

# E Way Bill

## UNDER GST

### What is E-way bill?

<b>Way Bill</b>	A waybill is a receipt, or a document issued by a carrier giving details and instructions relating to the shipment of a consignment of goods and the details include name of consignor, consignee, the point of origin of the consignment, its destination, and route.
<b>E way Bill</b>	E-way bill is an electronic document generated on the GST portal evidencing movement of goods.

### Benefits of E Way Bill

<b>Following are the benefits of e-way bill mechanism:</b>	<ul style="list-style-type: none"> <li>(i) Digital interface resulting in elimination of state boundary check-posts</li> <li>(ii) It will facilitate faster movement of goods</li> <li>(iii) It will improve the turnaround time of trucks and help the logistics industry by increasing the average distances travelled, reducing the travel time as well as costs.</li> </ul>
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### Who can generate E Way Bill?

<b>E Way Bill generation</b>	The facility of generation, cancellation, updation and assignment of e-way bill is available to the supplier, recipient and the transporter, as the case may be.
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### Registration requirement of the person generating the e-way bill

<b>Compulsory Registration</b>	The prerequisite for generation of e-way bill is that the person who generates e-way bill should be a registered person on GST portal and he should register on the e-way bill portal using his GSTIN.
<b>What if the transporter is unregistered?</b>	If the transporter is generating the e-way bill, but he is not registered person under GST law, it is mandatory for him to get enrolled on e-waybill portal before generation of the e-way bill to get 15-digit Unique Transporter Id called TRANSIN.
<b>What is TRANSIN</b>	<p>TRANSIN or Transporter id is a unique number generated by e-way bill system for unregistered transporter, once he enrolls on the system.</p> <p>It is similar to GSTIN format and is based on State code, PAN and check sum digit.</p> <p>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.</p>
<b>Common enrolment process for registered transporters having GSTIN in multiple states with same PAN:</b>	<p>A transporter who is registered in more than one State/UT having the same PAN, may apply for a Unique Common Enrolment Number by submitting the details in prescribed form using any one of his GSTINs.</p> <p>Upon validation of the details furnished, a unique common enrolment number shall be generated and communicated to the said transporter.</p> <p>Once a transporter has obtained a unique common enrolment number, he shall not be eligible to use any of the GSTIN for the purposes of e-way bills. This way the transporters who are GST registered can generate a Common Enrolment number which will allow him to use one registration number for generating</p>

	<p>the e-way bills and updating Part-B of e-way bill throughout the country.</p> <p>Only registered transporters, which are having GSTIN in multiple states with same PAN number, can register in common enrolment process.</p>
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### When is e-way bill required to be generated?

<b>When E Way Bill is required?</b>	<p>Whenever there is a movement of goods of <b>consignment value</b> exceeding ` 50,000:</p> <ul style="list-style-type: none"> <li>(i) in relation to a supply; or</li> <li>(ii) for reasons other than supply; or</li> <li>(iii) due to inward supply from an unregistered person,</li> </ul> <p>The registered person who causes such movement of goods shall furnish the information relating to the said goods as specified in Part A of Form GST EWB-01 before commencement of such movement.</p>
<b>Who causes movement of goods?</b>	<ol style="list-style-type: none"> <li>1. If supplier is registered and undertakes to transport the goods, movement of goods is caused by the supplier.</li> <li>2. If recipient arranges transport, movement is caused by him.</li> <li>3. If goods are supplied by an unregistered supplier to a registered person known recipient, movement shall said to be caused by such recipient.</li> </ol>
<b>What is consignment value?</b>	<p><b>Consignment value of goods shall be the value:</b></p> <ul style="list-style-type: none"> <li>✓ determined in accordance with the provisions of section 15 which talks about value of supply,</li> <li>✓ 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</li> <li>✓ also includes the Central tax, State or Union territory tax,</li> </ul>

	<p>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.</p> <p>In case of movement of goods for reasons other than supply, the movement is occasioned by means of a delivery challan which has to necessarily contain the value of goods.</p> <p>The value given in the delivery challan excluding GST should be adopted in the e-way bill.</p>
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**Special situations where e-way bill needs to be issued even if the value of the consignment is less than ` 50,000**

<b>Inter-State transfer of goods by principal to job-worker</b>	Where goods are sent by a principal located in one State or Union territory to a job worker located in any other State or Union territory, the e-way bill shall be generated either by the principal or the job worker, if registered, irrespective of the value of the consignment.
<b>Inter-State transfer of handicraft goods by a person exempted from obtaining registration</b>	Where handicraft goods are transported from one State or Union territory to another State or Union territory by a person who has been exempted from the requirement of obtaining registration, the e-way bill shall be generated by the said person irrespective of the value of the consignment.

**E-way Bill in case of 'Bill To Ship To' Model**

<b>Bill to Ship to Model</b>	In a "Bill To Ship To" model of supply, there are three persons involved in a transaction, namely:
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	<ol style="list-style-type: none"> <li>1. 'A' is the person who has ordered 'B' to send goods directly to 'C'.</li> <li>2. 'B' is the person who is sending goods directly to 'C' on behalf of 'A'.</li> <li>3. 'C' is the recipient of goods.</li> </ol> <p>In this complete scenario. two supplies are involved and accordingly two tax invoices are required to be issued:</p> <p><b>Invoice -1:</b> which would be issued by 'B' to 'A'.</p> <p><b>Invoice -2:</b> which would be issued by 'A' to 'C'.</p> <p>For the movement of goods which is taking place from "B" to "C" on behalf of "A", either A or B can generate the e-way bill but it may be noted that only one e-Way Bill is required to be generated.</p>
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### Information to be furnished in e-way bill

<b>2 Parts</b>	An e-way bill Form GST EWB-01 contains two parts.
<b>Part A</b>	<p>Part A [comprising of details of GSTIN of supplier &amp; 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, etc.]:</p> <p>to be furnished by the registered person who is causing movement of goods of consignment value exceeding ` 50,000/- <b>and</b></p>
<b>Part B</b>	Part B (transport details) [Transporter document number (Goods Receipt Number or Railway Receipt Number or Airway Bill Number or Bill of Lading Number) and Vehicle number.

### Where the goods are transported by railways

<b>Transportation by Railways</b>	There is no requirement to carry e-way bill along with the goods, but railways has to carry invoice or delivery challan or bill of supply as the case may be along with goods. Further, e-way bill generated for the movement is required to be produced at the time of delivery of the goods. Railways shall not deliver goods unless the e-way bill required under rules is produced at the time of delivery.
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### When is it not mandatory to furnish the details of conveyance in Part-B?

<b>Situation which does not require Part B Entry</b>	<p>Details of conveyance may not be furnished in Part-B of the e-way bill where the goods are transported for a distance of upto 50 km within the State/Union territory:</p> <ul style="list-style-type: none"> <li>❖ from the place of business of the consignor to the place of business of the transporter for further transportation or</li> <li>❖ from the place of business of the transporter finally to the place of business of the consignee.</li> </ul>
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### Unique e-way bill number (EBN)

<b>EBN</b>	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, the recipient and the transporter on the common portal.
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### Transfer of goods from one conveyance to another

<b>Transfer of Goods from one conveyance to another</b>	Where the goods are transferred from one conveyance to another, the consignor or the recipient, who has provided information in Part A, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in Part B of the e-way bill on the common portal.
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<b>Assigning the e-way bill number to another transporter</b>	<p>The consignor/recipient, who has furnished the information in Part A, or the transporter, may assign the e-way bill number to another registered/enrolled transporter for updating the information in Part B for further movement of the consignment [Rule 138(5A)].</p> <p>However, once the details of the conveyance have been updated by the transporter in Part B, the consignor or recipient, as the case may be, who has furnished the information in Part A shall not be allowed to assign the e-way bill number to another transporter [Proviso to rule 138(5A)].</p>
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### Consolidated E-way bill

<b>What is Consolidated E Way Bill?</b>	Consolidated e-way bill is a document containing the multiple e-way bills for multiple consignments being carried in one conveyance (goods vehicle).
<b>Who generates Consolidated E Way Bill and when?</b>	<p>After e-way bill has been generated, 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 e-way bill in Form GST EWB-02 may be generated by him on the said common portal prior to the movement of goods.</p> <p>Consolidated EWB does not have any independent validity period. Further, individual consignment specified in the Consolidated EWB should reach the destination as per the validity period of the individual EWB.</p> <p>Further, where the consignor/consignee has not generated the e-way bill in Form GST EWB-01 and the aggregate of the consignment value of goods carried in the conveyance is more than ₹ 50,000, the transporter, except in case of transportation</p>

	of goods by railways, air and vessel, shall, in respect of inter-State supply, generate the e-way bill in Form GST EWB-01 on the basis of invoice or bill of supply or delivery challan, as the case may be, and may also generate a consolidated e-way bill in Form GST EWB-02 on the common portal prior to the movement of goods.
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### Cancellation of e-way bill

<b>How can E Way bill be cancelled?</b>	<p>Where an e-way bill has been generated, 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 within 24 hours of generation of the e-way bill.</p> <p>However, an e-way bill cannot be cancelled if it has been verified in transit. Further, unique EWB number generated is valid for a period of 15 days for updation of Part B.</p>
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### Validity period of e-way bill/consolidated e-way bill [Rule 138(10)]

<b>Distance dependent Validity Period</b>	<p>The validity of e-way bill depends on the distance to be travelled by the goods.</p> <p>For a distance of less than 200 km the e-way bill will be valid for a day from the relevant date.</p> <p>For every 200 km thereafter, the validity will be additional one day from the relevant date.</p> <p><b>Upto 200 km (Other than Over Dimensional Cargo)</b> One day in cases other than Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship</p>
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	<p><b>For every 200 km or part thereof thereafter (Other than Over Dimensional Cargo)</b> One additional day in cases other than Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship</p> <p><b>Upto 20 km (Over Dimensional Cargo)</b> One day in case of Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship</p> <p><b>For every 20 km or part thereof thereafter (Over Dimensional Cargo)</b> One additional day in case of Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship</p>
<b>What is Relevant Date?</b>	<p>Relevant date means the date <b>on which the e-way bill has been generated</b> and the period of validity shall be counted from the time at which the e-way bill 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 e-way bill.</p> <p>This can be explained by following examples –</p> <p><i>(i) Suppose an e-way bill is generated at 00:04 hrs. on 14th March. Then first day would end on 12:00 midnight of 15 -16 March. Second day will end on 12:00 midnight of 16 -17 March and so on</i></p> <p><i>(ii) Suppose an e-way bill is generated at 23:58 hrs. on 14th March. Then first day would end on 12:00 midnight of 15 -16 March. Second day will end on 12:00 midnight of 16 -17 March and so on.</i></p> <p>The validity of the e-way bill starts when first entry is made in</p>

	<p>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 validity is not re-calculated for subsequent entries in Part-B.</p>
<b>Extension of validity period</b>	<p>If validity of the e-way bill expires, the goods are not supposed to be moved. In general, the validity of the e-way bill cannot be extended.</p> <p><b>However, the validity of the e-way bill can be extended in following cases:</b></p> <p><b>Extension by Commissioner for certain categories of goods:</b> Commissioner may, on the recommendations of the Council, by notification, extend the validity period of an e-way bill for certain categories of goods as may be specified therein.</p> <p><b>Extension by transporter in exceptional circumstances:</b> Under circumstances of an exceptional nature, including trans-shipment, the goods cannot be transported within the validity period of the e-way bill, the transporter may extend the validity period after updating the details in Part B, if required. Thus, the transporter, who is carrying the consignment as per the e-way bill system at the time of expiry of validity period, can extend the validity period. Such transporter can extend the validity of the e-way bill, if the consignment is not being reached the destination within the validity period due to exceptional circumstance like natural calamity, law and order issues, trans-shipment delay, accident of conveyance, etc. He needs to explain this reason in details while extending the validity period. The validity of the e-way bill may be extended within 8 hours from the time of its expiry.</p>

### Acceptance of e-way bill

<b>Who will accept E Way Bill and when?</b>	<p>The details of the e-way bill generated shall be made available to the –</p> <p>(a) supplier, if registered, where the information in Part A has been furnished by the recipient/transporter; or</p> <p>(b) recipient, if registered, where the information in Part A has been furnished by the supplier/transporter, on the common portal, and the supplier/recipient, as the case may be, shall communicate his acceptance or rejection of the consignment covered by the e-way bill [Rule 138(11)].</p> <p>In case, the person to whom the information in Part-A is made available, does not communicate his acceptance or rejection within the specified time, it shall be deemed that he has accepted the said details.</p> <p>The time-limit specified for this purpose is:</p> <p>(i) 72 hours of the details being made available to him on the common portal or</p> <p>(ii) the time of delivery of goods, whichever is earlier.</p>
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### Situations where e-way bill is not required to be generated

<b>Exemption from E Way Bill</b>	<p>No e-way bill is required to be generated in the following cases:</p> <p><b>(a)</b> where the goods being transported are the ones given below:</p> <ol style="list-style-type: none"> <li>1. Liquefied petroleum gas for supply to household and non-domestic exempted category (NDEC) customers</li> <li>2. Kerosene oil sold under PDS</li> <li>3. Postal baggage transported by Department of Posts</li> <li>4. Natural or cultured pearls and precious or semi-precious stones; precious metals and metals clad with precious metal</li> <li>5. Jewellery, goldsmiths' and silversmiths' wares and other</li> </ol>
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	<p>articles</p> <p>6. Currency</p> <p>7. Used personal and household effects</p> <p>8. Coral, unworked and worked coral</p> <p><b>(b)</b> where the goods are being transported by a non-motorised conveyance</p> <p><b>(c)</b> 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</p> <p><b>(d)</b> in respect of movement of goods within such areas as are notified.</p> <p><b>(e)</b> where the goods [other than de-oiled cake], being transported, are exempt from tax.</p> <p><b>(f)</b> 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</p> <p><b>(g)</b> where the supply of goods being transported is treated as no supply under Schedule III of the CGST Act.</p> <p><b>(h)</b> where the goods are being transported –</p> <p>(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</p> <p>(ii) under customs supervision or under customs seal.</p> <p><b>(i)</b> where the goods being transported are transit cargo from or to Nepal or Bhutan</p>
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	<p><b>(j)</b> Supply of goods by the CSD to the Unit Run Canteens or to the authorized customers and supply of goods by the Unit Run Canteens to the authorized customers and Supply of heavy water and nuclear fuels by Department of Atomic Energy to Nuclear Power Corporation of India Ltd. (NPCIL)</p> <p><b>(k)</b> any movement of goods caused by defence formation under Ministry of defence as a consignor or consignee</p> <p><b>(l)</b> where the consignor of goods is the Central Government, Government of any State or a local authority for transport of goods by rail</p> <p><b>(m)</b> where empty cargo containers are being transported</p> <p><b>(n)</b> where the goods are being transported upto a distance of 20 km from the 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.</p> <p><b>(o)</b> where empty cylinders for packing of liquefied petroleum gas are being moved for reasons other than supply.</p>
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**Documents and devices to be carried by a person-in-charge of a conveyance**

<b>Duties Person Charge Conveyance</b>	<b>of in of</b>	<p>The person-in-charge of a conveyance shall carry –</p> <p>(a) the invoice or bill of supply or delivery challan, as the case may be; and</p> <p>(b) a copy of the e-way bill in physical form or the e-way bill number in electronic form or mapped to a RFID embedded on to the conveyance [except in case of movement of goods by rail</p>
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	<p>or by air or vessel] in such manner as may be notified by the Commissioner.</p> <p><b>Carrying e-way bill number in electronic form means</b> that person-in-charge of conveyance can merely quote the e-way bill number to the proper tax officer. Tax officer will do all the requisite verifications, based on that number.</p> <p><b>RFIDs are</b> Radio Frequency Identification Device used for identification. However, in case of imported goods, the person in charge of a conveyance shall also carry a copy of the bill of entry filed by the importer of such goods and shall indicate the number and date of the bill of entry in Part A of e-way bill.</p>
<b>Invoice Reference Number in lieu of tax invoice</b>	<p>In case, e-invoice is issued, the Quick Response (QR) code having an embedded Invoice Reference Number (IRN) in it, may be produced electronically, for verification by the proper officer in lieu of the physical copy of such tax invoice. In such a case, the registered person will not have to upload the information in Part A of e-way bill for generation of e-way bill and the same shall be auto-populated by the common portal on the basis of the information furnished in the prescribed form. The Commissioner may, by notification, require a class of transporters to obtain a unique RFID and get the said device embedded on to the conveyance and map the e-way bill to the RFID prior to the movement of goods.</p>

### Verification of documents and conveyances

<b>Verification of documents and conveyances</b>	<ol style="list-style-type: none"> <li>1. The Commissioner or an officer empowered by him in this behalf may authorize the proper officer to intercept any conveyance to verify the e-way bill in physical or electronic form for all inter-State and intra-State movement of goods.</li> <li>2. The Commissioner shall get RFID readers installed at places</li> </ol>
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	<p>where the verification of movement of goods is required to be carried out and verification of movement of vehicles shall be done through such device readers where the e-way bill has been mapped with the said device.</p> <p><b>3.</b> The physical verification of conveyances shall be carried out by the proper officer as authorised by the Commissioner or an officer empowered by him in this behalf.</p> <p><b>4.</b> However, on receipt of specific information on evasion of tax, physical verification of a specific conveyance can also be carried out by any other officer after obtaining necessary approval of the Commissioner or an officer authorised by him in this behalf.</p>
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### Inspection and verification of goods [Rule 138C]

<b>Inspection and verification of goods</b>	<p><b>1.</b> A summary report of every inspection of goods in transit shall be recorded online by the proper officer in Part A of a prescribed form with 059in 24 hours of inspection and the final report in Part B of said form shall be recorded within 3 days of such inspection.</p> <p><b>2.</b> However, where the circumstances so warrant, the Commissioner, or any other officer authorised by him, may, on sufficient cause being shown, extend the time for recording of the final report in Part B of said form, for a further period not exceeding 3 days.</p> <p><b>3.</b> The period of 24 hours or, as the case may be, 3 days shall be counted from the midnight of the date on which the vehicle was intercepted.</p> <p><b>4.</b> Where the physical verification of goods being transported on any conveyance has been done during transit at one</p>
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	<p>place within the State/Union territory or in any other State/Union territory, no further physical verification of the said conveyance shall be carried out again in the State/Union territory, unless a specific information relating to evasion of tax is made available subsequently.</p> <p>5. The hard copies of the notices/orders issued by a tax authority may be shown as proof of initiation of action by a tax authority by the transporter/registered person to another tax authority as and when required.</p> <p>6. Only such goods and/or conveyances should be detained/confiscated in respect of which there is a violation of the provisions of the GST Acts or the rules made thereunder.</p>
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#### Facility for uploading information regarding detention of vehicle

<b>Detention beyond 30 minutes</b>	Where a vehicle has been intercepted and detained for a period exceeding 30 minutes, the transporter may upload the said information in specified form on the common portal.
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#### Blocking of e-waybill generation facility [Rule 138E]

<b>Blocking of E Way Bill</b>	<p>1. Blocking of e-waybill generation facility means disabling a taxpayer from generating the e-way bill.</p> <p>2. A user will not be able to generate e-way bill for a GSTIN if the said GSTIN is not eligible for e-way bill generation.</p> <p>3. The GSTINs of such blocked taxpayers cannot be used to generate the e-way bills either as consignor or consignee.</p> <p>4. 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</p>
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	<p>respect of following registered persons, whether as a supplier or a recipient:</p> <p>(i) A person paying tax under composition scheme has not furnished the statement for payment of self-assessed tax for 2 consecutive quarters, or</p> <p>(ii) A person paying tax under regular scheme has not furnished the returns for a consecutive period of 2 tax periods, or</p> <p>(iii) A person paying tax under regular scheme has not furnished GSTR-1 (Statement of outward supplies) for any 2 months or quarters, as the case may be.</p> <p>(iv) A person whose registration has been suspended. However, Commissioner (jurisdictional commissioner) may, on receipt of an application from a registered person in prescribed form, on sufficient cause being shown and for reasons to be recorded in writing, by order, in prescribed form allow furnishing of the said information in Part A of Form GST EWB-01, subject to prescribed conditions and restrictions.</p>
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### Consignee/ recipient taxpayer storing goods in the transporter's godown

<b>Additional Place of Business</b>	Generally, textile traders use transporters' godown for storage of their goods due to their weak financial conditions. The transporter takes delivery of the goods and temporarily stores them in his warehouse for further transportation of the goods till the consignee/recipient taxpayer's premises. In this case, the recipient taxpayer has to declare the transporter's godown as an APoB.
<b>E-way Bill requirements</b>	The goods in movement including when they are stored in the transporter's godown (even if the godown is located in the recipient taxpayer's city/town) prior to delivery shall always be accompanied by a valid e-way bill. The transportation under

	<p>the e-way bill shall be deemed to be concluded once the goods have reached the transporter's godown (recipient taxpayer's APoB). Hence, e-way bill validity in such cases will not be required to be extended. Further, whenever the goods move from the transporter's godown to the recipient taxpayer's any other PoB, a valid e-way bill shall be required.</p>
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# E-WAY BILL QUESTIONS ANSWERS

## Q. 1

Sindhi Toys Manufacturers, registered in Punjab, sold electronic toys to a retail seller in Gujarat, at a value of Rs. 48,000 (excluding GST leviable @ 18%). It wants to send the consignment of such toys to the retail seller in Gujarat.

You are required to advise Sindhi Toys Manufacturers on the following issues:

- (a) Whether e-way bill is mandatorily required to be generated in respect of such movement of goods?
- (b) If yes, who is required to generate the e-way bill?
- (c) What will be the consequences for non-issuance of e-way bill?

## Answer

**(a)** Rule 138(1) provides that e-way Bill is mandatorily required to be generated if the goods are moved, *inter alia*, in relation to supply and the consignment value exceeds ` 50,000. Further, explanation 2 to rule 138(1) stipulates that the consignment value of goods shall be the value, determined in accordance with the provisions of section 15, 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 CGST, SGST/UTGST, IGST 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.

Accordingly, in the given case, the consignment value will be as follows:

= Rs. 48,000 × 118%

= Rs. 56,640.

Since the movement of goods is in relation to supply of goods and the consignment value exceeds Rs. 50,000, e-way bill is mandatorily required to be issued in the given case.

**(b)** An e-way bill contains two parts namely, 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 the registered person as a consignor or the recipient of supply as the consignee, whether in his own conveyance or a hired one or a public conveyance, by road, the said person shall generate the e-way bill on the common portal after furnishing information in Part B [Rule 138(2)].

Where the goods are transported by railways or by air or vessel, the e-way bill shall be generated by the registered person, being the supplier or the recipient, who shall, either before or after the commencement of movement, furnish, on the common portal, the information in Part B [Rule 138(2A)].

Where the goods are handed over to a transporter for transportation by road, the registered person shall furnish the information relating to the transporter on the common portal and the e-way bill shall be generated by the transporter on the said portal on the basis of the information furnished by the registered person in Part A [Rule 138(3)].

Where the consignor or the consignee has not generated the e-way bill and the aggregate of the consignment value of goods carried in the conveyance is more than ` 50,000/-, the transporter, except in case of transportation of goods by railways, air and vessel, shall, in respect of inter-State supply, generate the e-way bill on the basis of invoice or bill of supply or delivery challan, as the case may be, and may also generate a consolidated e-way bill on the common portal prior to the movement of goods [Rule 138(7)].

**(c)** It is mandatory to generate e-way bill in all cases where the value of consignment of goods being transported is more than Rs. 50,000/- and it is not otherwise exempted in terms of rule 138(14). 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), 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. Moreover, as per section 129(1), 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.

## Q. 2

Power Electricals Ltd., a registered supplier of air-conditioners, is required to send from Mumbai (Maharashtra), a consignment of parts of air-conditioner to be replaced under warranty at various client locations in Gujarat. The value of consignment declared in delivery challan accompanying the goods is Rs. 70,000. Power Electricals Ltd. claims that since movement of goods to Gujarat is caused due to reasons other than supply, e-way bill is not mandatorily required to be generated in this case.

You are required to examine the technical veracity of the claim made by Power Electricals Ltd.

## Answer

The goods to be moved to another State for replacement under warranty is not a 'supply'. However, rule 138(1), *inter alia*, stipulates that every registered person who causes movement of goods of consignment value exceeding Rs. 50,000:

- (i) in relation to a supply; or
  - (ii) for reasons other than supply; or
  - (iii) due to inward supply from an unregistered person,
- shall, generate an electronic-way bill (E-way Bill) before commencement of such movement.

CBIC vide FAQs on E-way Bill has also clarified that even if the movement of goods is caused due to reasons others than supply [including replacement of goods under warranty], e-way bill is required to be issued.

Thus, in the given case, since the consignment value exceeds Rs. 50,000, e-way bill is required to be mandatorily generated. Therefore, the claim of Power Electricals Ltd. that e-way bill is not mandatorily required to be generated as the movement of goods is caused due to reasons other than supply, is not correct.

### Q. 3

Beauty Cosmetics Ltd. has multiple wholesale outlets of cosmetic products in Mumbai, Maharashtra. It receives an order for cosmetics worth Rs. 1,20,000 (inclusive of GST leviable @ 18%) from Prasannaa, owner of a retail cosmetic store in Delhi. While checking the stock, it is found that order worth Rs. 55,000 can be fulfilled from the company's Dadar (Mumbai) store and remaining goods worth Rs. 65,000 can be sent from its Malad (Mumbai) store. Both the stores are instructed to issue separate invoices for the goods sent to Prasannaa. The goods are transported to Prasannaa in Delhi, in a single conveyance owned by Radhey Transporters.

You are required to advise Beauty Cosmetics Ltd. with regard to issuance of e-way bill(s).

### Answer

Beauty Cosmetics Ltd. would be required to prepare two separate e-way bills since each invoice value exceeds Rs. 50,000 and each invoice is considered as one consignment for the purpose of generating e-way bills.

The *FAQs on E-way Bill* issued by CBIC clarify that if multiple invoices are issued by the supplier to one recipient, that is, for movement of goods of more than one invoice of same consignor and consignee, multiple e-way bills have to be generated. In other words, for each invoice, one e-way bill 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 e-way bill. However, after generating all these e-way bills, one consolidated e-way bill can be prepared for transportation purpose, if goods are going in one vehicle.

### Q. 4

Goods imported from China arrive at Mumbai port. These goods are transported from Mumbai port to factory in Pune. Do we need E Waybill?

### Answer

This is an inter-State supply from China to Pune, but it is an intra-State movement from Mumbai to Pune – Requirement of EWB to be determined under the State GST Law.

### Q. 5

Goods are sold from Lucknow by Supplier to Customer in Delhi with instructions for these goods to be delivered to job-worker in Noida. Do we need E Waybill?

### Answer

This is an inter- State supply from Lucknow to Delhi but an intra-State movement within UP – Requirement of EWB to be determined under the State GST Law.

**Q. 6**

Generator installed in basement of building being sold to Landlord on termination of lease agreement. Do we need E Waybill?

**Answer**

EWB will NOT BE REQUIRED as there is 'no movement' in this supply.

**Q. 7**

Laptop carried by an employee of a Company in Delhi, having no other branches, to client-location in Bangalore on business. Do we need E Waybill?

**Answer**

This movement is not supply but is incidental to 'services of employee to employer' under schedule III. EWB will NOT BE REQUIRED for this movement. Contract-staff carrying company laptop not excluded from EWB requirement.

**Q. 8**

LPG cylinders transported from dealership to bottling plant of Oil Company, Do we need E Waybill?

**Answer**

LPG cylinders transported from dealership to bottling plant of Oil Company, is 'excluded' from requirement. EWB will NOT BE REQUIRED for this movement. But EWB will be required for movement of cylinders supplied by fabricator to Oil Company.

**Q. 9**

Supplier handed over the goods to the transporter on April 1, 2019. Part A of the eway bill was submitted by the supplier on April 1, 2019 after updating the GSTIN of the transporter. Transporter loaded the goods on the truck on April 3, 2019 and completed Part B of the eway bill by updating the vehicle number. When does the validity of E waybill commences?

**Answer**

In this case, the validity of the eway bill commences from April 3, 2019.

**Q. 10**

Bhanupratap Shoe Manufacturers, registered in Punjab, sold shoes to a retail seller in Gujarat, at a value of ` 48,000 (excluding GST leviable @ 18%) and wants to send the consignment of such shoes to Gujarat. Do we need E Waybill?

**Answer**

The consignment value will be ` 56,640 [ $48,000 \times 118\%$ ]. Since the movement of goods is in relation to supply of goods and the consignment value exceeds ` 50,000, e-way bill is mandatorily required to be issued in the given case.

**Q. 11**

Sindhi Textiles of Ludhiana, registered in Punjab, sends cloth to a job worker in Jalandhar, Punjab on a delivery challan. The value of cloth mentioned in the delivery challan is ₹ 48,000. Do we need E Waybill?

**Answer**

Since the movement of goods is for reasons other than supply, the value given in the delivery challan is adopted for the purposes of the e-way bill. Such value does not exceed ₹ 50,000. Consequently, e-way bill is not required to be issued in this case.

**Q. 12**

Where a conveyance carrying 25 consignments is intercepted and the person-in-charge of such conveyance produces valid e-way bills and/or other relevant documents in respect of 20 consignments, but is unable to produce the same with respect to the remaining 5 consignments, detention/ confiscation can be made for all 25 consignments or only 5 consignments?

**Answer**

Where a conveyance carrying 25 consignments is intercepted and the person-in-charge of such conveyance produces valid e-way bills and/or other relevant documents in respect of 20 consignments, but is unable to produce the same with respect to the remaining 5 consignments, detention/ confiscation can be made only with respect to the 5 consignments and the conveyance in respect of which the violation of the Act or the rules made thereunder has been established by the proper officer.