

**ITC benefit to be passed as soon as same was availed since buyer can't be asked to wait till completion of project: NAA**

**Facts of the case - Ram Prakash Sharma & Ambika Sharma v. Ramprastha Promoter & Developer (P.) Ltd. - [2022] (NAA)**

The assessee was benefited from additional ITC on supply of construction service after implementation of GST. However, the benefit of additional ITC had not been commensurately passed on to customers.

**Decision of the case:**

- The question was whether time for passing on ITC benefit would be during implementation of project or after issuance of completion certificate.
- The National Anti-profiteering observed that the assessee can't misappropriate the amount of ITC and enrich himself at the expense of common buyers by denying them benefit which he is not paying from his own pocket.
- Therefore, it was held that the buyers can't be asked to wait till completion of project while the assessee avails benefit every month and the assessee was required to pass on ITC benefit as soon as same was availed.
- The assessee was directed to reduce prices to be realized from buyers of flat commensurately and to pass on profiteered amount to customers with 18% interest.