

Tax Hotline

August 16, 2002

RENT PAYMENTS FOR OCCUPATION OF HOTEL ROOMS WOULD ATTRACT WITHHOLDING TAXES

In a recent ruling, the Andhra Pradesh High Court (“**Court**”) adjudicated that payments made by customers to hotels in the nature of rental charges towards occupancy of hotel rooms would attract withholding tax provisions as envisaged under Section 194-I of the Indian Income Tax Act, 1961 (“**ITA**”).

The petitioner contented that no transfer of property takes place in the favour of the occupant indicating that it was merely a license agreement and not a rent agreement or a lease agreement as contemplated under Section 194-I of the ITA. The Court overruled this position by stating that the phrase “any payment” by whatever name called and ‘any other agreement or arrangement’ occurring in the definition of ‘rent’ in *Explanation* to the aforesaid section have widest import and thus even a license agreement would also be covered therein.

Source: *The Economic Times*, August 14, 2002

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Structuring Platform Investments in India For Foreign Investors

March 31, 2025

India's Oil & Gas Sector— at a Glance?

March 27, 2025

Artificial Intelligence in Healthcare

March 27, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Audio 🎧

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against “Unfiltered” Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video 🎥

Vyapak Desai speaking on the danger of deepfakes | Legally Speaking with Tarun Nangia | NewsX

April 01, 2025

**Vaibhav Parikh, Partner, Nishith
Desai Associate on Tech, M&A, and
Ease of Doing Business**

March 19, 2025

**SIAC 2025 Rules: Key changes &
Implications**

February 18, 2025
