

HC: Copy of Gujarat HC judgment holding transfer/assignment of Leasehold rights in industrial-land not taxable

Jan 07, 2025

Gujarat Chamber of Commerce and Industry & Ors. Vs UOI & ors [TS-03-HC(GUJ)-2025-GST]

Conclusion

Gujarat HC holds that "it cannot be said that assignment of the outright leasehold rights would be a service or transferring of leasehold right"; Remarks "assignment by sale and transfer of leasehold rights of the plot of land allotted by GIDC to the lessee in favour of third party-assignee for a consideration shall be assignment/sale/ transfer of benefits arising out of "immovable property" by the lessee-assignor in favour of third party-assignee who would become lessee of GIDC in place of original allottee-lessee; Accordingly, "question of utilisation of input tax credit to discharge the liability of GST on such transaction of assignment would not arise".:HC GUJ

Decision Summary

The judgment was delivered by Justice Bhargav D. Karia and Justice Niral R. Mehta.

Sr. Advocates S.N.Soparkar, Monal Davawala, Deven parikh, V. Sreedharan alongwith Advocates Mihir Joshi, Tarak Damani, Aditya Joshi, Nirav P. Shah, Manav Gupta, Parth Shah, Rajat Bose, Sarvaswa Chhajer, Shohini Bhattacharya, Hardik Modh, Uchit Sheth, Sahil Pargi, Avinash Poddar, Hardik Vora, Palak Kshatriya and S.S.Iyer appeared on behalf of Assessee, whereas Revenue was represented by Advocate General Kamal Trivedi alongwith Asst. Govt. Pleader Vinay Bairagra and Advocates Raj Batada and Nidhi Vyas.

[Click here](#) to read detailed analysis.

GSTsutra Note

Pursuant to [GSTsutra Exclusive](#) reported on Jan 3, a copy of judgment is now available to read/download.

Case Law Information

Appellant/Applicant/Complainant Name

- Gujarat Chamber Of Commerce And Industry & Ors

Respondent Name

- Union of India & Ors

Authority Level & Location

- High Court Gujarat

Appeal Number

- R/SPECIAL CIVIL APPLICATION NO. 11345 of 2023

Date of Pronouncement

- 2025-01-03

Ruling in favour of

- Petitioner

Judges

- Justice Bhargav D. Karia
- Justice Niral R. Mehta.