

SALIENT FEATERS OF E WAY BILL

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This article covers all other provisions and related issues of e way bill generation clarified by Government from time to time vide circulars / FAQ etc.

1. GENERATION OF E WAY BILL - (PART A) DIRECTLY FROM SYSTEM -

In the new system of generating e invoice , Part A of e way bill be created directly from portal . Only vehicle number need to be filled by the consignor , consignee or transporter for generation of e way bill.

The GST Council has approved introduction of ‘E-invoicing’ or ‘electronic invoicing’ in a phased manner for reporting of business to business (B2B) invoices to GST System, starting from 1st January 2020 on voluntary basis. It will be mandatory w.e.f 01 April 2010 for the businesses with turnover Rs 100 Crore or More .

The functioning of e-invoicing is directed in such a way that the invoice data will be uploaded on the IRP (Invoice Registration Portal) by the supplier . The IRP will sign the e-invoice along with hash and the e-invoice signed by the IRP will be a valid e-invoice and used by GST/ E - Way bill system .

E-Way bill system will create Part-A of e-way bill using this data to which only vehicle number will have to be entered in Part-B of the e-way bill.

2. BLOCKING OF E WAY BILL GENERATION :-

With effect from December 2, 2019, the **blocking** and **unblocking** of the **e-way bill** generation facility has been implemented on the **e-way bill** portal. **E-way bill** generation has been barred for taxpayers who haven't filed their returns for the previous two consecutive months/ periods. A GSTIN which is blocked cannot be used for generating an e-way bill either as a consignor or consignee.

3. UNBLOCKING OF E WAY BILL GENERATION :-

The blocked GSTIN will get unblocked automatically the following morning allowing to proceed with e-way bill generation once a blocked GST taxpayer files his pending GSTR-3B for the default period(s),

In case a taxpayer intends to generate an e-way bill soon after filing return, he can visit the e-way bill portal and choose the option ‘Search Update Block Status . He will need to enter GSTIN followed by CAPTCHA code and click on ‘GO’.

In case the status still reflects as 'blocked' then he need to click on the option 'Update Unblock Status from GST Common Portal'. This button will extract the most-recent filing status via the GST common portal and, if the returns are filed, the e-way bill system status will get updated subsequently to 'unblocked'.

In case the system fails to unblock the GSTIN, the taxpayer can get in touch with the GST Help Desk and raise a complaint to get his query resolved.

There might be certain situations where a taxpayer may not be able to file GSTR-3B on time. These scenarios may include technical glitches, or unavailability due to an emergency, etc. In these scenarios, genuine taxpayers can seek help from a jurisdictional tax official to get the e-way bill generation facility restored.

4. E WAY BILL FOR SUPPLY OF GOODS FROM DTA TO SEZ IN SAME STATE

Supply of goods from DTA unit to SEZ is defined as Inter State Supply . However , if such supply is in same state , e way bill is not required if such movement has been exempted from provisions of e way bill by concerned State Government under Rule 138(14)(d) of CGST Rules . - **CBEC circular No. 47/21/2018-GST dt 08.06.2018**

As per Rule 138(14)(d) - Notwithstanding anything contained in CGST rule, no e-way bill is required to be generated 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;

5. MOVEMENT OF GOODS WITHIN STATE , PASS THRU ANOTHER STATE

E way bill is required when during movement of goods within state, goods pass through another state , as it is an interstate movement of goods . - **CBIC circular No. 47/21/2018 - GST dated 08.06.2018**

6. SMS ALERT TO E WAY GENERATOR FOR INVOICE VALUE MORE THAN 10 CRORES :-

In a new version , w.e.f 01.10.2018, SMS alert ,will be send to the generator of e way bill at the time of submission of the form, in case invoice value is more than Rs 10 crores This will be in addition to pop up alert displayed at the time of entering the high value invoice . The alert message will help user to correct the error in case he enters higher value due to typo mistake - **FAQ dated 29.09.2018**

7. E WAY BILL IS REQUIRED FOR INTER STATE MOVEMENT OF MODE OF CONVEYANCE (BUSES TRUCKS ETC) FOR REPAIRES & MAINTENACE OR CARRYING GOODS OR PASSENGERS :-

Generation of e way bill is required for interstate movement of mode of conveyance such as buses , trucks, tankers, Vessels , containers , Aircrafts , if value exceeds Rs 50000/- . Movement of such conveyance can be for repairs & maintenance or carrying goods & passengers .

8. MINOR MISTAKES IN E WAY BILL AND PENALTY THERE ON :

Following situations will be considered as Minor Mistakes and penalty to the tune of Rs 500/- each as CGST & SGST (total Rs 1000/-) under sec 125 of CGST Act will be imposed for such minor mistakes .**(Govt circular No. 64/38/2018-GST dt 14.09.2018)**

- (a) Spelling mistake in the name of consignor / consignee but GSTN No. wherever applicable , is correct.)
- (b) Error in PIN Code but address of the consignor/ consignee is correct subject to the condition that the error in PIN Code should not have the effect of increasing the validity period of e way bill.
- (c) Error in the address of the consignee to the extent that locality and other details of the consignee are correct.
- (d) Error in one or two digits of the document numbers mentioned in the e way bill.
- (e) Error in the 4 or 6 digit level of HSN where first 2 digits of HSN are correct and the rate of tax mentioned is correct.
- (f) Error in the one or two digit / characters of the vehicle number.

It is pertinent to note that in all the above cases , person in charge of vehicle should be in possession of e way bill / tax invoice or delivery challan along with the consignment of goods.

9. PENALTY FOR TRANSPORTING GOODS WITHOUT DOCUMENTS

A conveyance carrying goods in contravention of the provisions of this Act and Rules is liable to detention and seizure . After detention / seizure , the goods & conveyance shall be released on payment of amount to be ascertained as follows :-

- (a) Where the owner of goods comes forward for payment of tax & penalty
 - (i) Applicable Tax on goods detained and penalty equal to 100 % of tax payable on such goods **in case of taxable goods** .
 - (ii) 2% of value of goods or Rs 25000/- whichever is less **in case of exempted goods.**
- (b) Where the owner of goods does not come forward for payment of tax & penalty
 - (i) Applicable Tax on goods detained and penalty equal to 50% of the value of goods minus tax paid there on , in case of taxable goods
 - (ii) 5% of value of goods or Rs 25000/- whichever is less , in case of exempted goods.

Detained goods and conveyance can be released on furnishing a security equivalent to the amount or on execution of bond with security.

10. DETENTION AND CONFISCATION OF PARTIAL CONSIGNMENTS

Detention and confiscation should be only of consignments for which there is violation . For example ,A vehicle carrying 25 consignments is having e way bills of 20 consignments , detention and confiscation should be only of those 5 consignments and not all 25 consignments. (CBIC circular no. 49/23/2018 – GST dated 21.06.2018)

11. SUMMARY OF RELEVANT CIRCULARS

S.No.	Circular no.	Date of issue	Description
1.	41/15/2018	13/04/2018	Procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances.
2	49/23/2018	21/06/2018	Amend Circular No. 41/15/2018 Procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances.
3	61/35/2018	04/09/2018	E-way bill in case of storing of goods in warehouse of transporter.
4	64/38/2018	14/09/2018	Modification of the procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances
5	76/50/2018	31/12/2018	Clarification on certain issues relating to GST; 1. Supply of used vehicles, seized and confiscated goods, waste and scrap by government departments. 2. Levy of penalty under section 73(11) of the CGST Act, 3. Rate of tax in case of debit notes / credit notes issued under section 142(2) of the CGST Act, 4. Applicability of TDS (Notification No. 50/2018-Central Tax) 5. Valuation methodology in case of TCS under Income Tax Act and definition of owner of goods. Owner of the goods for the purpose of Section 129(1) of the CGST Act
6	88/07/2019	01/02/2019	Amendment under various previous circular issued related to CGST Act, 2017 w.e.f 01/02/2019

12. Summary of Relevant Notifications

S.No.	Notifications	Date of issue	Description
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1.	74/2017	29/12/2017	Notifies 01 st Feb 2018 as the date from which E-Way Bill Rules shall come into force
2	11/2018	02/02/2018	Postponing the E-WAY bills rules
3	15/2018	23/03/2018	Notifies 01 st April 2018 as the date from which E-Way Bill Rules shall come into force other than clause 7 of notification no. 12/2018 dated 07 th March 2018
4	22/2019	23/04/2019	Notifying the applicability date of Rule 138E as 21 st June 2019
5	25/2019	21/06 /2019	Extension of applicability date of Rule 138E to 21st Aug 2019
6	36/2019	20/08/2019	Extend the date from which the facility of blocking and unblocking of e-way bill facility shall be brought into force from 21.11.2019 vide Rule 138E.

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For any queries, you may connect with them at jdte@icai.in .

- GST & Indirect Taxes Committee