

%meaty mamas 2% Is GST Applicable on Lease Transfers? SC to Decide Is GST Leviable on Transfer of Leasehold Rights?.

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Aug 7 2025 In a major development for the real estate and infrastructure sectors the Supreme Court of India has initiated a consolidated hearing on a critical legal question whether the transfer of leasehold rights amounts to a supply under GST and is thus liable to tax Aug 6 2025 The Supreme Court of India has decided to examine whether the transfer of leasehold rights constitutes a taxable supply under the Goods and Services Tax GST regime by clubbing together multiple cases pertaining to the same issue for joint hearing In that case the court had conclusively held that the assignment or transfer of leasehold rights are fundamentally transactions in immovable property

Consequently they fall outside the definition of supply under Section 7 of the CGST Act 2017 making them non taxable under the GST framework While media reports suggest that the Government is contemplating challenging this decision before the Apex Court the taxpayers could rely on the said judgement while responding to the demand notices received so far Jul 14 2025 Under the Service Tax Act even the development rights which are the benefits arising from land were not liable to tax Nov 17 2025 The bench comprising Justice Pankaj Mithal and Justice Prasanna B

Varale is considering the Union Government's challenge to a Gujarat High Court ruling which held that the assignment of leasehold rights in land and buildings does not constitute a taxable supply under the GST framework Jan 7 2025 Quashing GST notices to several businesses the Gujarat High Court observed that the Goods and Services GST Tax cannot be levied if the leasehold rights of a Gujarat Industrial Development Corporation GIDC plot are transferred to a third party.

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