

**htestates****LAW BOOK**

Sunil Tyagi

I had given my shop on lease for a rent of ₹10,000 per month for 11 months. The lease in respect of the shop expired on June 10, 2013 and has not been renewed. Despite that, the tenant still continues to occupy the shop and refuses to vacate the same. What remedies do I have against the tenant?

– Sandeep Rao

On expiry of the lease, the tenant is bound to hand over the possession of the premises back to the lessor. However, if the tenant continues to occupy the premises without renewal of lease or approval from the landlord, then you, as a landlord, can initiate action in the court of appropriate jurisdiction to evict such a tenant. Additionally, you can also seek damages for such unauthorised occupation.

I booked an apartment in a residential tower in Gurgaon. Payment was made on the basis of down payment plan. As per the agreement, the builder was supposed to hand over the possession of the flat to me in January 2014. I have duly made all payments as per the terms of the agreement. However, as the builder has not handed over possession, what are the remedies available to me?

– Saurav Pande

Normally, penalty for delay in handover of possession of the flat is provided in the agreement executed

with the builder. You can initiate correspondence with the builder for claiming penalty for the delayed period. Further, you can also initiate action against the builder in the appropriate court for handing over possession of the apartment.

I am buying a residential property in Delhi. The seller is currently residing in the property. The consideration payable to the seller is ₹70 lakh. Do I need to deduct any TDS (tax deducted at source) on such a transaction?

–Bharat Katyal

On transactions relating to transfer of immovable property [other than agricultural land (as defined in S 2(14) of Income Tax Act)] involving consideration of more than ₹50 lakh, the purchaser is required to deduct 1% of the consideration towards TDS on the total consideration payable to the seller, that is 1% of ₹70 lakh in the present case and deposit the same with the income tax department.

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