

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 7768 of 2025**

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SAFAL CONSTRUCTION (INDIA) PRIVATE LIMITED & ORS.
Versus
UNION OF INDIA & ORS.

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Appearance:

MR MIHIR JOSHI, LD.SR,ADV WITH MR DHAVAL SHAH(2354) for the
Petitioner(s) No. 1,2,3
MR UTKARSH SHARMA. AGP for the Respondent(s) No. 2,3
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1,4,5

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CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

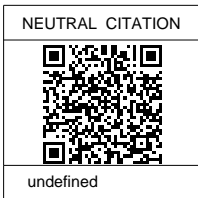
Date : 19/06/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

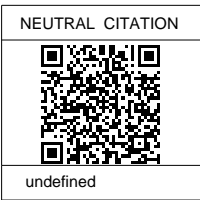
1. Heard learned Senior Advocate Mr.Mihir Joshi with learned advocate Mr.Dhaval Shah for the petitioners and learned Assistant Government Pleader Mr.Utkarsh Sharma for the respondent Nos.2 and 3.

2.1. Learned Senior Advocate Mr.Mihir Joshi for the petitioners has tendered the Additional Affidavit on behalf of the petitioners to point out that as per the



approval granted by the State Government for Slum Rehabilitation Scheme by order dated 18.05.2012 and by order of Ahmedabad Municipal Corporation dated 29.05.2012, the work of rehabilitation under the Policy of 2010 has been awarded to the petitioners. It was pointed out from such document placed on record that petitioners are entitled to utilise the Floor Space Index (for short 'the FSI') as per the Policy of GDCR read with the Rehabilitation Policy, 2010.

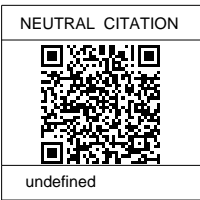
2.2. Learned Senior Advocate Mr.Mihir Joshi also invited the attention of the Court to the Clause No.12 of the Policy which refers to Planning Regulations for Rehabilitations Scheme which includes Clause 12.5 regarding the FSI and amendment thereto, by the Notification dated 22nd May, 2012 by substituting Clause 12.6 for the purpose of



the regulations. Learned Senior Advocate Mr.Mihir Joshi also referred to the Clause 12.6.4.3 which provides that the transferable FSI shall be available on any plot other than the slum plot on pro-rata basis proportionate to the land jantri rates of respective plots.

2.3. It was therefore submitted that the Transferable Development Right (for short 'the TDR') Certificate issued to the petitioners which is sold by the petitioners for consideration, is nothing but a benefit arising out of such Rehabilitation Scheme pertaining to the development of the slum area and therefore, it partakes the character of immovable property and not the supply of service liable to levy of GST.

2.4. It was therefore submitted that the respondent could not have assumed the



jurisdiction to initiate proceedings for levy of GST on transfer of the TDR for a consideration by the petitioners.

3. Considering the above submissions, issue **Notice**, returnable on **30th July, 2025**.

4. By way of ad-interim relief, no coercive action shall be taken by the respondents against the petitioner during the pendency of this petition.

Direct service through Email is permitted.

(BHARGAV D. KARIA, J)

(PRANAV TRIVEDI, J)

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