INDIALAW

Leasing And Licensing

Leasing and Licensing Law Firm in India for Commercial and Retail Leases

PRACTICE PROFILE • OCTOBER 2026

Overview

Leasing and licensing are critical components of real estate transactions, requiring a nuanced understanding of legal, commercial, and regulatory frameworks. We offer end-to-end legal support for residential, commercial, retail, and industrial leasing across India. Our services are tailored to protect client interests, ensure compliance, and structure clear and enforceable agreements aligned with evolving market practices.

Our Services

Drafting, Vetting, and Negotiation of Lease and License Agreements

- Drafting and reviewing Leave and License Agreements, Lease Deeds, Sub-Lease Deeds, and Commercial Leasing Agreements.
- Drafting and reviewing Fit-out Agreements, Letter of Intents (LOIs), Common Area Maintenance (CAM) Agreement, and Facilities Sharing Agreements.
- Structuring terms related to rent, security deposit, lock-in periods, notice, escalation, sub-letting, indemnities, force majeure, and termination.
- Negotiating terms for fit-outs, rent-free periods, maintenance charges, and usage restrictions.
- Drafting tailored clauses for co-working spaces, IT/ITES parks, malls, SEZs, warehouses, and retail premises.

Statutory Compliance & Registration

- Stamp Duty calculation and payment as per the Indian Stamp Act and state-specific laws (e.g., Maharashtra Stamp Act).
- Advising on registration of lease agreements as per the Registration Act, 1908.
- Compliance with Rent Control Laws, Municipal Zoning Regulations, Fire Safety, and Building Use Permissions.
- Assisting in filing e-registration of Leave and License Agreements (especially in Maharashtra), and coordinating with municipal authorities.

Risk Assessment

- Advisory on breach of agreement, eviction, arrears of rent, unauthorized occupation, and license revocation.
- Advisory on forfeiture clauses, termination rights, and holdover tenancy.

Specialized Leasing Advisory

- Tailored Lease Structures for Long-term industrial leases (99 years, MIDC, SEZ leases, Sub-Letting and Assignment).
- Assisting in drafting matters related to Built-to-suit leasing, leaseback arrangements, and structured rent deals.
- Assisting in matters related to co-living/co-working units in drafting customized license agreements that clearly define the terms of use, payment structures, and rights of both parties.
- Retail and mall space, coffee shop, examination centre leasing, IT/ITES services, arrangements, negotiating leasing terms, ensuring favorable rent structures, and addressing common area maintenance (CAM) charges and marketing rights.

Key Professionals



Shiju P V
Managing Partner



Vinod P.V.
Senior Partner



Suresh Palav
Partner



Shweta Tiwari
Associate Partner



G.P. Yash Vardhan
Associate Partner



Pranava Charan MG
Associate Partner



Asav Rajan Arora
Associate Partner



Tannya Baranwal
Associate Partner



Nim Dem Dorjee
Associate Partner



Shrishail Kittad
Senior Partner

Frequently Asked Questions

Q1 **What does a leasing and licensing practice cover in Indian real estate?**

It covers drafting, reviewing, and negotiating lease deeds, leave and license agreements, sub-lease deeds, fit-out agreements, and CAM agreements. The practice also handles stamp duty compliance, registration, rent structuring, and dispute advisory across residential, commercial, retail, and industrial properties.

Q2 **When should a business engage a leasing lawyer before signing a lease?**

Ideally before signing any LOI or term sheet. Early involvement helps structure rent escalation, lock-in periods, termination rights, and fit-out obligations correctly. Retrofitting protections into a signed document is far harder and often results in unfavorable compromises on key commercial terms.

Q3 **Which Indian laws govern lease and license agreements?**

Key statutes include the Transfer of Property Act, 1882, the Indian Stamp Act (plus state amendments such as the Maharashtra Stamp Act), the Registration Act, 1908, and applicable state Rent Control Acts. RERA may also apply where leasing involves developer-held inventory in registered projects.

Q4 **How long does lease registration take, and what drives the cost?**

Registration timelines vary by state. In Maharashtra, e-registration of leave and license agreements typically completes within a few days. Stamp duty is the primary cost driver and differs significantly across states, calculated on total rent, deposit amount, and lease tenure as prescribed by state stamp schedules.

Q5 What documents are needed to draft or register a lease agreement?

Typically, parties must provide identity and address proofs, property title documents, prior lease records, sanctioned building plans, occupancy or completion certificates, property tax receipts, and any existing NOCs from housing societies or landlords. For companies, board resolutions authorizing the signatory are also required.

Q6 What common mistakes do tenants and landlords make in Indian leases?

A frequent error is executing leases exceeding 11 months without registration, which renders them legally unenforceable under Section 17 of the Registration Act. Other pitfalls include vague escalation clauses, missing termination mechanics, inadequate sub-letting restrictions, and incorrect stamp duty payment leading to penalties on adjudication.

Related Practice Areas

Real Estate | Development & Construction Projects | Estate Planning & Inheritance | Regulatory & Compliance Advisory | Land Acquisition | Purchase & Sale Of Commercial And Residential Properties | Title Due Diligence & Verification