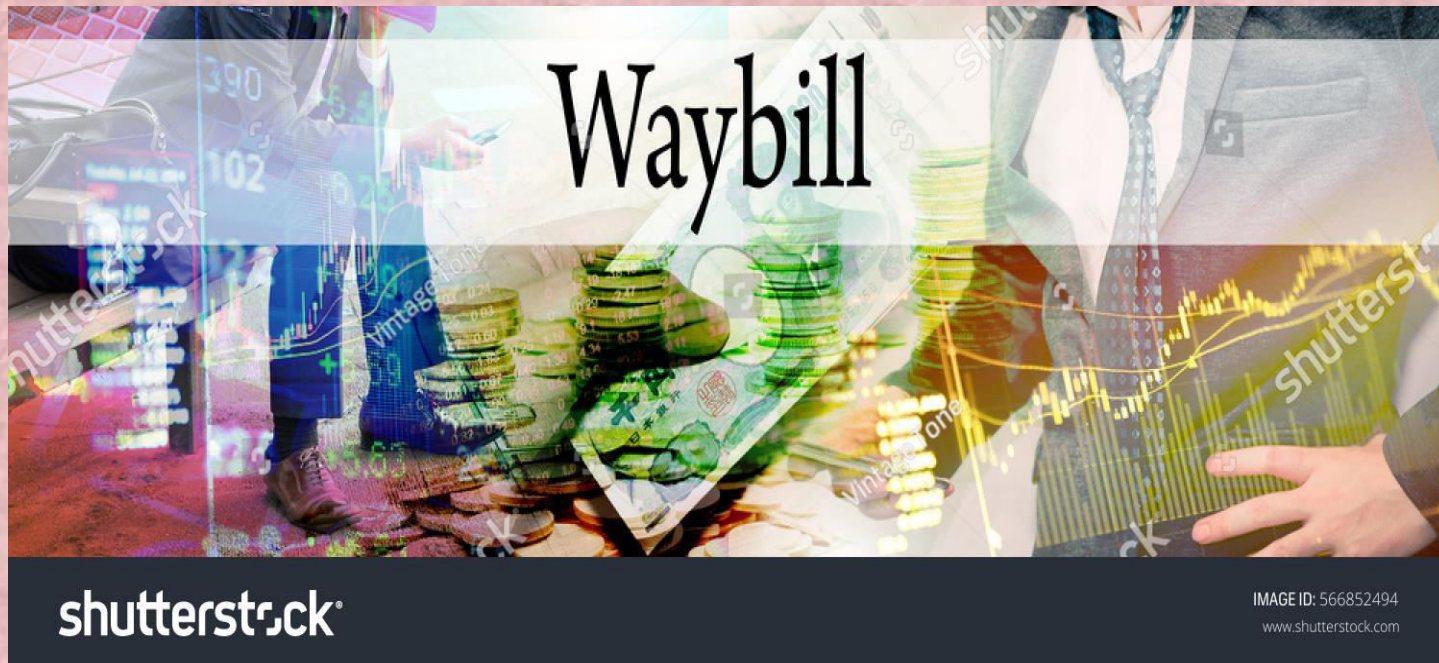


VIKASH KABRA & CO. CHARTERED ACCOUNTANTS



E-WAY BILL UNDER GST



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APPLICABILITY

As per the GST Council meeting held on 16 December 2017

Nationwide roll out of e-way bill system on a trial basis

**16th
January
2018**

Nationwide roll-out of e-way bill system for inter-State movement of goods

**1st
February
2018**

State-wise roll-out of e-way bill system for intra-State movement of goods

As per choices of respective States

**(before
1st June
2018)**

Nationwide roll-out of e-way bill system for inter-State and intra-State movement of goods

**1st June
2018**

PURPOSE OF E-WAY BILL-GST

- E-WAY will be applicable through out the country
- The purpose of E-way bill is a mechanism to ensure that goods being transported comply with the GST Law and is an effective tool to track movement of goods and check tax evasion
- The physical interface will pave the way for digital interface which will facilitate faster movement of goods.
- E-way is bound to improve the turnaround time of vehicles and help the logistics industry by increasing the average distances travelled, reducing the travel time as well as costs.

SECTION UNDER CGST FOR E-WAY BILL

- Section 68 of CGST for inspection of goods in movements
- Section 2(34) of CGST define conveyance which include aircraft, vessel and vehicle
- Section 2(87) of “Prescribed” means by rules made under this act are recommendation of the council.

RULES UNDER CGST FOR E-WAY BILL

- Rule 138 Information to be furnished prior to commencement of movement of goods and generation of e-way bill.
- Rule 138A Document and devices to be carried by a person-in-charge of conveyance.
- Rule 138B Verification of documents and conveyances.
- Rule 138C Inspection and verification of goods
- Rule 138D Facility for uploading information regarding detention of vehicle

RULE 138 OF CGST FOR E-WAY BILL

- Is a compliance mechanism
- Is a Digital interface the person causing the movement of goods
- Information prior to the commencement of movement of goods and generates e-way bill on the GST portal.
- The above E-way bill is in relation to a supply or for reasons other than supply.

REGISTERED PERSON ISSUE E-WAY BILL

- ✘ Every registered person who:-
 - When there is a movement of goods
 - Value of consignment(Goods) exceeds Rs.50,000
 - Information in Part A of FORM GST EWB-01.
- ✘ Upon generation of the e-way bill on the common portal, a unique e-way bill number (EBN) shall be made available to the supplier/transporter/recipient
- ✘ The recipient and the transporter are on common portal.

WHO IS RESPONSIBLE FOR GENERATION OF E-WAY BILL?

- ✖ E-way bill is to be generated by the consignor or consignee himself.
- ✖ Where neither the consignor nor consignee generates the e-way bill and the value of goods is more than Rs.50,000/- it shall be the responsibility of the transporter to generate it.

E-WAY BILL TO BE ISSUED

- ✘ In relation to a supply; or
- ✘ For reasons other than supply; or
- ✘ Due to inward supply from an unregistered person
- ✘ If RCM is there either under 9(3) or 9(4) under CGST Act and supplier is unregistered then receiver has to issue E-way Bill.
- ✘ But if Unregistered still want to generate E-way bill then he or transporter may issue that as per the manner specified.

Part - B of EWB – 01

Who shall generate?

If

Goods are transported by the registered person as consignor.

Goods are transported by the registered person as consignee

Goods are handed over to to a transporter for transportation by road, and not generated above.

//

Then

Consignor shall generate

Consignee
shall
generate

Transporter shall
generate

WHEN TO ISSUE E-WAY BILL?

- ✘ Before commencement of movement of goods in Part A of FORM GST EWB-01.
- ✘ Deemed Movement: In case of supply by unregistered person, it will be deemed that the movement is caused by recipient (if known at the time of commencement of movement)

LIST OF FORMS

FORM	DESCRIPTION
FORM GST EWB-01	E-way Bill Form
FORM GST EWB-02	Consolidated e-way bill form to be generated by transporter
FORM GST EWB-03	Inspection report to be filled up by proper officer
FORM GST EWB-04	Form to upload details by transporter, if vehicle detained for more than 30 minutes

WHAT E-WAY BILL CONTAINS?

Issued by a carrier

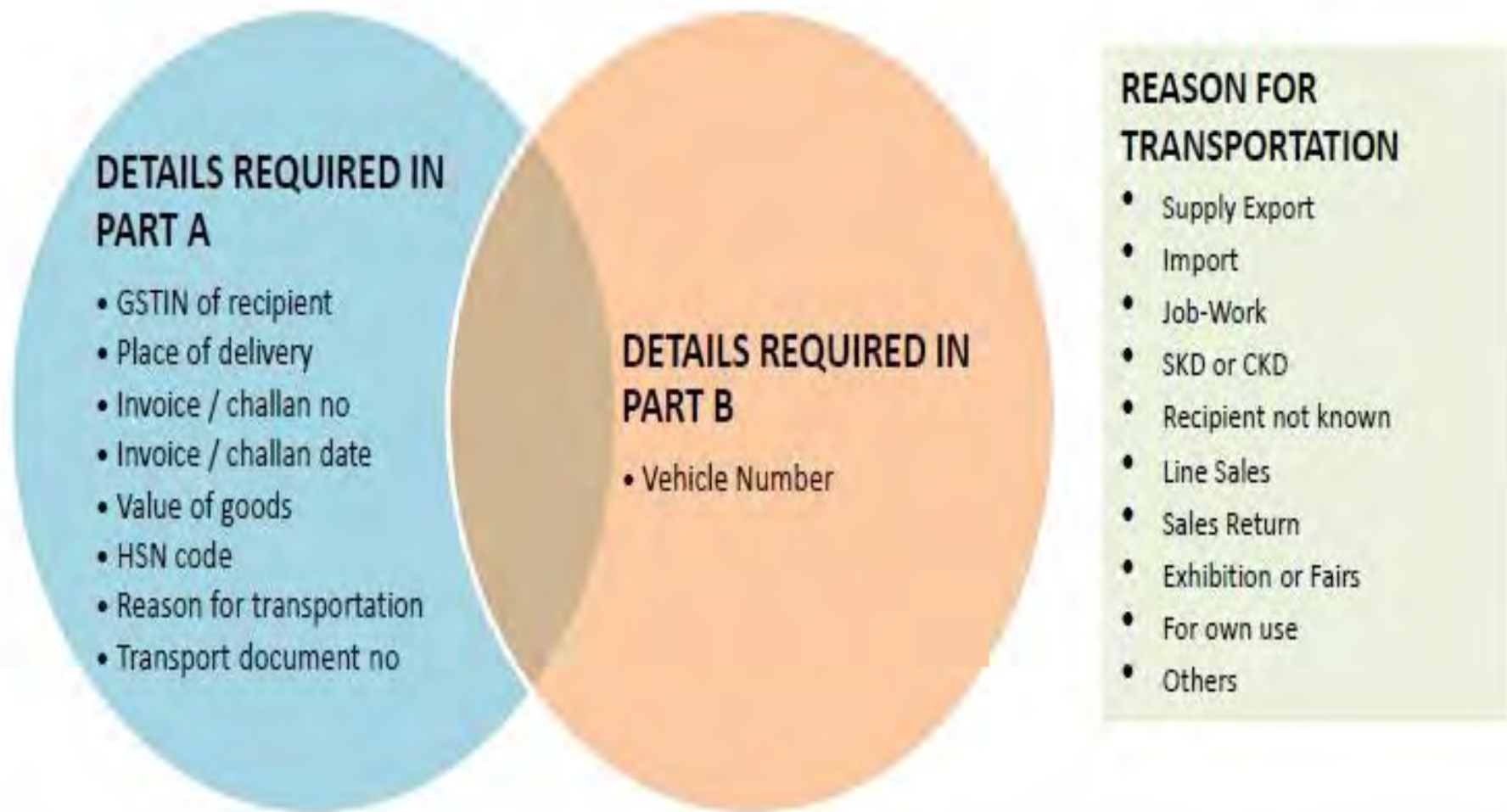
The document contains

1. Details of goods
2. Name of consignor, consignee
3. The point of origin
4. It's destination
5. Route

Condition :- It is to be accepted by recipient or deemed acceptance within 72 hours.

Consignee can be cancelled. Same will be receive through SMS. The same is done through portal

FORM GST EWB-01 RULE 138 OF CGST



1. Place of Delivery shall indicate PIN Code of place of delivery
2. Transport document No. indicates Good receipt No. OR Railway Receipt No. OR Airway bill No. OR Bill of Lading No

DISTANCE VALIDITY PERIOD

SR NO	DISTANCE	VALIDITY PERIOD*** (Relevant date)
1	<100KM	1 DAY
2	>100 - < 300 KM	3 DAYS
3	>300-<500 KM	5 DAYS
4	>500 - < 1000 KM	10 DAYS
5	MORE THAN >1000 KM	15 DAYS

***For every 100 Km thereafter, the validity will be additional one day from the relevant date.

The **“Relevant Date”** shall mean the date on which the e-way bill has been generated. Each day shall be counted as twenty-four hours

The E-way bill in case of non transportation as per schedule, the transporter may generate another e-way bill after updating the details in **Part B of FORM GST EWB-01**.

Commissioner can issue extension by notification

PERSON IN CHARGE(PIC) OF CONVEYANCE

- Invoice or bill of supply or delivery challan,
 - copy of the e-way bill or the e-way bill number,
 - either physically or mapped to a Radio Frequency Identification Device embedded
-

However, where circumstances so warrant, the Commissioner may, by notification, require the person-in-charge of the conveyance to carry the following documents instead of the e-way bill:

- Tax invoice or bill of supply or bill of entry; or
- A delivery challan, where the goods are transported for reasons other than by way of supply, And prior identification of route

WHAT IS RFID?



- ✓ Radio frequency identification device
- ✓ Chip attached to a vehicle
- ✓ Carries all information regarding invoice and EWB
- ✓ Can be scanned.
- ✓ Faster, paperless transportation.

CONSOLIDATED E-WAY BILL FORM TO BE GENERATED BY TRANSPORTER

✖ Condition-1:- GST EWB-01 already issued:

In case of multiple consignment, where e-way bill has already been issues, the transporter shall issue FORM GST EWB-02 showing consolidated list of E-way bills carried

✖ Condition-2:- GST EWB-01 not issued:

In case of multiple consignment, where e-way bill has not been issued, the transporter shall first issue FORM GST EWB-01 and then FORM GST EWB-02 for consolidated list of E-way bills carrier

CONSOLIDATED E-WAY BILL FORM TO BE GENERATED BY TRANSPORTER

- ✘ An E-way bill has to be prepared for every consignment exceeds Rs.50,000/-.
- ✘ Where multiple consignments of in a single vehicle, e-way bill needs to be mandatorily generated only for those consignments whose value exceeds Rs.50,000/-.
- ✘ This does not however preclude the consignor/consignee/transporter to generate e-way bills even for individual consignments whose value is less than Rs.50000/- per consignment.
- ✘ For multiple consignments being carried in the same vehicle, the **transporter to prepare** a consolidated e-way bill by indicating serial number of each E-way bill, on the portal prior to commencement of transport of goods.

IN CASE OF MULTIPLE VEHICLE

- ✖ There is always a possibility that multiple vehicles are used for carrying the same consignment to its destination or unforeseen exigencies may require the consignments to be carried in a different conveyance than the original one.
- ✖ For such situations, the rules provide that 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 e-way bill on the common portal in **FORM GST EWB-01**.

UPDATING OF E-WAY BILL

- ✖ Any transporter transferring goods from one conveyance to another in the course of transit shall, before such transfer and further movement of goods update conveyance details in E-way bill.
- ✖ Provided that where the goods are transported for a distance of less than ten kilometers within the State or Union territory, the details of conveyance may not be updated in the e-way bill.
- ✖ Under circumstances of an exceptional nature, the goods cannot be transported within the validity period of the e-way bill, the transporter may generate another e-way bill after updating the details in Part B of FORM GST EWB-01.

CANCELLATION OF E-WAY BILL

- ✖ Where an e-way bill has been generated under this rule, but goods are either not transported or are not transported as per the details furnished in the e-way bill, the e-way bill 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 E-way bill
- ✖ Provided that an e-way bill cannot be cancelled if it has been verified in transit in accordance with the provisions of rule 3.

EXEMPTIONS FROM ISSUING E-WAY BILL

- ✖ If a person is unregistered because where 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 not known at the time of commencement of the movement of goods.
- ✖ If Consignment value is up to Rs. 50,000
- ✖ If goods are transported for a distance of less than ten kilometers within the State or Union territory from the place of business of the consignor to the place of business of the transporter for further transportation, the supplier or the transporter may not furnish the details of conveyance in Part B of FORM GST EWB-01. They are not exempt from furnishing Part A.

EXEMPTIONS FROM ISSUING E-WAY BILL

- ✖ Where the goods being transported are specified in Annexure given in Notification.
- ✖ Where the goods are being transported by a non-motorised conveyance.
- ✖ Where the goods are 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 notified area

EXCEPTION : GOODS ARE SENT BY PRINCIPAL LOCATED IN ONE STATE TO A JOB-WORKER LOCATED IN ANY OTHER STATE

- Where goods are sent by a principal located in one State to a job worker located in any other State , the e-way bill shall be generated by the principal irrespective of the value of the consignment.

EXCEPTION :HANDICRAFT GOODS ARE TRANSPORTED FROM ONE STATE TO ANOTHER BY A PERSON WHO HAS BEEN EXEMPTED FROM THE REQUIREMENT OF OBTAINING REGISTRATION.

- The e-way bill shall be generated by the principal irrespective of the value of the consignment.

PENALTY FOR NON-CONFORMANCE TO E-WAY BILL IN RULE 138

- E-way bills shall be as per the provision of the rule, otherwise it will be an contravention of the rule .
- As per Section 122 of the CGST Act, 2017, a taxable person who transports any taxable goods without the cover of specified documents (e-way bill is one of the specified documents) shall be liable to a penalty of Rs.10,000/- or tax sought to be evaded (wherever applicable) whichever is greater.
- As per Section 129 of CGST Act, 2017, where any person transports any goods or stores any goods while they are in transit in contravention , 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.

ENFORCEMENT

- The proper officer is authorized to intercept any conveyance to verify the e-way bill or the e-way bill number in physical form for all inter-State and intra-State movement of goods.
- The physical verification of conveyances may also be carried out by the proper officer .
- Physical verification of a specific conveyance can also be carried out by any officer, on receipt of specific information on evasion of tax,

A summary report of every inspection of goods in transit shall be recorded online by the proper officer in **Part A of FORM GST EWB-03** within twenty-four hours of inspection

The final report in **Part B of FORM GST EWB-03** shall be recorded within three days of such inspection.

ENFORCEMENT

- 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.

WHAT IS COVERED TILL NOW ?

- APPLICABILITY
- PURPOSE
- SECTIONS UNDER CGST
- RULES UNDER CGST
- WHO IS RESPONSIBLE FOR ISSUE OF E-WAY BILL
- CASES IN WHICH E-WAY BILL HAS TO BE ISSUED
- WHEN TO ISSUE E-WAY BILL
- LIST OF FORMS
- WHAT E-WAY BILL CONTAINS
- DISTANCE VALIDITY PERIOD
- PIC OF CONVEYANCE MULTIPLE /CONSOLIDATED E-WAY BILL
- CANCELLATION OF E-WAY BILL
- EXEMPTION FROM ISSUING E-WAY BILL
- PENALTY PROVISION UNDER E-WAY BILL
- ENFORCEMENT

CONTACT US

VIKASH KABRA & CO.

CHARTERED ACCOUNTANTS

Head Office: Suite No. 406, 4th Floor,
4, Ballav Das Street, Kolkata-700 007

Website: www.vikashkabraandco.com

Email id: infokolkata@vikashkabraandco.com

Office Phone No. 033 22683559 / 22720232

Mobile No. +919830128484 / 9330128484