

Handbook on E-Way Bill under GST

Handbook on E-Way Bill under GST



The Institute of Chartered Accountants of India
(Set up by an Act of Parliament)
New Delhi



**Handbook
on
E-Way Bill under GST**



The Institute of Chartered Accountants of India
(Set up by an Act of Parliament)
New Delhi

© The Institute of Chartered Accountants of India

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, electronic, mechanical, photocopying, recording, or otherwise without prior permission, in writing, from the publisher.

DISCLAIMER:

The information cited in this book has been drawn primarily from the www.cbic.gov.in and other sources. While every effort has been made to keep the information cited in this book error free, the Institute or any office of the same does not take the responsibility for any typographical or clerical error which may have crept in while compiling the information provided in this book.

First Edition : April, 2020

Committee/Department : GST & Indirect Taxes Committee

E-mail : gst@icai.in

Website : <http://www.icai.org>; <https://idtc.icai.org>

Price : ₹ 70/-

ISBN : 978-81-8441-

Published by : The Publication Department on behalf of the
Institute of Chartered Accountants of India,
ICAI Bhawan, Post Box No. 7100,
Indraprastha Marg, New Delhi - 110 002.

Printed by : Sahitya Bhawan Publications, Hospital
Road, Agra - 282 003.

Foreword

The introduction of Goods & Service Tax (GST) in India is one of the biggest indirect tax reforms since Independence. The reform that took more than a decade of mutual co-operation, continuous discussion and intense debate between Central and State Governments about implementation methodology, was finally implemented with effect from 1st July 2017, subsuming almost all indirect taxes at the Central and State levels. As the journey of GST Implementation progressed in India, the authorities have been quick to address the various challenges faced by the Industry and public concerns by issuing a series of notifications, clarifications, press releases and FAQs, to resolve a wide range of concerns.

The GST alongwith its challenges has brought in various benefits also like creation of National market by bringing down fiscal barriers amongst the States and has mitigated the cascading effect of taxes by allowing seamless credit of Input Tax across goods & services. The Institute of Chartered Accountants of India (ICAI) through its GST & Indirect Taxes Committee has been playing a vital role in implementation of GST in India by providing suggestions to the Government at each stage of development of GST. Further, the Institute has been playing proactive role and is a catalyst in dissemination of knowledge and awareness through technical publications, newsletters, E-learning and organizing various programmes, Certificate courses, webcasts etc. for all stakeholders.

I am happy to note that the GST & Indirect Taxes Committee of ICAI has now taken an initiative to issue a series of Handbooks covering various procedural aspects of GST and in that series is bringing out **Handbook on E-Way Bill under GST** with an objective to provide a basic understanding of the topic. The handbook explains the concepts / procedures relating to E-Way Bill in an easy to understand lucid language and it aimed at updating the knowledge base of members in a simple and concise manner.

I congratulate CA. Rajendra Kumar P, Chairman, CA. Sushil Kumar Goyal, Vice Chairman and other members of GST & Indirect Taxes Committee for coming out with this Handbook and for taking active steps in providing regular guidance to the members and other stakeholders at large.

I am sure that the members will find this publication very useful in discharging the statutory functions and responsibilities in an efficient and effective manner.

CA. Atul Kumar Gupta
President, ICAI

Date: 01.05.2020

Place: New Delhi

Preface

Goods and Services Tax (GST) was introduced in India from 1st July, 2017. It is one of the major tax reforms since independence in the area of indirect taxation. It was introduced with the objective to mitigate the cascading effect of taxes by allowing seamless credit across goods and services, facilitate free flow of goods and services across India and boosting tax revenue from better compliance and widening the tax base. A remarkable feature of GST implementation is that all the States in India came together with the Centre to form a unique federal body called GST Council, which is entrusted with the objective of recommending policies and procedural matter in the formation and implementation of GST legislation. The spirit of co-operative federalism took deep roots there by ensuring that large federal countries like India implement the GST Law.

In order to facilitate in understanding various compliance under GST, GST & Indirect Taxes Committee of ICAI has taken an initiative to prepare Handbook on procedural aspects like registration, refund, return, Invoice etc. One of the result of such initiative is **Handbook on E-Way Bill under GST**. An attempt has been made to cover all aspects related to E-Way Bill at one place and is intended to give general guidance to all stakeholders and also help them in resolving issue that they may face during the course of their compliance aspect in GST. This Handbook on E-Way Bill under GST is comprehensive containing analysis of the entire provisions under the law including notifications, circulars or orders upto 31st March, 2020 issued by the Government from time to time along with few FAQ's, MCQ's, Flowcharts, Diagrams and Illustrations etc. to make the reading and understanding easier.

We stand by the Government in our role as “Partner in GST Knowledge Dissemination” and have always been supporting Government with our intellectual resources, expertise and efforts to make GST error-free.

We sincerely thank CA. Atul Kumar Gupta, President and CA. Nihar Niranjana Jambusaria, Vice-President, ICAI for their encouragement to the initiatives of the GST & Indirect Taxes Committee. We express our gratitude for the untiring effort of CA. Ganesh Prabhu B and CA. J Murali for sharing their intellectual expertise and CA. Shubham Khaitan for reviewing

this publication. We place on record the services and unstinted support provided by the Secretariat of the Committee.

We trust this Handbook will be of practical use to all the members of the Institute and other stakeholders. We also welcome suggestions at gst@icai.in and request to visit our website <https://idtc.icai.org> and provide valuable inputs in our journey to make GST truly a good and simple tax.

CA. Rajendra Kumar P

Chairman

GST & Indirect Taxes Committee

CA. Sushil Kumar Goyal

Vice- Chairman

GST & Indirect Taxes Committee

Date: 01.05.2020

Place: New Delhi

Contents

Background	1
Benefits of E-Way Bill	2
Important Terms used in E-Way Bill	2
Applicability of E-Way Bill.....	6
Who Can Register and Generate E-Way Bill.....	9
Process of Generation of E-Way Bill through GST E-Way Bill Portal	15
Penalty for Non-Generation of E-Way Bill	22
FAQs.....	33

E-Way Bill under GST

Background

During the pre GST period the goods consigned could have either invoice or delivery challan or the prescribed challan under the respective VAT or Sales Tax Act of the particular State. The goods which were consigned were normally instructed to be verified by the outgoing and incoming check post of that region. Because of this there used to be a huge delay in the movement of goods and more time was wasted in the check post or with the roving squad detentions, in case of improper documentation or for other purpose.

When the Goods and Services Tax was introduced by the Government, one of its purpose was to make movement of goods easier and enable the business to be carried on in a better way. Hence, in GST regime check posts were abolished all over the country.

However, to have a check on the documentation of the movement of goods, the Government introduced a way bill on the e-portal, which is nothing but a delivery challan created in the e-portal. The portal provides an identification number to the e-way bill ("**EWB**").

The EWB contains the entire details of the consignment like Name, Address and GSTIN of consignor and consignee. It also has the details of commodity consigned, quantity consigned and value consigned. The details of movement of goods is also mentioned in the e-way bill. The registered dealers under GST can generate e-way bill as a supplier or as a recipient of the goods.

The Government *vide Notification No.09/2018 – Central Tax dated 23.01.2018* notify www.ewaybillgst.gov.in as the Common Goods and Services Tax Electronic Portal for furnishing the e-way bill. This website will be managed by the National Informatics Centre, Ministry of Electronics & Information Technology, Government of India. From 01.04.2018, the inter-State movement of goods for a value beyond ₹ 50,000/-, need to have the e-way bill. The assessee will have to look in to the movement of goods whether inter-State or intra-State. When the movement is inter-State or intra-State they have to follow the procedures of CGST & SGST Act and for generation of EWB within the State, the threshold will be as per SGST Act.

Section 68(1) of the CGST Act stipulates that the Government may require the person in charge of a conveyance carrying any consignment of goods of value exceeding such amount as may be specified to carry with him such documents and such devices as may be prescribed. And the same is prescribed in Rule 138. In other words, the provisions relating to implementation of e-way bill are contained in Section 68 of the CGST / SGST Act, 2017 read with Rule 138 of the CGST Rules, 2017, for inter-State movement of goods and Rule 138 of the respective SGST / UTGST Rule 2017, for intra-State movement of goods. The Annexure to the above said rule and more specifically sub-rule (14) of Rule 138 sets out 8 items for which e-way bill is not compulsory.

Benefits of E-Way Bill

1. **Cost reduction:** E-way bill reduces the logistics cost. E-way bill has reinforced proper invoicing and thereby reduce tax avoidance.
2. **Efficient transportation:** It has enabled efficient and speedy transportation. A truck in India covers an annual average distance of 85,000 kms as compared to 1,50,000 to 2,50,000 kms in developed countries which is a clear indication that our transportation systems needs some reforms. E-way bill would help to reform the transportation industry.
3. **Waiting Time:** No waiting time at check post and faster movement of goods resulting in the optimum use of vehicle/resources.
4. **User friendly e-way bill system ("EWS"):** EWS and portal are user friendly and easy; even dealers can easily download the e-way bill.
5. **Easy & Quick generation of EWB:** EWB could be generated easily and quickly, there is not big task to generate EWB.

Important Terms used in E-Way Bill

Transport

Movement or journey is part of transportation and it can be said that transportation has commenced as soon as the consignor hands over the goods with clear and irrevocable instructions to a carrier to put them on its journey to a specified destination and hand them over to a specified (or altered) consignee (or his order). Transportation will conclude only when the

instructions of the consignor have been satisfactorily carried out by the carrier by handing over the goods to the consignee (or his order). E-way bill is required 'before' commencement of transportation regardless of the time of commencement of the journey.

Movement of Goods

Transportation of goods within the State is called intra State movement. The threshold limit to generate EWB mandatorily is as per the SGST Rules. Similarly, transportation of goods outside the State is called as inter State movement and it is mandatory to generate EWB if the consignment value exceeds ₹ 50,000/-.

Illustration: Assume Transportation of goods for a consignment value of ₹ 65,000/- from the place of business of Mr. A in Chennai, Tamil Nadu to the place of business of Mr. B in Chennai, which is a unit located in the Special Economic Zone. The nature of supply for the above transaction as per Section 7 of IGST Act, 2017 will be inter-State supply. However, the movement of goods is intra-State movement. The limit to generate EWB in case of intra State movement is ₹ 1,00,000/- as per TNGST Rules, 2017.

Hence, generation of EWB is not mandatory. Not all inter-State supply results in inter State movement. Similarly, not all intra State supply results in intra State movement. It must be noted that EWB has to be generated based on the nature of movement of goods and on the consignment value.

Consignment Note

A consignment note is a document issued by a goods transportation agency against the receipt of goods for the purpose of transporting the goods by road in a goods carriage.

Consignment Value

The consignment value of goods shall be the value, determined in accordance with the provisions of Section 15 of CGST Act, 2017, declared in a tax invoice, a bill of supply or a delivery challan, as the case may be, issued in respect of the said consignment and also includes the Central Tax, State or Union Territory Tax, Integrated Tax and Cess charged, if any, in the document and shall exclude the value of exempt supply of goods where the invoice is issued in respect of both exempt and taxable supply of goods.

Place of Delivery

FORM GST EWB-01 requires the '*place of delivery*' to be specified and this expression 'place of delivery' must not be inter changed with 'place of supply', which is a legal expression as determined by the tests laid down in IGST Act. EWB is intended to create contemporaneous trail of physical movement of the goods. It is not meant to address the legal concept of 'place of supply' which can vastly differ from 'place of delivery'. Though physical movement of the goods may be from one location to another, in the eyes of law, the place of supply could be the location of the recipient. Hence it is not conceivable for EWB to require information about the 'place of supply' but simply the 'place of delivery' or 'destination of journey'. In fact, it can be seen that, when GSTIN of the recipient is incorporated, the place of delivery will auto-populate within the EWB.

Cases where no E-way bill is required to be generated [Rule 138(14)] are as under:

<i>NO EWB Required</i>	<i>Short Notes</i>
(a) Where the goods being transported are specified in the Annexure	8-items listed in Annexure
(b) Where the goods are being transported by a non-motorised conveyance	Non-motorized conveyance
(c) Where the goods are being transported from the customs port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs	Port-to-port transfers (for customs clearance)
(d) In respect of movement of goods within such areas as are notified under clause (d) of sub-rule (14) of rule 138 of the State or Union territory Goods and Services Tax Rules in that particular State or Union territory	State-list of EWB exemption
(e) Where the goods, other than de-oiled cake, being transported, are specified in the Schedule appended to Notification No. 2/2017- Central tax (Rate) dated the 28 th June, 2017 as amended from time to time	Goods exempt from GST also exempt from EWB

Handbook on E-Way Bill under GST

NO EWB Required	Short Notes
(f) Where the goods being transported are alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas or aviation turbine fuel	6-items of non-GST goods
(g) Where the supply of goods being transported is treated as 'no supply' under Schedule III of the Act	Schedule III items
(h) Where the goods are being transported— (i) under customs bond from an inland container depot or a container freight station to a customs port, airport, air cargo complex and land customs station, or from one customs station or customs port to another customs station or customs port, or (ii) under customs supervision or under customs seal	Transport under Customs control
(i) Where the goods being transported are transit cargo from or to Nepal or Bhutan	Transit cargo (Nepal/Bhutan)
(j) Where the goods being transported are exempt from tax under Notification No. 7/2017-Central Tax (Rate), dated 28 th June 2017 and Notification No. 26/2017-Central Tax (Rate), dated the 21 st September, 2017, both as amended from time to time	Transport between CSD Canteens and Nuclear Power Corporation
(k) Any movement of goods caused by defence formation under Ministry of Defence as a consignor or consignee	Transport under MoD control/formation
(l) Where the consignor of goods is the Central Government, Government of any State or a local authority for transport of goods by rail	Rail-transport 'by' Government or LA
(m) Where empty cargo containers are being transported and	Empty cargo containers
(n) Where the goods are being transported upto a distance of twenty kilometers from the	Weighment and back

Handbook on E-Way Bill under GST

NO EWB Required	Short Notes
place of the business of the consignor to a weighbridge for weighment or from the weighbridge back to the place of the business of the said consignor subject to the condition that the movement of goods is accompanied by a delivery challan issued in accordance with rule 55.	(less than 20 kms)
(o) Where empty cylinders for packing of liquefied petroleum gas are being moved for reasons other than supply.	Empty LPG cylinders (other than supply)

Applicability of E-Way Bill

EWB is not required for all transactions undertaken by a taxable person. EWB is required for all transactions involving movement of goods whether by way of a supply or not. EWS is required in transactions involving goods but 'treated as' supply of services such as leasing of goods or delivery of food-drink. In other words, every time there is movement of goods, whether by way of supply of goods or supply of services, EWB will be required. Goods supplied and goods involved in the supply of services will require EWB as these involve movement of goods. But goods consumed in supply of services which does not involve movement, do not require EWB.

Reason for Transportation

S.No	Reason for Transportation of Goods
1	Supply – In case of outward supply of goods, the supply liable to GST as per Schedule I or inward supply of goods liable to tax under reverse charge by a taxable person.
2	Export or Import – In case of export of goods from or import of goods into the territory of India
3	Job Work - When the principal and the job worker are registered persons the EWB will be generated by the principal when he occasions the movement of goods for job work and by the job worker when he occasions the movement after job work, and by the recipient, if job worker is not a registered person.

Handbook on E-Way Bill under GST

S.No	Reason for Transportation of Goods
4	SKD or CKD - The goods may be supplied on semi knocked down (SKD) condition or the goods may be supplied in batches to be assembled at the place of recipient in case of completely knocked down (CKD) conditions, the e-way bill is to be generated, based on the value of the product being transported.
5	Line Sales - When the goods are taken in the delivery van in a particular route to effect sale to all the retailers, the movement of goods is to be covered by an e-way bill. When the goods are moved under 'Recipient not known', they may not know the details of sales. However the total value of consignment e-way bill has to be generated.
6	Sales Return - When the recipient rejects and sends back the goods they have to generate e-way bill or the supplier will have to generate e-way bill on the capacity of the recipient of such goods.
7	Exhibition or Fairs - When the registered person is going to participate in any exhibition or fair, and the goods are moved from the godown of such person, then e-way bill is to be generated.
8	For own use - When goods are purchased for personal use, the supplier will generate EWB.
9	Others – For any item other than the above, such as movement of goods for provision of supply of service or for any other purpose which involves movement of goods, EWB should be generated

Validity of E-way bill

Sl.No.	Distance	Validity period
(1)	(2)	(3)
1.	Upto 100 kms	One day in cases other than Over Dimensional Cargo ¹ [or multimodal shipment in which at least one leg involves transport by ship]
2.	For every 100 kms or part thereof	One additional day in cases other than Over Dimensional Cargo ² [or multimodal shipment in which at least one leg involves transport by ship]

¹⁻⁴ Inserted vide Notification No. 31/2019-C.T., dated 28-6-2019

Handbook on E-Way Bill under GST

Sl.No.	Distance	Validity period
3.	Upto 20 kms	One day in case of Over Dimensional Cargo ³ [or multimodal shipment in which at least one leg involves transport by ship]
4.	For every 20 kms or part thereof	One additional day in case of Over Dimensional Cargo ⁴ [or multimodal shipment in which at least one leg involves transport by ship]:

“Over dimensional cargo” means a cargo carried as a single indivisible unit and which exceeds the dimensional limits prescribed in Rule 93 of the Central Motor Vehicle Rules, 1989, made under the Motor Vehicles Act, 1988, or in simple terms it means vehicles carrying cars of fuel falling in the category of over dimensional units of conveyance have to move very slow as compared to other vehicles.

Threshold limit for Intra-State movement of goods as per SGST Act

Threshold Limit for EWB in case of Intra State Supply	State(s)	Union Territories
EWB is mandatory when consignment value exceeds ₹ 1,00,000/-	a) West Bengal b) Tamil Nadu c) Delhi d) Bihar	
EWB is mandatory when consignment value exceeds ₹ 50,000/-	a) Andhra Pradesh b) Arunachal Pradesh c) Assam d) Chhattisgarh e) Goa f) Gujarat g) Haryana h) Himachal Pradesh i) Jharkhand j) Karnataka k) Kerala l) Madhya Pradesh	a) Lakshadweep b) Ladakh c) Andaman and Nicobar Islands d) Dadra and Nagar Haveli and Daman and Diu e) Chandigarh f) Jammu & Kashmir

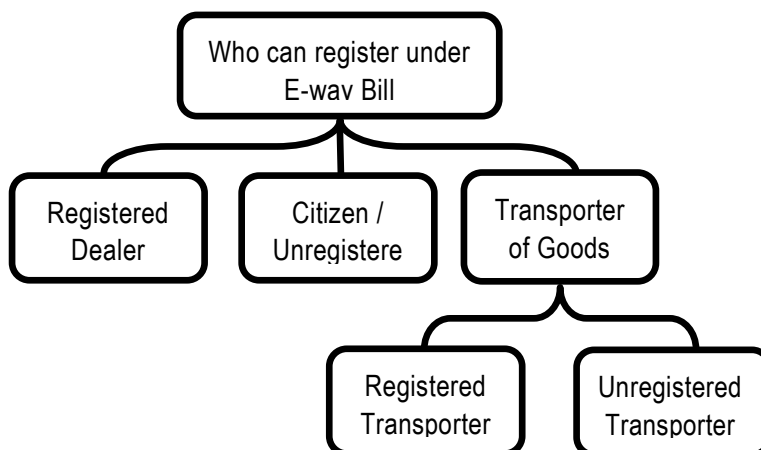
Handbook on E-Way Bill under GST

Threshold Limit for EWB in case of Intra State Supply	State(s)	Union Territories
	m) Maharashtra n) Manipur o) Meghalaya p) Mizoram q) Nagaland r) Odisha s) Puducherry t) Punjab u) Rajasthan v) Sikkim w) Telangana x) Uttar Pradesh y) Uttarakhand	

Tax Invoice – A document issued as per Section 31 of the CGST Act, 2017 for removal of goods which are liable tax under GST.

Delivery Challan - A delivery challan is a document prescribed as per Rule 55 of CGST Rules, 2017. Where the goods are removed for the purpose of job work, sale or return or goods are removed for reasons other than by way of supply, this document will be issued.

Who Can Register and Generate E-Way Bill



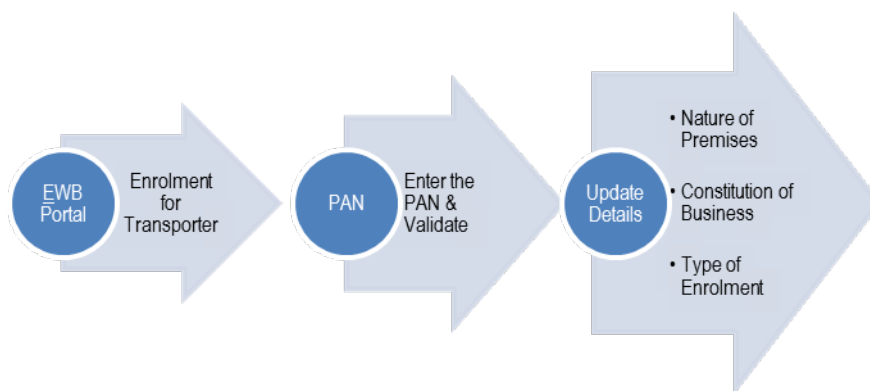
Registration for generation of e-way bill

A. *Regular Dealer*

1. Go to E-Way Bill Portal – www.ewaybillgst.gov.in
2. Click on Registration Tab
3. Click on E-Way Bill Registration Tab
4. Enter GSTIN of Registered Person
5. Confirm OTP
6. Set User Name & Password

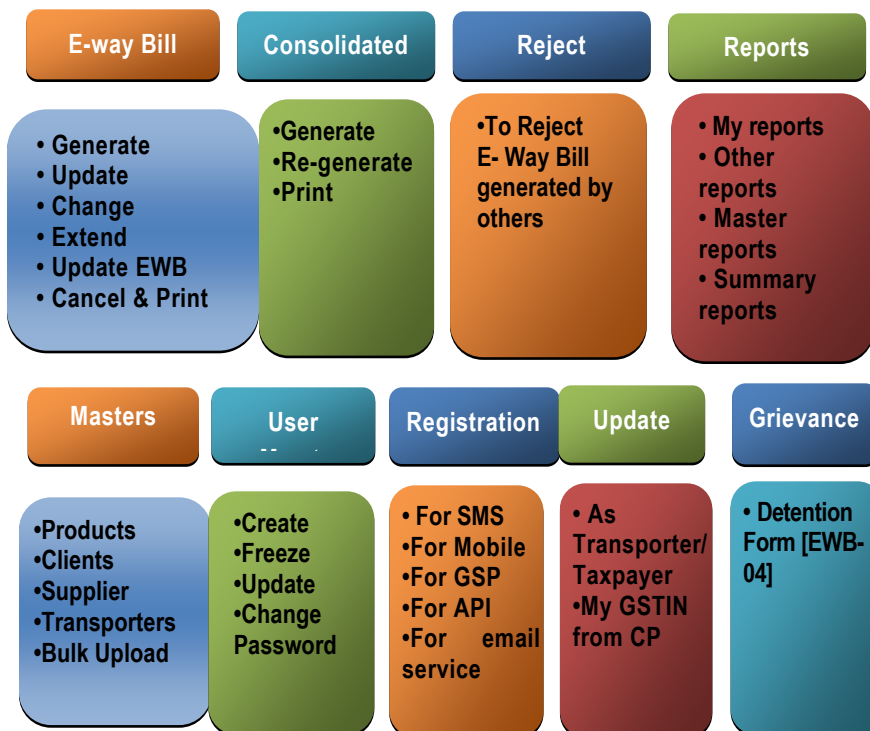
B. *Unregistered Transporters*

In case of registration of unregistered transporter, on the e-way bill portal, from the “Registration” tab, upon selection of “Enrolment as Transporter” which leads to registration window, where details of State, Legal Name, PAN are obtained and PAN has been validated for identification purpose, the following will be the process:



The transporter needs to update further details such as Basic Details, Nature of Premises (Own / Leased / Rented), Constitution of Business (Firm / Company / Individual), and Principal Place of Business. The un-registered person or transporter can select the “Enrolment Type” as either Warehouse / Depot, Godown, Cold Storage, Transport Services, after setting up of Login Id and Password, a verification of the above declared information will be required and on submission of the above mentioned form, a 15-digit Transporter ID similar to that of GSTIN will be generated.

Main Menu after Login to E-way Bill System



The main menu of e-way bill portal has the above mentioned broader main options such as E-Way Bill, Consolidated EWB, Reject, Reports, My Masters, User Management, Registration, Update and Grievance, which can be used by the registered person. Following are the purposes and sub-options available in the portal;

E-way bill – The main menu option *E-way Bill* has sub-options such as Generate New, Generate Bulk, Update Part B / Vehicle, Update Vehicle – Bulk, Extend Validity, Update EWB Transporter, Cancel and Print EWB. The purpose of all the above options are different and are not same.

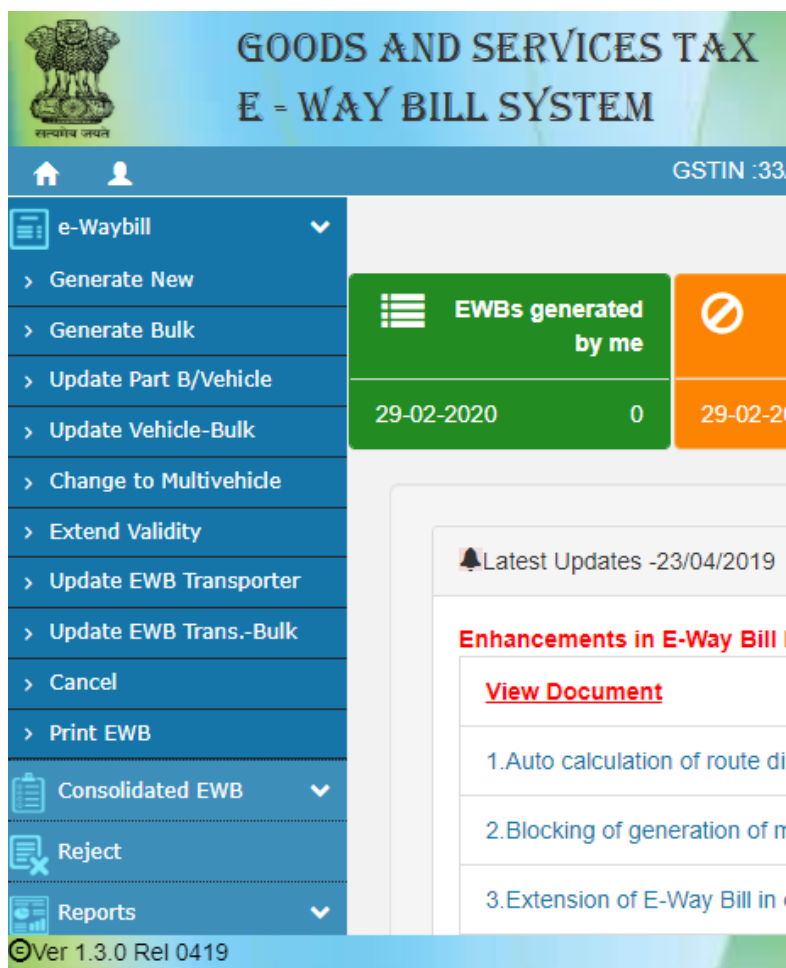
The registered person by using the sub-option *Generate New* below E-way bill option can generate a new e-way bill either for outward or inward movement of goods. Similarly *Generate Bulk* sub option may be used for generating multiple e-way bills simultaneously.

The registered person who has filled “**Part A**” of e-way bill, and assigned the EWB to the transporter who will be transporting the goods can subsequently

Handbook on E-Way Bill under GST

update the vehicle details or details of railway receipt or air way bill or bill of lading by using the sub-option called as *Update* and generate an e-way bill.

Sub-Options below E-way Bill & Consolidated EWB, Reject and Reports in GST E-way Bill Portal



In case of breakdown or accident or when goods have been shipped in multiple vehicles or for any other reason for change of vehicle, the same can be corrected and new vehicle details can be mentioned by using the sub-option called as *Change to Multivehicle* and reason for such change should be selected, with an updated **Part B** consisting of new vehicle details and then the EWB will be generated. However, the validity of the EWB will commence from the date of the original EWB.

Where the registered person has generated an EWB and the validity period for the EWB is about to expire the same may be got extended by using the sub-option called *Extend Validity*.

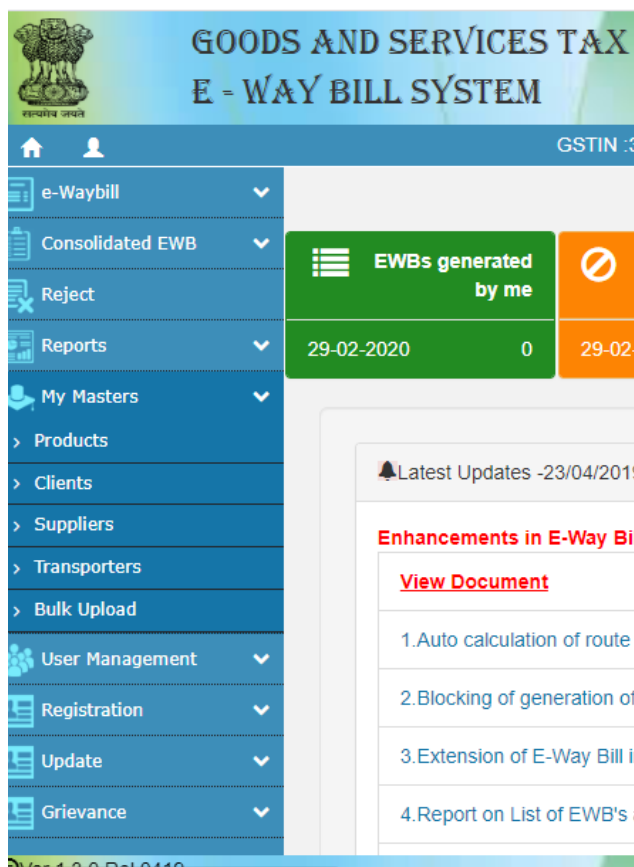
In case of need to reprint any EWB the same can be done with the help of *Print EWB* option and if the EWB raised by the registered person is erroneous or wrong the same can be cancelled by such person within 24 Hrs. from the time of generation of EWB, by using *Cancel* option. But if the movement has commenced, whatever be the reason, the EWB raised shall not be cancelled. It has to be handled through appropriate documentation and a new EWB is to be generated for its return or correction.

Consolidated EWB – Consolidated EWB are raised in **FORM GST EWB-02** and can be generated in the case of multiple e-way bills generated for the multiple consignments but transported in the same vehicle or consignment. Similarly, the same may be generated in bulk or reprinted with such sub-options available in the main menu. The same can be issued only by a transporter of goods.

Reject – A recipient of e-way bill has a right to “Reject” the EWB or cancel the EWB within 72 Hrs. of its generation or actual receipt of goods, whichever is earlier.

Reports - There is option to generate EWB reports under “*Reports*” options whereby report in connection with EWB issued for outward supplies, inward supplies, cancelled EWB, EWB rejected, EWB assigned to transporter can be obtained. The sub-options under reports will allow the person to generate reports towards EWB generated by others, EWB rejected by others, EWB assigned to him for transport, etc. However, such summary may be generated only for 5 days period, and not yearly.

Sub-Options below “My Master & User Management, Registration, Update and Grievance in E-way Bill” Portal



Masters – The option under main menu “*My Masters*” has an option to enter the masters of user – client master, supplier master, transporter master and product master. If the user creates these masters, it will simplify the generation of EWB for him by auto populating the details like trade/legal name, GSTIN, address on typing few characters of client or supplier, HSN Code, tax rates etc. It also avoids data entry mistakes by operator while keying in the details. In cases where many products, clients, transporter and products need to be uploaded, the sub-option such as “*Bulk Upload*” under the main option “*My Master*” can also be used.

User Management – E-way has to be generated from all additional place of business of an organization from where EWB needs to be generated from the

Handbook on E-Way Bill under GST

EWB Portal, for which a sub-user is generated for all such places from where goods are moved. This is applicable only if an organization has multiple locations, which allows the main user to create a user sub-user within the group, with restriction and safeguards.

Registration - SMS based and Android based EWB - SMS based EWB has to be generated carefully to avoid mistakes while typing the parameters.

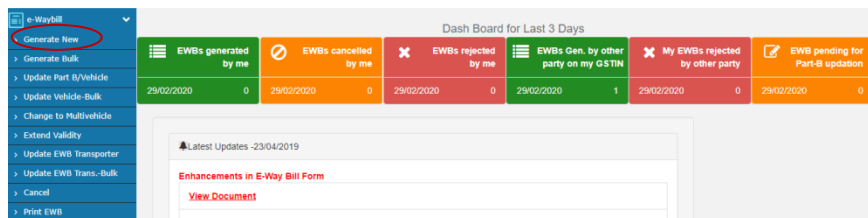
Registration to work as a transporter-This registration as transporter facilitates the tax payers to generate the e-way bill for other parties as a transporter.

Process of Generation of E-Way Bill through GST E-Way Bill Portal

A registered person under e-way bill portal, who wants to generate an EWB can generate the same by using his Login Id and Password of EWS and post Login on the main menu by clicking on “E-Way Bill” Tab to generate EWB.



Click on “Generate New”



Once the above said sub-option is selected, the e-way bill entry form will appear as seen below, which captures details about the transaction which is

Handbook on E-Way Bill under GST

about to be executed by the taxable person.

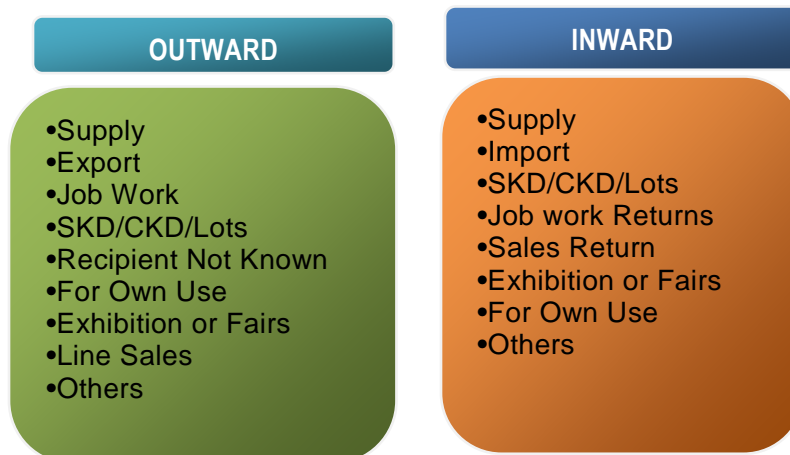
The screenshot shows the 'e-WayBill Entry Form' interface. At the top, there's a header with the title and a note: '[* Indicates mandatory fields for E-Way Bill and * Indicates mandatory fields for GSTR-1]'. Below this is the 'Transaction Details' section, which includes fields for 'Supply Type' (with radio buttons for Outward and Inward), 'Sub Type' (with radio buttons for Supply, Export, Job Work, SKD/CKD/Lots, Recipient Not Known, For Own Use, Exhibition or Fairs, Line Sales, and Others), 'Document Type' (set to Tax Invoice), 'Document No.', 'Document Date' (set to 20/03/2020), and 'Transaction Type' (set to Regular). The form is divided into two main sections: 'Bill From' and 'Dispatch From'. The 'Bill From' section has fields for Name, GSTIN, and State (set to TAMIL NADU). The 'Dispatch From' section has fields for Address (set to NO.37, ALAGIRI NAGAR, II STREET, V), Place (set to Chennai), and Pincode (set to 600026, TAMIL NADU). Below these are the 'Bill To' and 'Ship To' sections, which have fields for Name, GSTIN, State, Address, Place, and Pincode.

Step 1: Transaction Type

The transaction type may be either outward or inward movement of goods for supply or other than for supply, based on the movement which is about to be effected by the taxable person e-way bill form transaction type may be selected.

- A. **Outward:** Causing outwards movement of goods for supply or other than supply
- B. **Inward:** Causing inward movement of goods for supply or other than supply

Step 2: Select Sub Type



The sub type for transaction could be any of the one relating to supply of goods or other than supply such as job work, for testing, for own use, as explained above; the sub-type of transaction which results in movement of goods needs to be selected by the person at the time of generation of EWB.

Step 3: Select the Document type based on the sub-type

The screenshot shows the 'Transaction Details' form. The 'Document Type' dropdown menu is highlighted with a red circle, and 'Tax Invoice' is selected. Other fields visible include 'Sub Type' (Supply), 'Document No.', 'Document Date' (20/03/2020), and 'Transaction Type' (Regular).

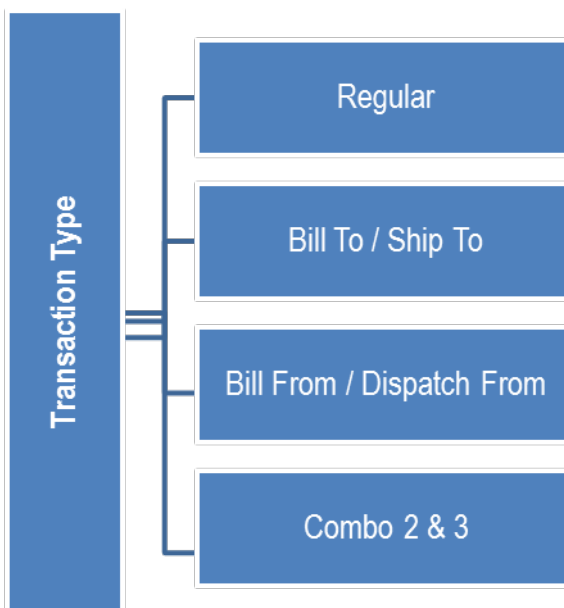
Document Type

Tax invoice	Bill of Supply	Delivery Challan	Others
<ul style="list-style-type: none"> •Supply •Export •CKD/SKD/Lots 	<ul style="list-style-type: none"> •Supply •Export •CKD/SKD/Lots 	<ul style="list-style-type: none"> •Job work •For own use •Exhibitions/Fairs •Line sales •Sale or Return •Others 	<ul style="list-style-type: none"> •Recipient not known •Others

In the document type sub-option, either tax invoice, bill of supply, delivery challan, or other documents are to be selected to generate EWB based on the nature and type of movement of goods. A document number once used cannot be repeated.

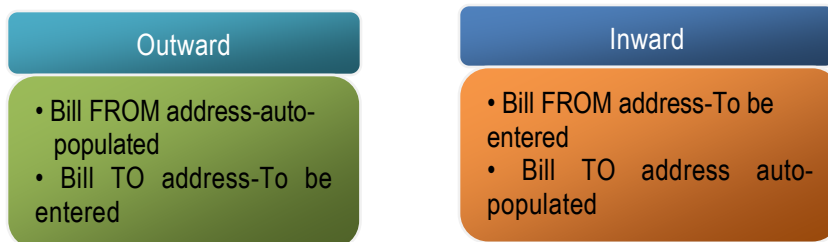
Step 4: Select Transaction Type

The transaction type can be classified into Regular, Bill To / Ship To, Bill From / Dispatch From or a combination of both Bill To / Ship To and Bill From / Dispatch From, based on the type and nature of transaction address needs to be updated by the person at the time of generation of EWB.



The above transaction types are meant for different purposes which are required to take care of various transaction types and movement of goods that happen between the organizations. The same can be classified as mentioned above.

Regular - In case of regular transaction type outward EWB, the details of the person from where the goods are supplied will be auto populated and details of address as to where the goods need to be delivered will be keyed in by the person. In case of an inward EWB, the details of the person to whom the goods are going to be transported will be auto populated and details of address from where the goods are to be moved need to be keyed in by the person at the time of generation of EWB.



Outward E-way Bill

The screenshot shows the 'e-WayBill Entry Form' for an Outward transaction. The 'Transaction Details' section includes 'Supply Type' (Outward/Inward), 'Sub Type' (Supply, Export, Job Work, SKD/CKD/Lots, Recipient Not Known, For Own Use, Exhibition or Fairs, Line Sales, Others), 'Document Type' (Tax Invoice), 'Document No.', 'Document Date' (20/03/2020), and 'Transaction Type' (Regular). The 'Bill From' section contains 'Name' (C. RAMASAMY & B. SRINIVASAN), 'GSTIN' (33AAAF4336M1ZL), and 'State' (TAMIL NADU). The 'Dispatch From' section contains 'Address' (NO. 37, ALAGIRI NAGAR, II STREET/VIN), 'Place' (Chennai), and 'Pincode' (600026, TAMIL NADU). The 'Bill To' and 'Ship To' sections are empty.

Inward E-way Bill

The screenshot shows the 'e-WayBill Entry Form' for an Inward transaction. The 'Transaction Details' section includes 'Supply Type' (Outward/Inward), 'Sub Type' (Supply, Import, SKD/CKD/Lots, Job work Returns, Sales Return, Exhibition or Fairs, For Own Use, Others), 'Document Type' (Tax Invoice), 'Document No.', 'Document Date' (27/03/2020), and 'Transaction Type' (Regular). The 'Bill From' section contains 'Name', 'GSTIN', and 'State'. The 'Dispatch From' section contains 'Address', 'Place', and 'Pincode'. The 'Bill To' section contains 'Name' (C. RAMASAMY & B. SRINIVASAN), 'GSTIN' (33AAAF4336M1ZL), and 'State' (TAMIL NADU). The 'Ship To' section contains 'Address' (NO. 37, ALAGIRI NAGAR, II STREET/VIN), 'Place' (Chennai), and 'Pincode' (600026, TAMIL NADU).

Step 5: Update Address

In case of “Bill to / Ship to” transaction type, in **Part-A** of **FORM GST EWB-01** raising EWB in “*Bill to / Ship to*” transaction type, the address need to be updated in the following manner:

Place of Dispatch- This includes the address of the place from where the goods are dispatched for the movement to the recipient.

Bill To - This includes the details of the “Bill to” party on whose options the goods are to be transported at the place of “Ship to” party.

Ship To - This allows the registered person to enter the address of the “Ship to” party i.e. address where goods need to be dispatched. Therefore, EWB can be generated for “Bill to / Ship to” transactions by providing the above details in the address field of **Part-A** to the Form.

Handbook on E-Way Bill under GST

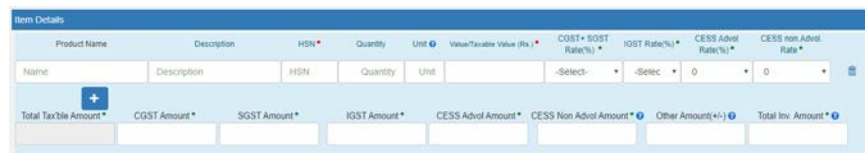
In the case of “Bill from / Dispatch from” the address need to be updated in the following manner:

The EWB should be generated from the place where the movement of goods is diverted to the place of third-party giving reference to the sale invoice issued by the second party to the third party. The EWB should be generated under this transaction type “Bill from / Dispatch from” on the portal as the goods are not dispatched from the place of business of the second party.

Bill From - This includes the details of the “Bill from - Second Party” who has issued the bill for the goods to be transported.

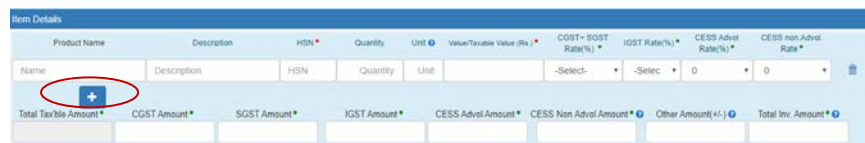
Dispatch From – This includes the details of the supplier of goods that are being transported as per the instructions of the second party. Therefore, EWB can be generated for supply of document title to goods through “*Bill from / Dispatch from*” transaction type by providing the above details in the address field of **Part-A** of the Form.

Step 6: Update Item Details

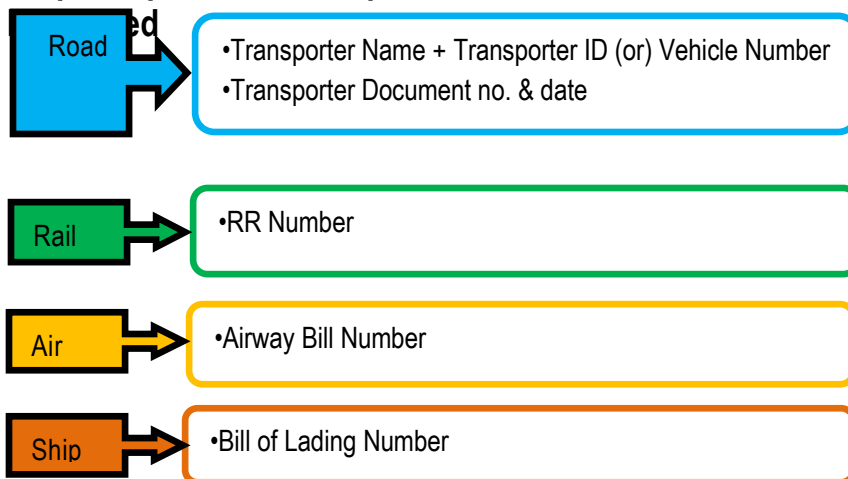


The item details in the EWB include Product name, Description of goods, HSN, Quantity, Unit of measure, Taxable value, Rate of tax, Total taxable amount, CGST & SGST amount or IGST amount and Cess amount. These need to be updated at the time of generation of EWB. In case of multiple items or products the same can be repeated by clicking the “+” icon.

Click on “+” icon



Step: 7 Update of Transport details: Mode + Details to be



On Screen View

The screenshot shows the 'Transportation Details' form. It includes fields for 'Transporter Name', 'Transporter ID', and 'Approximate Distance (in KM)'. A 'PART-B' pop-up window is displayed, showing options for 'Mode' (Road, Rail, Air, Ship), 'Vehicle Type' (Regular, Over Dimensional Cargo), 'Vehicle No.', and 'Transporter Doc. No. & Date'. The 'Preview', 'Submit', and 'Exit' buttons are visible at the bottom.

The details of mode of transport such as road, rail, air or ship need to be selected based on the mode of transportation of goods. In case of transportation of goods by road, and the details of vehicles are available with the registered person, the same may be mentioned and EWB can be generated after filling **Part B** of the EWB. In case the details of vehicle are not available or the same will be mentioned by the transporter of goods, the EWB may be mapped to the transporter for updating the vehicle information by assigning the EWB by mentioning the transporters name and transporters ID.

Handbook on E-Way Bill under GST

In case of transportation of goods by rail, air or ship the details of railway receipt, air way bill or bill of lading will be updated subsequently in **Part B** and EWB will be generated.

Similarly, for EWB which are assigned to transporter for updating transport vehicle details, the respective transporter can login through his login id to the EWS as a transporter and select the option in the main menu such as “*Update*” and simply by mentioning the e-way bill number he can update the vehicle details and generate an updated EWB.

Submission and Generation – After submission of the above mentioned details by clicking “Submit” the EWB is generated through the EWS.

The screenshot displays the E-Way Bill generation interface. On the left, there is a section for the E-Way Bill with a QR code and the following details:

- E-Way Bill No: 1210 4648 0756
- E-Way Bill Date: 21/06/2018 05:06 PM
- Generated By: 29aad fv758 8c1zo - VENU R VINAY
- Valid From: 21/06/2018 05:06 PM
- Valid Until: 22/06/2018

On the right, there are two sections: Part - A and Part - B.

Part - A details:

- GSTIN of Supplier: 29AABFV7581Z0
- Place of Dispatch: Bangalore,KARNATAKA-560018
- GSTIN of Recipient: GSTIN : LRNP
- Place of Delivery: ,KARNATAKA-560047
- Document No.: 1
- Document Date: 21/06/2018
- Value of Goods: ₹ 1,000
- HSN Code: 9998 -
- Reason for Transportation: Outward - Supply
- Transporter:

Part - B details (Table):

Mode	Vehicle / Drone	From	Entered Date	Entered By	CESD No. (if any)	Multi-Modal (if any)
1	AB98467532	Bangalore	21/06/2018 05:06 PM			

At the bottom, there is a barcode for the E-Way Bill and three buttons: Print, Detailed Print, and Exit.

As explained above, EWB can be generated by the organization through EWS for the movement of goods.

Penalty for Non-Generation of E-Way Bill

It is mandatory to generate EWB in all cases where the value of consignment of goods being transported is more than ₹ 50,000/- and it is not otherwise exempted in terms of Rule 138(14) of CGST Rules, 2017. Further no EWB is required to be generated in respect of goods which are being transported by a non-motorised conveyance; goods being transported from the port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs; and in respect of movement of goods within such areas as are notified under Rule 138(14) (d) of the SGST Rules, 2017 of the concerned State.

If e-way bills, wherever required, are not issued in accordance with the provisions contained in Rule 138, the same will be considered as

contravention of rules. As per Section 122(1)(xiv) of CGST Act, 2017, a taxable person who transports any taxable goods without the cover of specified documents (EWB is one of the specified documents) shall be liable to a penalty of ₹ 10,000/- or the amount of tax sought to be evaded (wherever applicable) whichever is greater. Moreover, as per Section 129(1) of CGST Act, 2017, where any person transports any goods or stores any goods while they are in transit in contravention of the provisions of this Act or the Rules made thereunder, all such goods and conveyance used as a means of transport for carrying the said goods and documents relating to such goods and conveyance shall be liable to detention or seizure.

Section 68 of the CGST Act read with Rule 138A of the CGST Rules requires that the person in charge of a conveyance carrying any consignment of goods of value exceeding ₹ 50,000/- should carry a copy of documents viz., invoice/bill of supply/delivery challan/bill of entry and a valid e-way bill in physical or electronic form for verification. In case such person does not carry the mentioned documents, there is no doubt that a contravention of the provisions of the law takes place and the provisions of Section 129 and Section 130 of the CGST Act are inevitable. Further, it may be noted that the non-furnishing of information in **Part B** of **FORM GST EWB-01** amounts to the e-way bill becoming not a valid document for the movement of goods by road as per Explanation (2) to Rule 138(3) of the CGST Rules, except in the case where the goods are transported for a distance of upto 50 kilometres within the State or Union territory to or from the place of business of the transporter to the place of business of the consignor or the consignee, as the case may be.

It is pertinent to mention that CBIC *vide* Circular No. 64/38/2018-GST, dated 14-9-2018 clarified that in case a consignment of goods is accompanied by an invoice or any other specified document and not an e-way bill, proceedings under Section 129 of the CGST Act may be initiated.

Further, in case a consignment of goods is accompanied with an invoice or any other specified document and also an e-way bill, proceedings under Section 129 of the CGST Act may not be initiated, inter alia, in the following situations:

- (a) Spelling mistakes in the name of the consignor or the consignee but the GSTIN, wherever applicable, is correct;

Handbook on E-Way Bill under GST

- (b) Error in the pin-code but the address of the consignor and the consignee mentioned is correct, subject to the condition that the error in the PIN code should not have the effect of increasing the validity period of the e-way bill;
- (c) Error in the address of the consignee to the extent that the locality and other details of the consignee are correct;
- (d) Error in one or two digits of the document number mentioned in the e-way bill;
- (e) Error in 4 or 6-digit level of HSN where the first 2 digits of HSN are correct and the rate of tax mentioned is correct;
- (f) Error in one or two digits/characters of the vehicle number

In case of the above situations, penalty to the tune of ₹ 500/- each under Section 125 of the CGST Act and the respective State GST Act should be imposed (₹ 1,000/- under the IGST Act) in **FORM GST DRC-07** for every consignment.

From above, it is relevant to brief section 130 of the CGST Act. Section 130 *interalia* stipulates that , if any person uses any conveyance as a means of transport for carriage of goods in contravention of the provisions of this Act or the rules made thereunder unless the owner of the conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance, then, all such goods or conveyances shall be liable to confiscation and the person shall be liable to penalty under section 122.

In case of confiscation of any goods or conveyance, the officer adjudging it shall give to the owner of the goods an option to pay in lieu of confiscation, such fine as the said officer thinks fit. Provided such fine leviable shall not exceed the market value of the goods confiscated, less the tax chargeable thereon. Further, the aggregate of such fine and penalty leviable shall not be less than the amount of penalty leviable under section 129(1)

Furthermore, where any such conveyance is used for the carriage of the goods or passengers for hire, the owner of the conveyance shall be given an option to pay in lieu of the confiscation of the conveyance a fine equal to the tax payable on the goods being transported thereon. The owner of such goods or conveyance or the person referred to in sub-section 130(1), shall, in addition, be liable to any tax, penalty and charges payable in respect of such goods or conveyance.

It is important to also mention that, the CBIC in order to ensure uniform implementation of the provisions of the CGST Act across all the field formations, provided the procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances.

Procedure for Inspection, Verification and Detention of Goods in Transit:

It is pertinent to note that CBIC *vide* Circular No. 41/15/2018-GST, dated 13-4-2018 clarified that the procedure to be followed in case of interception of conveyances for inspection of goods in movement and detention, seizure and release and confiscation of such goods and conveyances.

Where the person in charge of the conveyance fails to produce any prescribed document or where the proper officer intends to undertake an inspection, he shall record a statement of the person in charge of the conveyance in **FORM GST MOV-01**.

In addition, the proper officer shall issue an order for physical verification or inspection of the conveyance, goods and documents in **FORM GST MOV-02**, requiring the person in charge of the conveyance to station the conveyance at the place mentioned in such order and allow the inspection of the goods. The proper officer shall, within twenty four hours of the aforementioned issuance of **FORM GST MOV-02**, prepare a report in **Part A** of **FORM GST EWB-03** and upload the same on the common portal.

The proper officer within a period of three days from the date of issue of the order in **FORM GST MOV-02**, the proper officer shall conclude the inspection proceedings, either by himself or through any other proper officer authorised in this behalf.

Where circumstances warrant such time to be extended, he shall obtain a written permission in **FORM GST MOV-03** from the Commissioner or an officer authorized by him, for extension of time beyond three days and a copy of the order of extension shall be served on the person in charge of the conveyance.

On completion of the physical verification or inspection of the conveyance and the goods in movement, the proper officer shall prepare a report of such physical verification in **FORM GST MOV-04** and serve a copy of the said report to the person in charge of the goods and conveyance. The proper

Handbook on E-Way Bill under GST

officer shall also record, on the common portal, the final report of the inspection in **Part B** of **FORM GST EWB-03** within three days of such physical verification or inspection.

Where no discrepancies are found after the inspection of the goods and conveyance, the proper officer shall issue forthwith a release order in **FORM GST MOV-05** and allow the conveyance to move further. Where the proper officer is of the opinion that the goods and conveyance need to be detained under section 129 of the CGST Act, 2017 he shall issue an order of detention in **FORM GST MOV-06** and a notice in **FORM GST MOV-07** in accordance with the provisions of sub-section (3) of section 129 of the CGST Act, 2017 specifying the tax and penalty payable. The said notice shall be served on the person in charge of the conveyance.

Where the owner of the goods or any person authorized by him comes forward to make the payment of tax and penalty as applicable under clause (a) of sub-section (1) of section 129 of the CGST Act, 2017 or where the owner of the goods does not come forward to make the payment of tax and penalty as applicable under clause (b) of sub-section (1) of the said section, the proper officer shall, after the amount of tax and penalty has been paid in accordance with the provisions of the CGST Act, 2017 and the CGST Rules, 2017 release the goods and conveyance by an order in **FORM GST MOV-05**.

Further, the order in **FORM GST MOV-09** shall be uploaded on the common portal and the demand accruing from the proceedings shall be added in the electronic liability register and the payment made shall be credited to such electronic liability register by debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the CGST Act, 2017.

Where the owner of the goods, or the person authorized by him, or any person other than the owner of the goods comes forward to get the goods and the conveyance released by furnishing a security under clause (c) of sub-section (1) of section 129 of the CGST Act, 2017 the goods and the conveyance shall be released, by an order in **FORM GST MOV-05**, after obtaining a bond in **FORM GST MOV-08** along with a security in the form of bank guarantee equal to the amount payable under clause (a) or clause (b) of sub-section (1) of section 129 of the CGST Act, 2017. The finalisation of the proceedings under section 129 of the CGST Act, 2017 shall be taken up on priority by the officer concerned and the security provided may be adjusted against the demand arising from such proceedings.

Where any objections are filed against the proposed amount of tax and penalty payable, the proper officer shall consider such objections and thereafter, pass a speaking order in **FORM GST MOV-09**, quantifying the tax and penalty payable. On payment of such tax and penalty, the goods and conveyance shall be released forthwith by an order in **FORM GST MOV-05**. The order in **FORM GST MOV-09** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the CGST Act.

In case the proposed tax and penalty are not paid within fourteen days from the date of the issue of the order of detention in **FORM GST MOV-06**, the action under section 130 of the CGST Act, 2017 shall be initiated by serving a notice in **FORM GST MOV-10**, proposing confiscation of the goods and conveyance and imposition of penalty.

Where the proper officer is of the opinion that such movement of goods is being effected to evade payment of tax, he may directly invoke section 130 of the CGST Act, 2017 by issuing a notice proposing to confiscate the goods and conveyance in **FORM GST MOV-10**. In the said notice, the quantum of tax and penalty leviable under section 130 of the CGST Act read with section 122 of the CGST Act, 2017 and the fine in lieu of confiscation leviable under sub-section (2) of section 130 of the CGST Act, 2017 shall be specified. Where the conveyance is used for the carriage of goods or passengers for hire, the owner of the conveyance shall also be issued a notice under the third proviso to sub-section (2) of section 130 of the CGST Act, 2017 proposing to impose a fine equal to the tax payable on the goods being transported in lieu of confiscation of the conveyance.

No order for confiscation of goods or conveyance, or for imposition of penalty, shall be issued without giving the person an opportunity of being heard.

An order of confiscation of goods shall be passed in **FORM GST MOV-11**, after taking into consideration the objections filed by the person in charge of the goods (owner or his representative), and the same shall be served on the person concerned. Once the order of confiscation is passed, the title of such goods shall stand transferred to the Central Government. In the said order, a

Handbook on E-Way Bill under GST

suitable time not exceeding three months shall be offered to make the payment of tax, penalty and fine imposed in lieu of confiscation and get the goods released. The order in **FORM GST MOV-11** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the CGST Act, 2017. Once an order of confiscation of goods is passed in **FORM GST MOV-11**, the order in **FORM GST MOV-09** passed earlier with respect to the said goods shall be withdrawn.

An order of confiscation of conveyance shall be passed in **FORM GST MOV-11**, after taking into consideration the objections filed by the person in charge of the conveyance and the same shall be served on the person concerned. Once the order of confiscation is passed, the title of such conveyance shall stand transferred to the Central Government. In the order passed above, a suitable time not exceeding three months shall be offered to make the payment of penalty and fines imposed in lieu of confiscation and get the conveyance released. The order in **FORM GST MOV-11** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the CGST Act.

Summary of the various forms involved in procedure for Inspection, Verification and Detention of Goods in Transit:

Form Name	Purpose of the Form
GST MOV-01	Statement of owner, driver or person in charge of the vehicle
GST MOV-02	Order for physical verification and inspection of goods, conveyance or documents
GST MOV-03	Order for extension of time beyond 3 days for inspection
GST MOV-04	Physical Verification Report by Proper Officer
GST MOV-05	Release Order
GST MOV-06	Order of Detention of Goods or Conveyance

Handbook on E-Way Bill under GST

Form Name	Purpose of the Form
GST MOV-07	Notice specifying Tax and Penalty amount payable
GST MOV-08	Bond for provisional release of Goods or Conveyance
GST MOV-09	Order of demand of Tax and Penalty
GST MOV-10	Notice for the confiscation of Goods
GST MOV-11	Order of confiscation of goods and conveyance and demand of tax, fine and penalty

At this juncture, it is imperative to highlight certain relevant case laws on e-way bill as under:

Case 1

Non updation of Vehicle Number in E way bill is not a mere technical defect therefore it can be a ground for detention

A consignment of marbles, granite slabs and tiles were being transported. However, in the EWB vehicle details were not updated as mandated under Rule 138(2). The petitioner pleaded that, defect is only a technical one.

However, held by the Hon'ble Kerala High Court that, as the EWB has been made a mandatory document with effect from 1.4.2018, the petitioner cannot be heard to contend that a minor defect in a mandatory document cannot be a ground for detention.

Kerala High Court directed to release the goods and the vehicle to the petitioner on the petitioner furnishing a bank guarantee for the security amount demanded in detention notice.

Kairali Granites [2018] 94 taxmann.com 198 (Kerala) 15-05-2018

Case 2

Goods can be detained only if, there is intention to evade tax. Merely non-furnishing of EWB is not sufficient to invite detention

The Respondent-Department detained the goods moved under the cover of delivery challan on the grounds that the document **Form KER – 1** was not being accompanied during the movement from the warehouse to the location of the various Towers where such goods were meant to be used. On receipt of the notice subsequent to detention, the Petitioner-Assessee had uploaded the details and furnished **Form KER – 1**. The proper officer rejected the

declaration furnished after the detention of goods and directed the Petitioner-Assessee to remit the applicable taxes and penalty to seek release of goods.

The assessee argued that the said goods confiscated / detained were purchased from another State and accordingly IGST was paid during such purchase. He pleaded that the declaration in **Form KER-1** was not filed due to an inadvertent omission of their employees. However, the details of goods being transported was uploaded and the declaration was generated after receipt of the notice which was duly filed.

Such goods were transported with proper '*delivery challan*' the authenticity of which was not questioned. Accordingly, it was contested that the goods should not be detained as per Section 129 of the CGST Act and the SGST Act, 2017

On the other hand, Revenue argued that the petitioner has contravened the provisions of the CGST and SGST Act, 2017 and hence as per Section 129 of the CGST / SGST Act, 2017, the detention of the goods is legal. The goods were being transported without being accompanied by **Form KER-1** and the same was filed only after the goods were detained. Therefore, it was contested that, there is a contravention of law at first stage itself. Detention of goods are allowed under Section 129 of CGST / SGST Act, 2017 irrespective of the fact that as to whether they are taxable or non-taxable.

The Hon'ble High Court considering the submissions made by the Petitioner-Assessee held that Section 129 of the CGST / SGST Act, 2017 talks about detention of goods only when the movement is under suspicion. Moreover, Section 130 of CGST / SGST Act, 2017 provides that confiscation of goods is contemplated under the statutes only when a taxable supply is made against the provisions contained in the statutes and the Rules made there under with an intent to evade payment of tax. Any procedural lapse with GST Rules does not amount to taxable supply and as such, cannot result in detention of goods. However, it may result in imposition of penalty. Accordingly, the order levying tax and penalty were quashed, and the Respondent Department was directed to release the goods forthwith.

It was concluded that, the goods during its movement can be detained and confiscated only if, the proper officer has reason to believe that such movement is with an intention to evade payment of taxes. Detention of goods on the grounds that the EWB is not accompanied without questioning the other documents during the movement would not be lawful.

M/s Indus Towers Limited vs. The Assistant State Tax Officer 018 (1) TMI 1313- Kerala High Court 17-01-2018

The above decision [Indus Tower] followed in Ravi Parameswaran Pillai [2018] 91 taxmann.com 321 (Kerala) 15-02-2018 to held that detention of goods merely for infraction of procedural Rules in transactions which do not amount to taxable supply, is without jurisdiction. It was however made clear that, this judgment will not preclude the authorities under the CGST Act and the Kerala State Goods and Services Tax Act from imposing penalty on the petitioner for violation of the Rules, if any, made under the said statutes.

Case 3

Mere non-generation of Part B of EWB cannot be a ground for interception

The goods were sold from Sahibabad to Rajkot, Gujarat. Information was submitted on web portal regarding details of the consignor, consignee, the challan number, its date, value of the goods, its HSN Code, the place of delivery of goods and the reason for its transportation. Information in **Part B** was however not entered, even after loading the goods in vehicle. The goods were intercepted by Mobile Squad Ghaziabad during movement from the place of consignor to the place of transporter.

Due to non-furnishing of information in **Part B** of EWB, goods were seized, and penalty notice was issued.

It was pleaded that the goods loaded in vehicle were only for the purpose of transporting the goods from petitioner factory upto transport company, and as such, the petitioner at the time of generation of national EWB could not fill the vehicle number in **Part-B** due to the fact and for the reason that after unloading of the goods at the transport company the same were to be loaded in another vehicle which was supposed to transport from the godown of the transport company to place of consignee situate at Rajkot, Gujarat, by another vehicle the number whereof was not known to the petitioner. The petitioner also pleaded that as per Notification 12/2018-Central Tax dated March 7, 2018, **Part B** information is not required to be filled for distance upto 50 Kms between the place of business of consignor and the transporter.

The Hon'ble High Court of Allahabad held that, after perusal of the relevant documents, we find no ill intention at the hands of the petitioner nor the petitioner was supposed to fill up **Part-B** giving all the details including the vehicle number before the goods are loaded in a vehicle, which is meant for

transportation of the same to its end destination. Merely non-mentioning of the vehicle no. in **Part-B** cannot be a ground for seizure of the goods.

VSL Alloys (India) (P.) Ltd. [2018] 93 taxmann.com 119 (Allahabad) 13-04-2018.

Case 4

Penalty imposed for non-generation of Part B of E-Way Bill

A company engaged in multimodal transportation was carrying goods for a distance of 1200-1300 Kms. The vehicle was intercepted and it was found that **Part B** of e-way bill had not been generated. The goods value ₹ 1,12,61,419/- and there was applicable IGST liability of ₹ 19,52,264/-. As per order passed by GST Appellate authority and Assistant Commissioner of State Tax, the petitioner was directed to pay ₹ 19,52,624/- as applicable tax and equivalent penalty of ₹ 19,52,624/- aggregating to ₹ 39,04,529/- and further on account of absence of owner of the goods, penalty equivalent to the value of goods ₹ 1,12,61,419/- and applicable tax ₹ 19,52,624/- aggregating to ₹ 1,32,13,683/- was directed to be paid.

The argument of the appellant was that this is a technical breach and there was no intention to evade tax and such a heavy penalty should not be imposed. The appellant also pleaded that in case of *VSL Alloys (India) (P.) Ltd. [2018] 93 taxmann.com 119 (Allahabad) 13-04-2018*, High Court had held that merely non-mentioning of the vehicle no. in **Part-B** cannot be a ground for seizure of the goods.

Held by the Hon'ble Madhya Pradesh High Court in the case of **VSL Alloys (India) (P.) Ltd. (supra)**, the distance was within 50 kilometers and, therefore, the petitioner therein was not under an obligation to fill the **Part-B** of the e-way bill. In the present case, the distance was more than 1200-1300 kilometers and it is mandatory for the petitioner to file the **Part-B** of the e-way bill giving all the details including the vehicle number before the goods are loaded in the vehicle. Thus, he admittedly violated the provisions of the Rules and Act of 2017 and, learned Authority rightly imposed the penalty and directed the petitioner to pay the same. The order is not in violation of any of the provisions of the Rules and Act of 2017.

Gati Kintetsu Express (P.) Ltd [2018] 95 taxmann.com 254 (Madhya Pradesh) 5-7-2018

Case 5

Where the seizure of woods made on ground of unequal wooden planks, the Hon'ble High Court ordered to release goods subject to furnishing security other than cash and bank guarantee equal to value of goods

The petitioner was carrying popular woods in his vehicle, which is subject to detention. Tax had been paid and EWB was also been issued and produced before authorities. The one and only ground for seizing the goods is that the size of the wood planks were unequal. No penalty order was passed.

The Hon'ble High Court of Allahabad ordered release of goods, conveyance and documents by providing security equal to value of goods shown in invoice. The security required to be furnished was directed to be in a form other than cash or bank guarantee.

Akash Traders [2018] 94 taxmann.com 309 (Allahabad High Court) dated 08-01-2018

FAQs

Q1. What is an e-way bill?

Ans. E-way bill (**FORM GST EWB-01**) is an electronic document (available to supplier / recipient / transporter) generated on the common portal evidencing movement of goods of consignment value more than ₹ 50,000/-. It has two components - **Part A** comprising of details of GSTIN of supplier & recipient, place of delivery (indicating PIN Code also), document (tax invoice, bill of supply, delivery challan or bill of entry) number and date, value of goods, HSN code, and reasons for transportation; and **Part B** - comprising of transport details - transport document number (goods receipt number or railway receipt number or airway bill number or bill of lading number) and road vehicle number.

Q2. What is the common portal for e-way bill?

Ans. The common goods and services tax electronic portal for furnishing electronic way bill is www.ewaybillgst.gov.in.

Q3. What is EBN? Who gives it?

Ans. Upon generation of the EWB on the common portal, a unique e-way bill number ("EBN") shall be made available to the supplier, the

recipient and the transporter on the common portal. The common portal will generate the EBN.

Q4. Whether e-way bill generated in one State is valid in another State?

Ans. Yes, it is valid throughout the country.

Q5. When should an e-way bill be generated?

Ans. As per Rule 138 of the CGST Rules, 2017, an EWB has to be generated prior to the commencement of transport of goods or movement of goods.

Q6. Whether an e-way bill is to be issued, even when there is no supply?

Ans. Yes. Even if the movement of goods is caused due to reasons other than supply, the e-way bill is required to be issued. Reasons other than supply include movement of goods due to job-work, replacement under warranty, recipient not known, supply of liquid gas where quantity is not known, supply returns, exhibition or fairs, for own use, sale on approval basis etc.

Q7. Who should generate e-way bill?

Ans. An EWB contains two parts - **Part A** to be furnished by the registered person who is causing movement of goods of consignment value exceeding ₹ 50,000/- and **Part B** (transport details) is to be furnished by the person who is transporting the goods.

Where the goods are transported by a registered person, whether as consignor or recipient, the said person shall have to generate the EWB (by furnishing information in **Part B** on the common portal). Where the EWB is not generated by the registered person and the goods are handed over to the transporter for transportation of goods by road, the registered person shall furnish the information relating to the transporter in **Part B of FORM GST EWB-01** on the common portal and the EWB shall be generated by the transporter on the said portal on the basis of the information furnished by the registered person in **Part A of FORM GST EWB-01**.

In a nutshell, EWB is to be generated by the consignor or consignee himself (if the transportation is being done in own/hired conveyance or by railways or by air or by vessel) or the transporter (if the goods are handed over to a transporter for transportation by road). Where neither

the consignor nor consignee generates the EWB and the value of goods is more than ₹ 50,000/- it shall be the responsibility of the transporter to generate it.

In case the goods to be transported are supplied through an e-commerce operator, the information in **Part A** may be furnished by such e-commerce operator.

Q8. Who causes movement of goods?

Ans. The movement of goods can be caused by the supplier, if he is registered and he undertakes to transport the goods. In case the recipient undertakes to transport or arrange the transport, the movement would be caused by him. In case the goods are supplied by an unregistered supplier to a recipient who is registered, the movement shall be said to be caused by such recipient, if the recipient is known at the time of commencement of the movement of goods.

Q9. What are the reasons for transportation to be furnished in the Part A of EWB?

Ans. EWB is to be issued for movement of goods, irrespective of the fact whether the movement of goods is caused by reasons of supply or otherwise. The format for **FORM GST EWB-01** lists ten reasons for transportation viz. supply, export or import, job work, SKD or CKD, recipient not known, line sales, sales return, exhibition or fairs, for own use and others, one of which can be chosen.

Q10. What is consignment value?

Ans. The consignment value of goods shall be the value, determined in accordance with the provisions of section 15 of the CGST Act, 2017, declared in an invoice, a bill of supply or a delivery challan, as the case may be, issued in respect of the said consignment and also includes the Central tax, State or Union territory tax, integrated tax and cess charged, if any, in the document and *shall exclude the value of exempt supply of goods where the invoice is issued in respect of both exempt and taxable supply of goods.*

Q11. Whether consignment value of goods shall include tax also? In case of movement other than by way of supply, value may not be available? How to value such cases?

Ans. As per Explanation 2 to Rule 138(1) of CGST Rules, 2017, the consignment value shall also include the Central tax, State or Union

territory tax, Integrated tax and cess charged, if any, in the document. Furthermore, in view of the valuation provisions in Section 15 of the CGST Act, 2017, customs duty shall also be includible in the value of goods.

In case of movement of goods for reasons other than supply, the movement would be occasioned by means of a delivery challan which is a mandatory document. The delivery challan has to necessarily contain the value of goods as per Rule 55 of the CGST Rules, 2017. The value given in the delivery challan should be adopted in the EWB.

Q12. Who has to generate EWB in case of transportation of goods by rail, air or vessel?

Ans. The registered person, being the supplier or recipient, is required to generate e-way bill by furnishing the information in **Part B** of the EWB viz transport document number (Goods Receipt Number or Railway Receipt Number or Airway Bill Number or Bill of Lading Number).

Q13. Is there any time gap allowed between furnishing information in Part-A and updating transport details in Part-B?

Ans. On furnishing **Part-A**, a unique number will be generated on the portal which shall be valid for 15 days for updating of **Part B** of **FORM GST EWB-01**.

Q14. How does the taxpayer enter Part-A details and generate EWB, when he is transporting goods himself?

Ans. Sometimes, a taxpayer wants to move the goods himself. E-Way Bill Portal expects the user to enter transporter ID or vehicle number. Hence, if he wants to move the goods himself, he can enter his GSTIN in the transporter Id field and generate **Part-A** Slip. This indicates to the system that he is a transporter and he can enter details in **Part-B** later when transportation details are available.

Q15. What has to be entered in GSTIN column, if the consignor or consignee is not having GSTIN?

Ans. If the consignor or the consignee is unregistered taxpayer and not having GSTIN, then the user has to enter 'URP' [Unregistered Person] in the corresponding GSTIN column.

Q16. Whether an unregistered transporter should compulsorily enroll on the EWS?

Ans. Yes, in terms of Rule 58 of the CGST Rules, 2017 read with section 35(2) of the CGST Act, 2017, a transporter and operator of godown or warehouse, if not already registered, shall have to enroll on the common portal by filing **Form GST ENR-01**. The transporter enrolled in any one State or UT shall be deemed to be enrolled in other States as well. The unregistered transporter gets a transporter Id when he enrolls on the system.

Q17. Can the EWB be cancelled if the goods are not transported after generation of EWB?

Ans. Where an EWB has been generated, but goods are either not being transported or are not being transported as per the details furnished in the EWB, the EWB may be cancelled electronically on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, within 24 hours of generation of the EWB.

However, if the EWB has been verified in accordance with the provisions of Rule 138B of the CGST Rules, 2017, the same cannot be cancelled.

Q18. What happens if the conveyance is changed en-route?

Ans. Where the goods are transferred from one conveyance to another, the consigner or the recipient, who has provided information in **Part-A** of the **FORM GST EWB-01**, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in the EWB on the common portal in **FORM GST EWB-01**. Any transporter transferring goods from one conveyance to another in the course of transit shall, before such transfer and further movement of goods, update the details of the conveyance in the EWB on the common portal in **FORM GST EWB-01**.

Q19. How does the transporter come to know that a particular EWB has been assigned to him?

Ans. The transporter comes to know of the EWBs assigned to him by the taxpayers for transportation, in one of the following ways:

- The transporter can go to 'Reports' section and select EWB assigned to him for transport and see the list.

Handbook on E-Way Bill under GST

- The transporter can go to '*Update Vehicle No*' and select '*Generator GSTIN*' option and enter taxpayer GSTIN, who has assigned or likely to assign the EWBs to him.
- The taxpayer can contact and inform the transporter that the particular EWB is assigned to him.

Q20. How does the supplier or recipient come to know about the e-way bills generated on his GSTIN by other person/party?

Ans. The supplier or the recipient can view the same from either of the following options:

- He can view on his dashboard, after logging on to the system;
- He can go to '*Reject*' option and select the date and see the e-way bills generated on his GSTIN by others.
- He can go to '*Report*' section and see the '*EWBs by other parties*'.
- He will get one SMS everyday indicating the total EWB activities on his GSTIN.

Q21. How does the taxpayer become transporter in the EWS?

Ans. To change his position from supplier or recipient to transporter, the taxpayer has to select the option '*Register as Transporter*' under '*Registration*' and update his profile. Once it is done, the system changes the taxpayer as transporter.

Q22. How many times can Part-B or Vehicle number be updated for an EWB?

Ans. Part-B (Vehicle details) can be updated as many times as one wants for movement of goods to the destination. However, the updating should be done within the validity period and at any given point of time, the vehicle number updated should be that of the one which is actually carrying the goods. The validity of EWB is not recalculated for subsequent entries in **Part-B**.

Q23. Many distributors transport goods of multiple customers and know the details of the requirement only at the time of delivery? What to do if the name of the consignee is not known?

Ans. Such movement of goods would be for reasons other than supply. The reasons for transportation will have to be mentioned in the **Part A** of the EWB.

Q24. Is there any validity period for EWB? Is yes, please state the same.

Ans. Yes. The validity period of the EWB depends upon the distance, the goods have to be transported. Such period shall be calculated from the relevant date. Where “*relevant date*” shall mean the date on which the EWB has been generated and the period of validity shall be counted from the time at which the EWB has been generated and each day shall be counted as the period expiring at midnight of the day immediately following the date of generation of EWB.

Sl. No.	Distance	Validity period
(1)	(2)	(3)
1.	Upto 100 km.	One day in cases other than Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship
2.	For every 100 km. or part thereof thereafter	One additional day in cases other than Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship
3.	Upto 20 km	One day in case of Over Dimensional Cargo [or multimodal shipment in which at least one leg involves transport by ship
4.	For every 20 km. or part thereof thereafter	One additional day in case of Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship:

Q25. What if one consignment, is transported in CKD/SKD condition in multiple transport vehicles?

Ans. As per Rule 55(5) of the CGST Rules, 2017, in such cases, the supplier shall issue the complete invoice before dispatch of the first consignment and shall issue a delivery challan for each of the subsequent consignments, giving reference of the invoice. Each such

subsequent consignment shall be accompanied by copies of the corresponding delivery challan along with a duly certified copy of the invoice; and the original copy of the invoice shall be sent along with the last consignment. Every consignment shall also be accompanied with a separate EWB.

Q26. Can the validity period of EWB be extended?

Ans. In general no. However, the Commissioner may extend the validity period only by way of issuance of a notification for certain categories of goods which shall be specified later. Also, if under circumstances of an exceptional nature, including trans-shipment, the goods cannot be transported within the validity period of the EWB, the transporter may extend the validity period after updating the details in **Part B** of **FORM GST EWB-01**, if required.

[However, the validity of the EWB may be extended within eight hours from the time of its expiry.]

Q27. When does the validity of the EWB start?

Ans. The validity of the EWB starts when the first entry is made in **Part-B** i.e. vehicle entry is made first time in case of road transportation or first transport document number entry in case of rail/air/ship transportation, whichever is the first entry. It may be noted that the validity is not re-calculated for subsequent entries in **Part-B**.

Q28. How is the validity of the EWB calculated?

Ans. The validity period of the EWB is calculated based on the 'approx. distance' entered while generating the EWB. As per Rule 138(10) of the CGST Rules, for every 100 Kms one day is the validity period for EWB and for every 100 KM or part thereof thereafter one more day is added. For example, if the approx. distance is 310 Kms then the validity period is 3+1 days. For movement of over dimensional cargo or multimodal shipment in which at least one leg involves transport by ship, the validity is one day for every 20 KM (instead of 100 KM) and for every 20 KM or part thereof one more day is added. Please refer Rule 138(10) for details.

Q29. Whether Part-B is must for EWB?

Ans. EWB is complete only when **Part-B** is entered. Otherwise printout of EWB would be invalid for movement of goods. Filling up of **Part-B** of

the EWB is a must for movement of the goods, except for within the same State movement between consignor's place to the transporter's place, if distance is less than 50 Kms.

Q30. Can I transport goods with an EWB without vehicle details in it?

Ans. No. One needs to transport the goods with an EWB specifying the vehicle number, which is carrying the goods. However, where the goods are transported for a distance of less than fifty kilometers within the State from the place of business of consignor to the place of transporter for further transportation, then the vehicle number is not mandatory. Similar exception up to 50 KM has been given for movement of goods from place of business of transporter to place of business of consignee.

Q31. Whether the EWB is required for movement of consignment for weighment to the weighbridge?

Ans. No EWB is required for movement of goods upto a distance of 20 Km from the place of business of consignor to a weighbridge for weighment or from the weighbridge back to the place of business of consignor, within the same State, subject to the condition that the movement of goods is accompanied by a delivery challan issued in accordance with Rule 55.

Q32. What is the validity period of consolidated EWB?

Ans. A consolidated EWB has no separate validity and will be governed by the underlying validity period of the individual e-way bills.

Q33. Can an EWB be modified?

Ans. No. **Part-A** of an EWB once generated, cannot be modified. However, **Part-B** can be updated as many times as the transport vehicle is changed within the overall validity period. The validity period is not changed when **Part-B** is updated.

Q34. Is it necessary to feed information and generate EWB electronically in the common portal?

Ans. Yes. The facility of generation and cancellation of EWB is also available through SMS.

Q35. Can the EWB be modified or edited?

Ans. The EWB once generated cannot be edited or modified. Only **Part-B** can be updated. However, if the EWB is generated with wrong

Handbook on E-Way Bill under GST

information, it can be cancelled and generated afresh. The cancellation is required to be done within twenty-four hours from the time of generation.

Q36. The system shows 'Invalid Format' when we are trying to enter the vehicle number. What is the reason?

Ans. The system expects you to enter the vehicle number details in proper format. Please see the format details in the 'help' with the vehicle entry field.

Q37. What are the formats of vehicle number entry?

Ans. To enable proper entry of the vehicle number, the following formats have been provided:

<i>Format</i>	<i>RC Numbers</i>	<i>Example Entry</i>
ABC1234	DEF 234	DEF0234
AB123456	UP 1 345	UP010345
AB12A1234	AP 5 P 23	AP05P0023
AB12AB1234	TN 10 DE 45	TN10DE0045
AB12ABC1234	KE 3 PEW 1265	KE03PEW1265

Q38. How can anyone verify the authenticity or the correctness of EWB?

Ans. Any person can verify the authenticity or the correctness of EWB by entering EWB number, EWB date, Generator ID and Document number in the search option of EWB Portal.

Q39. When should I use multi-vehicle option?

Ans. When the taxpayer or transporter wants to move the consignment of one EWB in multiple vehicles, after moving to transshipment place, he can use the "Change to Multi-Vehicle" sub-option provided under "e-way bill" option in the main menu.

For example, let's say one e-way bill is generated to move the consignment from place A to place C. Here, the consignment moves from A to B via Rail or bigger vehicle. Now, if it is not possible to move the consignment from B to C in the same mode of transportation due to unavailability of that mode or may be due to hilly region where big

vehicles cannot be used, the consignment can be moved in multiple smaller vehicles using the 'Multi-Vehicle' option.

Q40. What happens if multiple consignments are transported in one conveyance?

Ans. Where multiple consignments are intended to be transported in one conveyance, the transporter may indicate the serial number of e-way bills generated in respect of each such consignment electronically on the common portal and a consolidated EWB in **FORM GST EWB-02** may be generated by him on the common portal prior to the movement of goods.

The various situations where multiple consignments are transported in one conveyance may be as under:

<i>Situation</i>	<i>Impact</i>
Multiple consignments in one conveyance; all more than ₹ 50,000/-; and the consignor has generated e-way bill for all the consignments.	A consolidated EWB in FORM GST EWB-02 may be generated on the common portal prior to the movement
Multiple consignments in one conveyance; all more than ₹ 50,000/-; but the consignor has <i>not</i> generated EWB	Transporter shall generate individual FORM GST EWB-01 and may also generate consolidated EWB in FORM GST EWB-02
Multiple consignments in one conveyance; few consignments have consignment value less than ₹ 50,000/- and EWB not generated for these consignments (less than ₹ 50,000/-)	Transporter shall generate FORM GST EWB-01 (for consignments of value more than ₹ 50,000/-) and may generate EWB for consignments less than ₹ 50,000/- and may also generate consolidated EWB in FORM GST EWB-02

Q41. Can a transport vehicle be intercepted?

Ans. Yes, the Commissioner or an officer empowered by him in this behalf may authorise the proper officer to intercept any conveyance to verify

the EWB or the e-way bill number in physical form for all inter-State and intra-State movement of goods.

Physical verification of a specific conveyance can also be carried out by any officer, on receipt of specific information on evasion of tax, after obtaining necessary approval of the Commissioner or an officer authorised by him in this behalf.

Q42. Are there any checks and balances on excessive use of power of interception of vehicles and inspection of goods?

Ans. A summary report of every inspection of goods in transit shall be recorded online on the common portal by the proper officer in **Part A** of **FORM GST EWB-03** within twenty-four hours of inspection and the final report in **Part B** of **FORM GST EWB-03** shall be recorded within three days of such inspection.

Once physical verification of goods being transported on any conveyance has been done during transit at one place within the State or in any other State, no further physical verification of the said conveyance shall be carried out again in the State, unless a specific information relating to evasion of tax is made available subsequently.

Where a vehicle has been intercepted and detained for a period exceeding thirty minutes, the transporter may upload the said information in **FORM GST EWB-04** on the common portal.

Q43. What has to be done by the transporter if the consignee refuses to take goods or rejects the goods?

Ans. The transporter can get one more EWB generated with the help of supplier or recipient by indicating supply as 'Sales Return' and with relevant document details, and return the goods to supplier.

Q44. What are the documents to be carried by the person in-charge of a conveyance while transporting goods?

Ans. The person in-charge of a conveyance shall carry —

- (a) the invoice or bill of supply or delivery challan, as the case may be; and
- (b) a copy of the EWB or the e-way bill number, either physically or mapped to a Radio Frequency Identification Device (RFID) embedded on to the conveyance.

Q45. Are there any special situations where the EWB needs to be issued even if the value of the consignment is less than ₹ 50,000/-?

Ans. As per the Provisos to Rule 138(1) of CGST Rules, 2017, where goods are sent by a principal located in one State to a job worker located in any other State, the EWB shall have to be generated by the principal irrespective of the value of the consignment. Also, where handicraft goods are being transported from one State to another by a person who has been exempted from the requirement of obtaining registration, the EWB shall have to be generated by the said person irrespective of the value of the consignment.

Q46. Can a taxpayer update his business name, address, mobile number or e-mail id in the EWS?

Ans. No. EWB System will not allow taxpayer to update these details directly. The taxpayer has to change these details at GST Common portal, from where it will be updated in EWB system.

Q47. I have already registered in GST Portal. Whether I need to register again on the E-Way Bill Portal?

Ans. Yes. All the registered persons under GST need to register on the portal of e-way bill namely: www.ewaybillgst.gov, by using his GSTIN. Once GSTIN is entered, the system sends an OTP to his mobile number registered with GST Portal and after authenticating the same, the system enables him to generate his/her username and password for the EWS. After generation of username and password of his/her choice, he/she may proceed to make entries to generate EWB.

Q48. Why the transporter needs to enroll on the EWS?

Ans. There may be some transporters, who are not registered under the Goods and Services Tax Act, but such transporters cause the movement of goods for their clients. They need to enroll on the e-way bill portal to get 15-digit Unique Transporter Id.

Q49. What is TRANSIN or Transporter ID?

Ans. TRANSIN or Transporter ID is a 15-digit unique number generated by EWB system for unregistered transporter, once he enrolls on the system which is similar to GSTIN format and is based on State code,

PAN and Check sum digit. This TRANSIN or TRANSPORTER ID can be shared by transporter with his clients, who may enter this number while generating e-way bills for assigning goods to him for transportation.

Q50. How does the unregistered transporter get his Unique ID or Transporter ID?

Ans. The transporter is required to provide the essential information for enrolment on the e-way bill portal. The transporter ID is created by the EWS after furnishing the requisite information. The details of information to be furnished is available in the user manual.

Q51. How the distance has to be calculated, if the consignments are imported from or exported to other country?

Ans. The approximate distance for movement of consignment from the source to destination has to be considered based on the distance within the country. That is, in case of export, the consignor's place to the place from where the consignment is leaving the country, after customs clearance and in case of import, the place where the consignment has reached in the country to the destination place and cleared by Customs.

Q52. Whether EWB is required, if the goods are being purchased and moved by the consumer to his destination himself?

Ans. Yes. As per the e-way bill rules, EWB is required to be carried along with the goods at the time of transportation, if the consignment value is more than ₹ 50,000/-. Under this circumstance, the consumer can get the EWB generated from the taxpayer or supplier, based on the bill or invoice issued by him. The consumer can also enroll as citizen and generate the EWB himself.

Q53. How to generate EWB for multiple invoices belonging to the same consignor and consignee?

Ans. If multiple invoices are issued by the supplier to recipient, that is, for movement of goods of more than one invoice of the same consignor and consignee, multiple EWBs have to be generated. That is, for each invoice, one EWB has to be generated, irrespective of the fact whether same or different consignors or consignees are involved. Multiple invoices cannot be clubbed to generate one EWB. However, after

generating all these EWBs, one consolidated EWB can be prepared for transportation purpose, if goods are going in one vehicle.

Q54. What has to be done by the transporter, if the consignee refuses to take goods or rejects the goods for any reason?

Ans. There is a possibility that the consignee or the recipient may refuse to take delivery of the consignment due to various reasons. Under such circumstances, the transporter can get one more e-way bills generated with the help of the supplier or recipient by indicating supply as 'Sales return' with relevant documents and return the goods to the supplier as per his agreement with him.

Q55. What has to be done, if the validity of the EWB expires?

Ans. If the validity of the EWB expires, the goods are not supposed to be moved. However, under circumstance of 'exceptional nature and trans-shipment', the transporter may extend the validity period after updating the reason for the extension and the details in **PART-B** of **FORM GST EWB-01**.

Q56. What is to be done (in an EWB) if the vehicle breaks down?

Ans. If the vehicle breaks down, when the goods are being carried with an EWB, then the transporter can get the vehicle repaired and continue the journey with the same EWB. If he has to change the vehicle, then he has to enter the new vehicle details in that EWB, on the e-way bill portal, using '*Update vehicle number*' option in **Part B** and continue the journey in new vehicle, within the original validity period of EWB.

Q57. Can the EWB be deleted or cancelled?

Ans. The EWB once generated cannot be deleted. However, it can be cancelled by the generator within 24 hours of generation. But, if a particular EWB has been verified by the proper officer, then it cannot be cancelled. Further, EWB can be cancelled if, either the goods are not transported or not transported as per the details furnished in the EWB.

Q58. Whether the EWB can be cancelled? If yes, under what circumstances?

Ans. Yes, EWB can be cancelled if either the goods are not transported or are not transported as per the details furnished in the EWB. The EWB can be cancelled within 24 hours from the time of its generation.

Q59. Who can reject the EWB and why?

Ans. The person who causes transport of goods shall generate the EWB specifying the details of the other person as a recipient of goods. There is a provision in the common portal for the other party to see the EWB generated against his/her GSTIN. As the other party, one can communicate the acceptance or rejection of such consignment specified in the EWB. If the acceptance or rejection is not communicated within 72 hours from the time of generation of EWB or the time of delivery of goods whichever is earlier, it will be deemed that he has accepted the details.

Q60. How does the supplier or recipient come to know about the e-way bills generated on his GSTIN by any other person/party?

Ans. As per the Rule 138 of the CGST Rules, the taxpayer or recipient can reject the EWB generated on his GSTIN by other parties. The following options are available for him to see the list of e-way bills:

- He can see the details on the dashboard, once he logs into the system.
- He will get one SMS every day indicating the total e-way bill activities on his GSTIN.
- He can go to '*Reject*' option and select the date and see the e-way bills. Here, the system shows the list of e-way bills generated on his GSTIN by others.
- He can go to '*Report*' and see the '*EWBs by other parties*'.

Q61. What is Over Dimensional Cargo?

Ans. Over dimensional cargo means a cargo carried as a single indivisible unit and which exceeds the dimensional limits prescribed in rule 93 of the Central Motor Vehicle Rules, 1989 made under the Motor Vehicles Act, 1988.

Q62. Does the movement of goods which are in transit to or from Nepal/Bhutan, require EWB for movement?

Ans. No, such movement has been exempted from EWB.

Q63. Is temporary vehicle number allowed for EWB generation?

Ans. Yes, temporary vehicle number can also be inserted as vehicle number for the purpose of EWB generation.

Q64. Who is responsible for EWB generation in case DTA sales from SEZ/FTWZ?

Ans. There is no special provision for such supply and hence the registered person who causes movement of goods shall be responsible for the generation of EWB as per Rule 138 of the CGST Rules.

Q65. When to extend the validity of EWB?

Ans. The generator or transporter can extend the validity of the e-way bill, if the consignment has not reached the destination within the validity period due to following circumstances:

- Delay due to vehicle breakdown.
- Natural calamity
- Law & order issue on the transit
- Accident of conveyance
- Trans-shipment delay etc.

In terms of proviso the Rule 138(10) of the CGST Rules, the validity of the e-way bill may be extended within eight hours from the time of its expiry

For example, if the validity of the EWB was till midnight of 2nd January, 2020, then the user could have extended the till 8 AM on 3rd January, 2020.

Q66. What should I do if PIN code is shown as invalid?

Ans. If the PIN code entered by the user is shown as invalid by the system, the user needs to recheck the PIN code again. Still if it is valid PIN Code as per user, then the generator can select the State manually from the dropdown list and proceed further to next stage.

Q67. Is it mandatory to select the rate of tax while entering the goods details?

Ans. No, it is not mandatory to select the tax rate or to enter the tax amount while generating the EWB.

Q68. As an unregistered transporter, how can I enter my branch details in the EWB portal?

Ans. If the transporter is having additional places of business in addition to the registered place of business, he can use the *"Update Additional*

Place” sub-option provided under “*Update*” option in the main menu of EWS to add/amend the additional places of business.

Q69. What should be done if goods movement is done in batches or lots?

Ans. As per the rule 55(5), one needs to issue the tax invoice for the complete quantity that is being moved in batches or lots. Then, he has to prepare the delivery challan for each batch or lot and generate corresponding EWB for that batch or lot and move the consignment with delivery challan, copy of invoice and e-way bill number. However, the last batch or lot should have the original invoice along with delivery challan and e-way bill number.

On the EWS, he needs to select SKD/CKD/Lots sub-supply type to generate the EWB for these batches and lots with delivery challan details.

Q70. Is it mandatory to generate EWB? What if not done? What are the consequences for non-issuance of EWB?

Ans. It is mandatory to generate EWB in all cases where the value of consignment of goods being transported is more than 50,000/- and it is not otherwise exempted in terms of Rule 138(14) of CGST Rules, 2017.

If e-way bill, wherever required, are not issued in accordance with the provisions contained in Rule 138, the same will be considered as contravention of the rules. As per Section 122(1)(xiv) of CGST Act, 2017, a taxable person who transports any taxable goods without the cover of specified documents (EWB is one of the specified documents) he shall be liable to a penalty of ₹ 10,000/- or the amount of tax sought to be evaded (wherever applicable) whichever is greater. Moreover, as per Section 129(1) of CGST Act, 2017, where any person transports any goods or stores any goods while they are in transit in contravention of the provisions of this Act or the Rules made thereunder, all such goods and conveyance used as a means of transport for carrying the said goods and documents relating to such goods and conveyance shall be liable to detention or seizure.

Q71. Elucidate whether generation of E-way Bill facility can be blocked / unlocked by the Department?

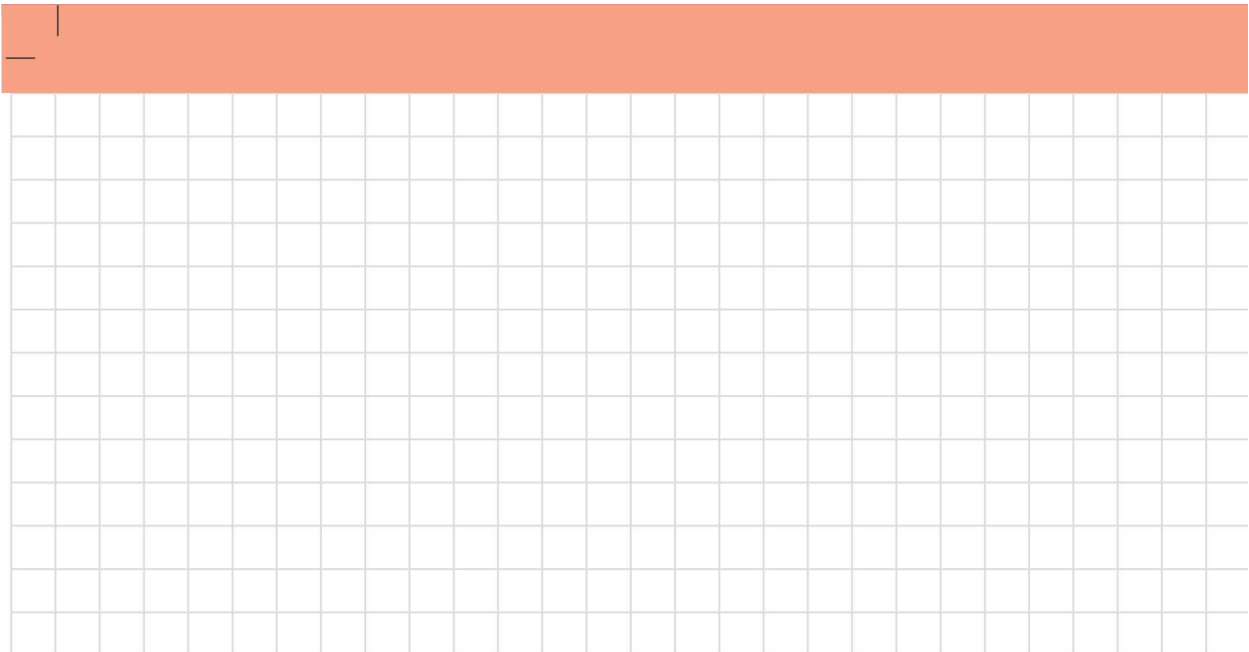
Ans. With effect from 21st November, 2019, blocking and unblocking of e-way bill by taxpayers defaulting in filing of GST returns, for 2 consecutive tax periods is possible in terms of Rule 138E of the CGST Rules 2017.

Rule 138E provides that notwithstanding anything contained in rule 138(1), no person (including a consignor, consignee, transporter, an e-commerce operator or a courier agency) shall be allowed to furnish the information in **PART A** of **FORM GST EWB-01** in respect of a registered person, whether as a supplier or a recipient, who, -

- (a) being a person paying tax under section 10 or availing the benefit of notification no. 2/2019-Central Tax (Rate), dated 7th March, 2019, has not furnished the [statement in **FORM GST CMP-08**] for two consecutive quarters; or
- (b) being a person other than a person specified in clause (a), has not furnished the returns for a consecutive period of two months:

Further, the Commissioner may, on receipt of an application from a registered person in **FORM GST EWB-05** on sufficient cause being shown and for reasons to be recorded in writing, by order in **FORM GST EWB-06**, allow furnishing of the said information in **PART A** of **FORM GST EWB-01**, subject to such conditions and restrictions as may be specified by him. However, such application can be rejected only after providing a reasonable opportunity of being heard. The permission so granted or rejected by the Commissioner of State tax or Commissioner of Union territory tax shall be deemed to be granted or, as the case may be, rejected by the Commissioner.

For the purposes of rule 138E, the expression “Commissioner” shall mean the jurisdictional Commissioner in respect of the persons specified in clauses (a) and (b)



ISBN :



April | 2020 | 00000

www.icaai.org

