Chapter V - Leases of Immovable Property

Convert lease creation, rent, covenants, termination, forfeiture and holding over into an evidence-backed lifecycle.

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Dedicated Finin2min Summary - Chapter in 2 Minutes

• Section 105: Lease, lessor, lessee, premium and rent defined - convert every statutory limb into evidence-backed transaction controls.
• Section 106: Duration and notice for certain leases - convert every statutory limb into evidence-backed transaction controls.
• Section 107: Leases how made - convert every statutory limb into evidence-backed transaction controls.
• Section 108: Rights and liabilities of lessor and lessee - convert every statutory limb into evidence-backed transaction controls.
• Convert lease creation, rent, covenants, termination, forfeiture and holding over into an evidence-backed lifecycle.
• Apply the current official Act and transaction-date State stamp, registration, land, tenancy, RERA and procedural law.

Current statutory text / controlled source map

Section 105 - Lease, lessor, lessee, premium and rent defined.
Section 106 - Duration and notice for certain leases.
Section 107 - Leases how made.
Section 108 - Rights and liabilities of lessor and lessee.
Section 109 - Rights of lessor transferee.
Section 110 - Computation of lease term.
Section 111 - Determination of lease.
Section 112 - Waiver of forfeiture.
Section 113 - Waiver of notice to quit.
Section 114 - Relief against forfeiture for non-payment of rent.
Section 114A - Relief against forfeiture in certain other cases.
Section 115 - Effect on under-leases.
Section 116 - Holding over.
Section 117 - Agricultural leases exemption.

Section-by-section provision map

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 105	Lease, lessor, lessee, premium and rent defined *Operative subject to current official/State law*	Section 105 governs lease, lessor, lessee, premium and rent defined. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 106	Duration and notice for certain leases *Operative subject to current official/State law*	Where contract/local usage does not govern, classify the purpose of lease, apply the statutory duration and serve a legally effective notice. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 107	Leases how made *Operative subject to current official/State law*	Section 107 governs leases how made. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 108	Rights and liabilities of lessor and lessee *Operative subject to current official/State law*	Section 108 governs rights and liabilities of lessor and lessee. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 109	Rights of lessor transferee *Operative subject to current official/State law*	Section 109 governs rights of lessor transferee. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 110	Computation of lease term *Operative subject to current official/State law*	Section 110 governs computation of lease term. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 111	Determination of lease *Operative subject to current official/State law*	Section 111 governs determination of lease. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 112	Waiver of forfeiture *Operative subject to current official/State law*	Section 112 governs waiver of forfeiture. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 113	Waiver of notice to quit *Operative subject to current official/State law*	Section 113 governs waiver of notice to quit. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 114	Relief against forfeiture for non-payment of rent *Operative subject to current official/State law*	Section 114 governs relief against forfeiture for non-payment of rent. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 114A	Relief against forfeiture in certain other cases *Operative subject to current official/State law*	Section 114A governs relief against forfeiture in certain other cases. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 115	Effect on under-leases *Operative subject to current official/State law*	Section 115 governs effect on under-leases. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 116	Holding over *Operative subject to current official/State law*	Holding over requires the lessor's assent after expiry; mere continued occupation does not automatically create a renewed tenancy. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 117	Agricultural leases exemption *Operative subject to current official/State law*	Section 117 governs agricultural leases exemption. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the lease lifecycle and termination framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Finin2min implementation explanation

Classify the property interest, parties, authority, consideration, possession and intended legal result. Complete title, encumbrance, litigation and State-law diligence. Select the correct instrument, stamp, registration and perfection route. Block payment or possession until closing conditions and evidence are complete.

Practical examples and calculations

Scenario: A commercial occupier continues after the fixed term while the owner accepts selected payments. The file must distinguish expiry, notice, waiver, holding over, rent-control protection and damages for occupation.

Calculation/control	Method	Evidence
Rent and escalation	Reconcile base rent, escalation formula, GST, TDS, maintenance, utilities and deposit.	Lease, invoices, bank and tax records
Termination clock	Compute contractual and statutory notice, service and expiry dates.	Notice, delivery proof and calendar
Possession exposure	Separate arrears, mesne profits/use charges, repairs, reinstatement and deposit set-off.	Inspection, photographs, invoices and valuation

Practical transaction application

1. Classify the transaction and every interest. 2. Complete title, authority, encumbrance, litigation, land-use and possession diligence. 3. Map the Act and State overlays to the instrument. 4. Reconcile consideration, taxes, possession and completion. 5. Preserve closing and enforcement evidence.

Authority, consent and execution controls

Confirm legal identity, capacity, title, board/partner/trustee/co-owner/lender consents, power-of-attorney scope, execution, attestation, witnessing and document custody.

Stamp duty and registration alerts

Apply current State instrument classification, market value, duty, surcharge, registration fee, adjudication and impounding rules. Registration does not cure defective title or prohibited transfer.

Evidence and document-retention checklist

Retain title chain, searches, authority, valuation, tax and KYC records, executed instrument, witness evidence, registration receipt, consideration, possession, originals handover and notices.

Performance, delivery and payment controls

Define conditions precedent, long-stop date, escrow/retention, possession condition, risk transfer, taxes, apportionments, originals handover and post-closing filings.

Breach, loss, mitigation and remedy framework

Separate invalidity, rescission, specific performance, injunction, possession, redemption, foreclosure/sale, damages, restitution and indemnity. Prove causation, market value and mitigation.

Limitation and forum controls

Select relief-specific limitation and forum: civil/Commercial Court, RERA, DRT/DRAT, NCLT, consumer, revenue or arbitration. Compute notice, cure, termination, appeal and enforcement clocks.

Arbitration and mediation interface

Assess arbitrability, rights in rem, statutory forums, third-party interests, interim protection, lis pendens, possession and limitation. Preserve source and evidence during settlement.

Company, partnership, GST and tax overlays

Apply entity authority, charges, RERA, GST, TDS, capital gains, valuation, FEMA, benami, PMLA/KYC, insolvency moratorium and secured-creditor priority.

Finin2min Q&A;

First classify the transaction and title. The common failure is execution or payment before State stamp/registration and third-party rights are verified. A contract does not always transfer title. Maintain a reproducible source, title, authority, closing and remedy file.

Chapter-specific decision flowchart

Classify transaction -> verify title/capacity -> select section and State overlay -> check form/stamp/registration -> close and preserve evidence -> manage breach, remedy and limitation.