 and submit his report before this Authority.

12. 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 limitation prescribed under 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 of special laws in respect of all judicial or quasi-judicial proceedings."*

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

13. A copy each of this Order be supplied to the Applicants and the Respondent free of cost. File be consigned after completion.

Sd/-
(Amand Shah)
Technical Member &
Chairman

Sd/-
(Pramod Kumar Singh)
Technical Member

Sd/-
(Hitesh Shah)
Technical Member

Certified Copy

(Dinesh Meena)
Secretary, NAA

File No. 22011/NAA/155/IJM/2020 | 8436 — 8439 Dated: 29.08.2022

Copy To:-

1. M/s. IJM Lingamaneni Township Pvt. Ltd., Opp. Nagarjuna University, Kanteru (PO), Namburu (VIA), Guntur (Distt.) Pincode- 522508.
2. Sh. Anil Kumar Kota, Flat No. 430, Radhay Shayam Residency, Near Bonthalamma Temple, Karkambadi Road, Tirupati- 517501.
3. Director General Anti-Profiteering, Central Board of Indirect Taxes & Customs, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, Gole Market, New Delhi-110001.
4. Guard File.

8/c