



APPCC AGM and Awards Function:
The APPCC's AGM was held at Le Royale Meridien. Awards were presented to members



Office Leasing Will Pick Up In 2021: Chennai is gearing for a new office supply level of 35 million sqft in 2-3 years



TAX PLANNING
GST not eligible for sale of flats after issuance of Completion Certificate

UNION BUDGET 2021-22

Budget Draws Road Map to High Growth

The government's growth-oriented budget has pushed infrastructure development and extended benefits to affordable housing but more could have been done to the realty sector in the wake of Covid-19 pandemic adverse impact, surveys V Nagarajan.

The budget for 2021-22 has been presented against the backdrop of Covid-19 curve flattening with vaccine inoculation drive undertaken all over the country to bring normalcy. It has focused on six pillars of the economy viz. health and wellbeing, infrastructure, inclusive growth, human capital, R&D and with the dominant theme of minimum government and maximum governance.

With the continuation of reform process, there has been a noticeable thrust on infrastructure for poll-bound states. For Tamil Nadu, a sum of Rs 1.03 lakh crore outlay for 3,500 km of NHs has been planned. The Bengaluru-Chennai expressway involving a distance of 278 km will be initiated in the current financial year and construction to begin in 2021-22. The Chennai-Salem corridor involving 278 km expressway will be awarded and construction to start in 2021-22.

The Chennai metro railway's phase II development involving 118.9 km distance will be built at a cost of Rs 63,246 crore. Investments to develop modern fishing harbours and fish landing centres – both marine and inland will be made. Among the five major fishing harbours include Chennai to be developed as a hub of economic activity. A multi-purpose seaweed park will be built in Tamil Nadu to promote seaweed cultivation.

In a move to attract foreign investment for infrastructure, infrastructure debt funds have been made eligible to raise funds by issuing zero coupon bonds. There will be relaxations to some con-



ditions relating to prohibition on private funding, restriction on commercial activities and direct investment.

As regards housing sector, there will be an additional deduction of interest upto Rs 1.5 lakh, for loan taken to buy affordable housing till March 2022. The tax holiday for affordable housing projects has been extended till March 2022. Besides,



tax exemption has been allowed for notified affordable rental housing projects.

The tax relief for homebuyers and developers buying or selling below the circle rate by upto 20% has also been extended and this will be applicable from assessment year 2021-22. However, the relief will be available only on properties valued upto Rs 2 crore bought in the primary market during November 21, 2020 to June 30, 2021.

In a related development, the budget 2021 has also proposed to make dividend payment to REIT and InvITs exempt from TDS.

PE Into Indian Retail Pauses in 2020 Amid COVID-19, 2021 Looks Promising

BY SHOBHIT AGARWAL



- The retail sector was one of the worst affected due to COVID-19 which in-turn impacted PE inflows in 2020; major deals got pushed to 2021
- 2019 saw total PE investments of approx. USD 968 million in retail real estate – best year b/w 2015-2019
- 2021 has major investments in the pipeline - Blackstone into Prestige, GIC into Phoenix Mills, among others
- Between 2015-2019, retail real estate saw total PE investments of ~USD 2.86 billion

Indian retail sector was one of the worst-affected due to COVID-19, which in turn impacted private equity investments into the retail sector in 2020. The year was almost dry for the retail sector in 2020 as

against 2019 when it received total inflows of USD 968 million – the highest between 2015-2020.

The data on malls deployment in 2020 also reflects the sombre funding scenario, with just five new malls getting added during the year. Pre-COVID-19 data indicated that 54 new malls were to hit the market in 2020. Most of this new supply that failed to be delivered in 2020 has spilled over to 2021.

In 2020, Brookfield Asset Management concluded a portfolio deal of nearly USD 2 billion into RMZ Corp (approx. 12.5 million sq. ft. of its total real estate assets) including RMZ Galleria Mall. This was tagged as the largest-ever deal in Indian real estate. Another portfolio deal of USD 1.5 billion between Blackstone and Prestige was expected to get closed in December 2020, but its closure is now pushed to Q1 2021.

While there are various PE investors considering the retail space presently, meaningful investments are likely to take place only once the sector shows signs of bouncing back. The year 2021 does look promising:

- Blackstone to invest into Prestige Group as part of a portfolio deal covering 8 malls
- GIC is looking to invest in Phoenix Mills in 2021
- Warburg-Runwal platform is evaluating various assets in the retail space
- Lakeshore is also evaluating some retail assets

Data indicates that between 2015 and 2019, retail real estate saw a total of ~USD 2.86 billion in PE investments. Of this, 2019 was the best at about USD 968 million, followed by 2017 which saw total inflows of over USD 890 million. Among the top cities, NCR saw the maximum investments of approx. USD 755 million between 2015-2019, followed by MMR with USD 410 million.

Mr Shobhit Agarwal
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EDITOR: V NAGARAJAN

RESIDENTIAL RESALE

4BHK Apartment for Sale at Mylapore. 2950 square feet @ Rs.15000 per square feet. New Construction with Completion Certificate. GST not applicable. Ct: Nidamarthi Consultancy Services - 9884035160

Ceebros Gray shot apartment 1800 sqft 3Bhk + 600 Sqft open Terrace UDS 986 sqft 1st Floor North facing Gym S.pool Landscape garden Back up Price Rs 3.50Cr Contact PROP TODAY 9840930580

Ceebros Gray shot apartment 1800 sqft 3Bhk UDS 986 sqft 3rd floor North facing Gym S.pool Landscape garden Back up Price Rs 3.25Cr Contact PROP TODAY 9840930580

Adyar Kastuibai Nagar, 3rd Main Rd, 1677 Sq ft, 3 BHK, 2nd Flr, CCP, 22 Yrs Old, Reputed Builder, UDS 1097 Sq ft. Rs. 2 Crs - EstatesPoint - 9790966568

1BHK Flat for Sale Vijay Shanti Builders, Park Avenue project, Kandigai, Tower-3C, 6th floor, Area 490 sq ft Expecting 25 lacs (Negotiable) - Ct: Balasundar - 7667122223

R A puram 4 bedroom apartment UDS 1800 sqft, vastu perfect, 2 car park 7 yrs old. Ct : RPC Realty - 9543600999

K.K. Nagar Dr Lakshmanan Salai 1600 sqft on 3 Floor, fetching rent Rs23,000 pm for sale. Ct. Raghav Realty Consultancy 9176627139.

Navalur, off OMR 1.5 km, 2 BHK flat with car parking and amenities. Ct. Raghav Realty Consultancy 9176627139.

RESIDENTIAL SELLING

Velachery - New Ready to occupy Premium apartment 2 & 3 BHK. Near by Railway station. Rs. 57.72 lakhs onwards. Ct: Propshell.com 9884964322

Madipakkam - New Ready to occupy - Premium apartment 3 BHK. Near by Railway station. Rs. 55 lakhs. Ct: Propshell.com 9884964322

OMR Semmencherry New Ready to occupy - Premium apartment 2 & 3 BHK. Near AGS Cinemas Rs. 45 lakhs onwards Ct: Propshell.com 9884964322

Perungudi Nr. Lake 3BHK Villa 2500 sq ft to 3100 sq ft with all amenities very close proximity to all IT parks. Rate Rs. 9800 per sq ft. Ct: Atlas Estates - Ph : 9941945554 www.homesandflats.in/in-signia

Thiruvannmiyur Brand NEW 2BHK flat with all modern amenities, very close to TIDEL & Ramanujam IT Park, Rate Rs. 12000 Per sqft. Ct: Atlas Estates - Ph: 9941945554 www.atlasestates.in

VGP Selva nagar extension brand new 3 of 6 flats available. 750 sq ft 2 bhk. Lift. CCP. RS.6500 per sq ft. Negotiable. Ct: Vidya - 984198522

RESIDENTIAL RENTAL

Mylapore - Bhaggyam Apartment 2600 sqft 3Bhk semi furn 3rd flr East facing wood work with ac modular kitchen lift 2 CCP,gym, party hall Rent Rs 95k Ct: PROP TODAY 9840930580

Thiruvannmiyur - Brand New Residential House 7Bhk duplex Type semi furnished wood work Ac modular kitchen Lift 4 Car Parking Rent Rs 1.25L. Ct: PROP TODAY 9840930580

Kodambakkam, Samiyar Madom, Dr. Ambedkar Rd, Chitanya Apt, 1900 Sq ft, 3 BHK, Semi-Furnished, 4th Flr, with all Amenities Rs. 42000/- Ct: EstatesPoint - 9790966568

LAND FOR SALE

Perumbur Commercial land 5643 sqft for sale in paper mills Road best suitable for showrooms with 104 feet frontage, Rate : Rs.10 Crores. Ct: Redsun Realestates - 7904671513

T Nagar 2.8 grounds East facing price 5.7cr per grd frontage 48ft. Ct : RPC Realty - 9543600999

Seethamma Colony South facing One ground residential price 5cr. Ct : RPC Realty - 9543600999

Neelangarai, Kapaleeswarar Nagar, Approved Residential Plot 2 Grounds on Sale. 90 Feet Frontage, South Facing, 30 Feet Road, Rate 2.10 Crore per Ground. Ct: Murugesh Kumar - 9841045708

ECR, Injambakkam well maintained beach end property on sale, frontage 180 Feet, East and South Facing. Suitable for Resort & Individual Bungalow 8.50 Grounds. Rate Rs. 1.70 Crores per Ground. Ct: Murugesh Kumar - 9841045708

Perumbakkam Near Medavakkam land for same suitable for both Residential and Commercial 2800 Sq ft 40 feet x 70 feet, Approved Plot, Rate Rs. 2.30 Crores. Ct: Venkataramani - 9840078003,8608878003

6.5 Acres Land available in Vichur Near NA Palyam price 2.5cr per Acre with 225ft frontage - Ct: Balasundar - 7667122223

9 grounds (corner plot in a gated community) on 40' feet road at Srinivasa Nagar on OMR Road, Kazhipattur Village for Sale. Ct: Avis Realty Solutions @ 8778001552

Enjambakkam VGP Layout Residential Vacant Land Patta Approved 3 Ground North Facing Price 1.50Cr Contact PROP TODAY -9840930580

Sarapanamcherry (Behind Krishna Engg. College) - DTC Approved Plots for Sale! 606 to 2344 Square Feet, Price - Rs 850 per Sq ft. Ct: Nidamarthi Consultancy Services - 9884035160

Available in prime location in Mylapore, 50 x 110, 2.30 grounds with bungalow. West facing. 12 cr negotiable. Ct: Vidya - 9841985228

COMMERCIAL RENTAL

CIT colony 1800 sqft office space, hall type, 2nd floor. rent Rs 90000/. Ct: SS Realtors - 9841722573

OMR, Near Perungudi, 3300 sqft, fully furnished office space, 1st floor with all amenities, rent rs 60/sqft. Ct: SS Realtors - 9841722573

1000 square feet for rent at Arulambal Street, T. Nagar for Commercial Use. Basement @ Rs.50 per square feet. Ct: Nidamarthi Consultancy Services - 9884035160

PERUNGUDI, before TOLL on OMR, 28000 sq ft RETAIL / OFFICE space available each floor 7000 sq ft - G + 3 floors, 20 Car Parks. Ideal for Showroom, Hotels, Office. Ct: Atlas Estates - 9941945554 www.atlasestates.in

Mount Road, Opp Raheja Towers, standalone 16000 sq ft S+4 floors building, fully furnished with 225 work stations ideal for IT / ITES, BPO & Call Centre. Ct : Atlas Estates - 9941945554 www.atlasestates.in

Guindy 9000 sqft fully furnished office 100 w/s plus cabins rent Rs. 75/sqft. Ct : RPC Realty - 9543600999

Alwarpet Showroom 5500 sqft ground floor rent Rs. 150/sqft. Ct : RPC Realty - 9543600999

Kilpauk - Taylors Road 4500 sq.ft Independent Bungalow with 5 CP Rent - Rs.2.25 lakhs. Ct : Ace Realty Connection 9841061999

Chamiers Road - Fully furnished 750 sq.ft with work stations and cabin Rent - Rs30000/- Ct : Ace Realty Connection 9841061999

Ashok Nagar - 1500 sq.ft fully furnished 34 work stations /cabins / 2 car parking Rent - Rs. 90000/- Ct : Ace Realty Connection 9841061999

WAREHOUSING / INDUSTRIAL SHED

Oragadam, near Nissan 120000 sq ft warehouse / industrial shed, suitable for logistics, manufacturing and storage. Rent Per sqft INR 26. Ct: Atlas Estates - 9941945554 www.atlasestates.in

Sriperumbudur on Main Road, warehouse land for sale on 8.4 Acres East Facing, Rate 2.60 Crores per Acre. Ct: Venkataramani - 9840078003,8608878003

COMMERCIAL SELLING

Puzhal - Commercial godown space sale Land area 3600 sqft G+1 6500 Sqft puzhal kadirveadu near Flyover, Rate: Rs.2.80 Crores. Ct: Redsun Realestates - 7904671513

RESIDENTIAL WANTED

3BHK in CEEBROS One74 for outright purchase 2300-2400 sq ft, East / North Facing, Immediate Requirement, 4th Floor and above, Budget 4.5 - 5.5 Cr. R. Dileep Kumar - Svasti Real Estate Solutions - +91 9840046172 / +91 9361755830

LAND WANTED

Wanted 1 Ground for outright purchase in Alwarpet, RA Puram, Abhiramapuram, East / North Facing, Good Residential Area, Budget 5 - 6 Cr. R. Dileep Kumar - Svasti Real Estate Solutions - +91 9840046172 / +91 9361755830

Wanted Land in and around Ennore Min 10 acres- budget - market rate. Ct : Ace Realty Connection 9841061999

GENERAL / OTHERS

Builder Looking to buy / partner stuck projects (Layout or Apartments). City Property /Outskirts - smaller projects / MSB site also ok Ct : Ace Realty Connection 9841061999

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Super Networking Member - M R Nazeer, Ace Realty Connection



Best Networking Member, Raymond Thirupugazh - First Property Consultants



Top Networking Member - N V Murali, Estate Point - An Associate



Best Networking Member, Narayanan Krishnan - Home Matters

Office Leasing Will Pick Up In 2021

Chennai is gearing for a new office supply level of 35 million sqft in 2-3 years, reports V Nagarajan

Chennai office market has witnessed a healthy absorption of about 4.5 million sq. ft. during 2020 in spite of the disruptions caused by the pandemic.

A majority of these leases were culminated in the projects which got completed during the year. The city has seen investment grade supply to the tune of 3.7 million sq. ft. getting completed in core locations of OMR Zone 1 & 2 and Mount Poonamallee Road during 2020. Given the announcement of vaccines, corporates gradually increase occupancy levels and projected completion of investment grade supply in 2021. The leasing activity is anticipated to pick up in the city going forward, according to CBRE sources.

Awfis, India's homegrown co-working service provider has entered Chennai market and has set up its first space, spread over 65,000 sqft with 1,200 seats, according to JLL. Further leasing activity continues to improve. Comcast and Hermes I Ticket leased space in PBD OMR and SBD submarkets respectively. WTP Marketing leased space in SBD submarket.

According to JLL survey, Adani group is planning to invest Rs 2500 crore to set up a hyperscale data centre called Adani Chennai-1. This data centre will have a capacity of 32 MW IT load and a one-stop-shop for telecom and IT infrastructure needs.

The Chennai commercial office real estate market

CHENNAI OFFICE MART IN A NUTSHELL							
Submarket	Inventory	Vacancy	YTD gross leasing activity	Planned & under construction	YTD construction completion (Sft)	YTD net absorption	Grade A weighted average rent
CBD	2,685,809	12.15%	254,683	377,415	—	129,504	77.97
Off-CBD	544,110	31.24%	21,654	50,000	—	-11,252	75.00
South-west	12,948,937	10.97%	758,304	5,420,052	1,573,197	387,570	75.44
North-west	3,232,000	23.58%	208,749	—	—	-147,623	41.26
Suburban south	18,250,412	6.62%	2,479,765	1,196,416	1,800,000	1,260,737	75.50
Peripheral south	11,882,105	16.66%	343,920	170,000	—	79,803	49.60
Peripheral south-west	4,292,000	9.91%	681,644	3,592,239	—	246,500	54.34
Total	53,835,373	11.69%	4,748,719	10,806,122	3,373,197	1,945,239	57.47

Source: Cushman & Wakefield Research

has seen a steady annual demand of around 4 million sq ft for more than a decade. In 2019, this demand peaked to a record high of around 6 million sq ft. The city is home to global bigwigs such as Wells Fargo, New York Bank (NYB) and the latest entrant Apple, said Srinivas Anikipatti Senior Director – Tamil Nadu and Kerala, Knight Frank India.

According to Srinivas Anikipatti, the IT sector, which is the primary driver of Chennai's office mar-

ket, largely adopted a work from home policy during the lockdowns and continues to do so for now. However, after the advent of the COVID vaccine, these companies have plans to operate with a hybrid model – a mix of employees working from office and home on a rotational basis. However, even with this new model, the IT sector office space requirement will continue to remain the same, as densification and social distancing norms have in-

creased the per employee sq ft area. Thus, the floor plate requirement of offices will even out and be the same as pre-COVID times, and so will their demand momentum. H2 2020 also saw increased activity among co-working operators as they offer flexibility in leasing and provide managed office services. In terms of supply, the city is gearing up for a planned new supply of 35 million sq ft which is expected to come online in phases, in 2 to 3 years.

KEY LEASE TRANSACTIONS Q4 2020				
Property	Submarket	Tenant	Area in sqft	Lease Type
Prestige Polygon	CBD	Smart Works	45,000	Fresh lease.
Commerzone Tower B	South-west	NPCI	42,567	Fresh lease.

SIGNIFICANT PROJECTS PLANNED AND UNDER CONSTRUCTION				
Property	Submarket	Major Tenant	Area in sqft	Completion
Embassy Tech Zone Bock 10	Peripheral South-west	Accenture	480,000	Q4, 2021
Prestige Metropolitan Tower 1	CBD	NA	168,525	Q3, 2022
ASV Husainy Tech Park	South-west	NA	1,000,000	Q2, 2023

Source: Cushman & Wakefield Research

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Best Networking Member, Mr Krishnan - Proptoday - AVK Group



Best Networking Member, R Dileep Kumar - Svasti Real Estate Solutions



Super Networking Member - Ms Vidya Ramkumar



Best Networking Member, D Balamurugan - SS Realtors



Best Networking Member, Mr Ramkumar - RPC Realty

TAX PLANNING



GST not eligible for sale of flats after issuance of Completion Certificate

BY BIMAL JAIN

The Hon'ble AAR, Karnataka, in the matter of Sri. B.R. Sridhar [Order No. KAR ADRG 55/2020 (dated, November 7, 2020)] held that the amounts received by Sri. B.R. Sridhar (Owner/Applicant), either by himself or through his agents, towards sale of their share of flats consequent to a Joint Development Agreement (JDA) are not eligible to GST if the entire consideration related to such sale of flats is received after the issuance of Completion Certificate (C.C.).

FACTS:-

Sri. B.R. Sridhar, being the owner of an immovable property, situated at Bikasipura Village, Uttarahalli Hobli, Bangalore, has entered into a JDA dated May 19, 2016 with M/s. Suprabhat Constructions, a partnership firm, authorizing them to construct residential flats by incurring the necessary cost together with certain common amenities and upon the development of the said property, the Applicant gets 40% share of undivided right, title and interest in the land proportionate to super built up area and 40% of car parking spaces.

ISSUE:-

Whether the total amounts received by the Owner towards the advances or sale consideration of the flats fallen to his share of 40% in terms of the JDA dated 19.05.2016 and the subsequent Area Sharing Agreement dated January 3, 2018, are not amenable for payment of GST, since Applicant has sold or agreed to sell or gifted, the flats after obtaining Occupancy Certificate dated August 26, 2019 and that Applicant has not received any part of the sale consideration prior to the said date of occupancy certificate.

HELD:-

The Hon'ble AAR, Karnataka, in Order No. KAR ADRG 55/2020 dated November 7, 2020 held as under:

- Noted that Schedule II to the Central Goods and Services Tax Act, 2017 ("CGST Act") specifies certain activities / transactions to be treated as supply of goods / services. Clause 5(b) of the said schedule stipulates that "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" shall be treated as supply of service except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation whichever is earlier.
- Observed that, Applicant's share of residential flats have been handed over by the developer after the issuance of completion / occupancy certificate August 26, 2019, and also clause 1.7 of the Area Sharing Agreement restricts the right of the Applicant to execute any sale agreement or any conveyancing deeds till the issuance of completion certificate and taking over of their share of units / flats.
- Held that, the amounts received by the Applicant, either by himself or through his agents, towards sale of their share of flats are not exigible to GST, if the entire consideration related to such sale of flats is received after the issuance of C.C dated August 26, 2019, as the said activities are treated neither supply of goods nor supply of service in terms of schedule III of the CGST Act to Clause 5(b) of the



Schedule-II of the CGST Act.

- Clarified that if the Applicant themselves or the developer on behalf of the Applicant have sold the Applicant's share of units/flats prior to issuance of completion certificate, then the transactions amount to supply of "Works Contract Service" are liable to GST. The time of supply in the instant case would be the time at which the constructed flats are handed over by the developer to the Applicant. In the instant case the Applicant claims / contends that they have received their share of units/flats after the issuance of Completion or Occupancy certificate by Bruhat Bengaluru Mahanagar Palike for 74 units.

- Relevant Provisions:-

Clause 5 of the Schedule-II of the CGST Act: "5. Supply of services

The following shall be treated as supply of services, namely:-

- (a) renting of immovable property;
- (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 its first occupation, whichever is earlier.

Explanation.-For the purposes of this clause-(1) the expression "competent authority" means the Government or any authority authorised to issue completion certificate under any law for the time being in force and in case of non-requirement of such certificate from such authority, from any of the following,

namely:-

- (i) an architect registered with the Council of Architecture constituted under the Architects Act, 1972; (20 of 1972.) or
- (ii) a chartered engineer registered with the Institution of Engineers (India); or
- (iii) a licensed surveyor of the respective local body of the city or town or village or development or planning authority;

- (2) the expression "construction" includes additions, alterations, replacements or remodeling of any existing civil structure;
- (c) temporary transfer or permitting the use or enjoyment of any intellectual property right;
- (d) development, design, programming, customisation, adaptation, upgradation, enhancement, implementation of information technology software;
- (e) agreeing to the obligation to refrain from an act, or to tolerate an act or a situation, or to do an act; and
- (f) transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration."

Courtesy: www.taxguru.in

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JUDGEMENTS IN A NUTSHELL

Land acquisition under Land Acquisition Act of 1894 will not lapse if compensation is tendered in the State treasury

In a significant judgment, the top court held that land acquisition under the earlier law of 1894 will be deemed to have lapsed only when government authorities fail to take possession and pay compensation in the treasury. The Bench held that the compensation need not be deposited in the court. Once the compensation amount is tendered by the State in the government treasury, its obligation will stand complete with respect to the payment of compensation.

In such a scenario, landowners, who had refused to accept the compensation under the earlier Act, cannot now take advantage of the deemed lapse of acquisition under Section 24 of the new Act of 2013. Further, the Court overruled all the previous precedents in this regard. (Courtesy: barandbench.com).

Non-payment of entire sale consideration cannot be a ground for cancellation of sale deed

The Supreme Court, while interpreting Section 54 of Transfer of Property Act, stated that actual payment of the whole of the price at the time of the execution of the sale deed is not a sine qua non for completion of the sale. (Case: Dahiben v. Arvindbhai Kalyanji Bhansuli (Gajra) (D) Thr LRs [2020 SCC OnLine SC 562] Coram: L Nageswara Rao and Indu Malhotra JJ). (Courtesy: barandbench.com).

Development Rights taxable under GST

The development rights are taxable under GST. The liability to pay tax in case of transfer of development rights in exchange of constructed space shall be the date of allotment of construct-

ed complex, i.e., the letter of allotment issued by the developer after the construction is complete. The notification clearly suggests the liability to pay tax on transfer of Development Rights. (Notification 4/2018-CGST(Rate), dated 25.01.2018).

As regards the valuation modus operandi to tax in GST, the value of supply has to be determined in accordance with Notification No. 11/2017 Central Tax (Rate), dated 28 June, 2017 read with notification No. 4/2018 Central Tax (Rate), dated 25 January 2018. (Source: Taxguru.in).

Landlord-tenant disputes under Transfer of Property Act are arbitrable

Case: Vidya Drolia and Ors. v. Durga Trading Corporation [2020 SCC OnLine SC 1018] Coram: NV Ramana, Sanjiv Khanna and Krishna Murari JJ. The Supreme Court held that landlord-tenant disputes governed by the Transfer of Property Act (TP Act) are arbitrable (except when they are covered by a specific forum created by rent control laws) as they are not actions in rem but pertain to subordinate rights in personam that arise from rights in rem. The Court, therefore,

overruled its own 2017 judgment in Himangni Enterprises v. Kamaljeet Singh Ahluwalia [(2017) 10 SCC 706]. (Courtesy: barandbench.com).

Daughters become equal coparceners at birth even if born prior to 2005 amendment to Hindu Succession Act

Case: Vineeta Sharma v. Rakesh Sharma & Ors. [2020 SCC OnLine SC 641]. Coram: Arun Mishra, S Abdul Nazeer and MR Shah, JJ. The Court held that daughters have right in coparcenaries by birth and that it is not necessary that the father should be living when the Hindu Succession (Amendment) Act, 2005 came into force for the daughters to get a share. The judgment states "The conferral of right is by birth, and the rights are given in the same manner with incidents of coparcener as that of a son and she is treated as a coparcener in the same manner with the same rights as if she had been a son at the time of birth." To ensure that this decision does not lead to reopening of earlier family settlements or partition suits already decreed, the apex court held that a registered settlement or partition suit decreed prior to

December 20, 2004 (the date when the Amendment Bill was tabled in Rajya Sabha), will not be reopened.

Daughter-in-law's right to residence under DV Act versus right of in-laws to seek eviction under Senior Citizens Act, 2007

Case: S Vanitha v. Deputy Commissioner, Bengaluru Urban District [Civil Appeal No. 3822 of 2020]. Coram: DY Chandrachud, Indu Malhotra and Indira Banerjee JJ. The Supreme Court has held that the Maintenance and Welfare of Parents and Senior Citizens Act has no overriding effect over the right of residence of a woman in a shared household within the meaning of the Protection of Women from Domestic Violence Act. It was also stated that the Tribunal under the Senior Citizens Act, 2007 may have the authority to order an eviction, if it is necessary and expedient to ensure the maintenance and protection of the senior citizen or parent. However, the over-riding effect for remedies sought under the Senior Citizens Act 2007, cannot be interpreted to preclude all other competing remedies and protections that are sought to be conferred by the DV Act 2005.