

## Chapter XXII

# E-way Bill

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### FAQ's

Q1. Under what all cases a registered person has to generate e-way bill?

Ans. Every registered person who causes movement of goods of consignment value exceeding ` 50,000/- **exceeding ` 50,000/- or the threshold prescribed (in each State/Union Territory) —**

- (i) in relation to a supply; or
- (ii) for reasons other than supply; or
- (iii) due to inward supply from an unregistered person,

shall, before commencement of such movement, furnish information relating to the said goods in **Part A** of **FORM GST EWB-01**, electronically, on the common portal. Further, the transporter, on an authorization received from the registered person, may furnish information in **Part A** of **FORM GST EWB-01**. Furthermore, where the goods to be transported are supplied through an e-commerce operator or a courier agency, on an authorization received from the consignor, the information in **Part A** of **FORM GST EWB-01** may be furnished by such e-commerce operator or courier agency.

Moreover, Proviso 3 and 4 to Rule 138(1) of the CGST Rules 2017 mandatorily requires a registered person to generate an e-way bill irrespective of the value of consignment where:

- the goods are to be sent by the principal located in one State or Union Territory to a job worker in other State or Union Territory. In such a situation, e-way bill can be generated by either the principal or the job worker (if registered).
- 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 under clauses (i) and (ii) of section 24 of the CGST Act.

Note: It is imperative to note that, the registered person or, the transporter may, at his option, generate and carry the e-way bill even if the value of the consignment is less than ` 50,000/-.

Q2. Who is required to generate e-way bill?

Ans. The following may generate the e-way bill:

- (a) 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 in **FORM GST EWB-01** electronically on the common portal after furnishing information in **Part B** of **FORM GST EWB-01**.

- (b) Where the e-way bill is not generated under point (a) and 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** of **FORM GST EWB-01**.

Further, the registered person or, the transporter may, at his option, generate and carry the e-way bill even if the value of the consignment is ` 50,000/-.

Furthermore, where the movement is caused by an unregistered person either in his own conveyance or a hired one or through a transporter, he or the transporter may, at their option, generate the e-way bill in **FORM GST EWB-01** on the common portal.

Moreover, where the goods are transported for a distance of upto 50 kms 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 recipient, or as the case may be, the transporter may not furnish the details of conveyance in **Part B** of **FORM GST EWB-01**.

- (c) 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** of **FORM GST EWB-01**. The railways shall not deliver the goods unless the e-waybill is produced at the time of delivery.

Upon generation of the e-way bill on the common portal, a unique e-way bill number shall be made available to the supplier, the recipient and the transporter on the common portal.

Q3. What do you mean by the term “consignment value” in respect of e-way Bill ?

Ans. The consignment value of goods shall be the value, determined in accordance with the provisions of section 15 of the CGST Act, 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.

Q4. Who can accept or reject the e-way bill generated and within what time?

Ans. The details of e-way bill generated shall be made available to the-

- (a) supplier, if registered, where the information in **Part A of FORM GST EWB-01** has been furnished by the recipient or the transporter; or
- (b) recipient, if registered, where the information in **Part A of FORM GST EWB-01** has been furnished by the supplier or the transporter,

on the common portal, and the supplier or the recipient, as the case may be, shall communicate his acceptance or rejection of the consignment covered by the e-way bill. Where no such communication is received within 72 hours of the details being made available to him on the common portal, it shall be deemed that he has accepted the said details.

Q5. How to generate E-way bill for import and export?

Ans: The portal and the steps to generate the E-way bill remains same in case of import or export transaction. But below are some important points a user has to note while generating an E-way bill in this situation:

Particulars in E-way bill	Import	Export
Transaction sub-type to select	Import	Export
Document type and number	Bill of entry	Tax invoice meant for export of goods
Bill From	Unregistered Person (URP)	Exporter's details (name, GSTIN etc.)
Dispatch From	Pin code 999999 has to be entered and in state column 'other countries' to be selected	Address of exporter's place of business/ warehouse
Bill to	Importer details (name, GSTIN etc.)	A person outside India who maybe unregistered (mention URP)
Ship to	Address of importer's place of business/ warehouse	Pin code 999999 has to be entered and in state column 'other countries' to be selected
Transportation details	Details of transporter (vehicle details, transporter ID etc.)	Details of transporter (vehicle details, transporter ID etc.)

One of the key aspects of an E-way bill is to calculate the validity of an E-way bill based on the distance to be travelled. So, when we have cases of import and export, we need to know from what point we need to start calculating the distance in order to know the validity.

- (a) In case of import, the E-way bill has to be generated once the goods are cleared for home consumption. The distance has to be calculated from the CUSTOM PORT / ICD to the place of business of the importer where goods are being destined for transportation and validity of the E-way bill will be determined accordingly.
- (b) In case of export, the E-way bill has to be generated when the goods are being moved to the port/ ICD for exportation. For E-way bill validity purpose, the distance will be calculated from the warehouse/ place of business from where goods are moving to the port /ICD.

Q6. Whether E-way bill is required for high sea sales?

Ans. Since the transactions of high sea sales are outside levy of GST and it takes place outside the boundaries of India, the seller is not required to generate an E-way bill for high sea sale transaction. However, the buyer, who is the final Importer, is liable to generate an E-way bill after clearing the goods from the port for home consumption similar to other import transactions as detailed in preceding answer.

(Explanation: In-case of more than one high sea sales agreement, the final buyer will become Importer and the final buyer only will be liable to generate an E-way bill

Q7. When an e-way bill is not required to be generated?

Ans. In the following events, no e-way bill is required to be generated—

- (a) where the goods being transported are specified in Annexure of Rule 138 of the CGST Rules;
- (b) where the goods are being transported by a non-motorised 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;
- (d) in respect of movement of goods within such areas as are notified under Rule 138(14) (d) of the State or Union territory Goods and Services Tax Rules in that particular State or Union territory;
- (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 28.06.2017, as amended from time to time;

- (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;
- (g) where the supply of goods being transported is treated as no supply under Schedule III of the Act;
- (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;
- (i) where the goods being transported are transit cargo from or to Nepal or Bhutan;
- (j) where the goods being transported are exempt from tax under *Notification No. 7/2017-Central Tax (Rate), dated 28.06.2017* and *Notification No. 26/2017-Central Tax (Rate), dated the 21.09.2017*, both as amended from time to time;
- (k) any movement of goods caused by defence formation under Ministry of defence as a consignor or consignee;
- (l) where the consignor of goods is the Central /State Govt. or a local authority for transport of goods by rail;
- (m) where empty cargo containers are being transported; and
- (n) where the goods are being transported upto a distance of 20 kms 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 issue a per Rule 55.
- (o) where empty cylinders for packing of liquefied petroleum gas are being moved for reasons other than supply.

Q5. What are the obligations of a transporter while transferring goods from one conveyance to another?

Ans. Any transporter transferring goods from one conveyance to another shall, **before such transfer and further movement of goods**, update the details of conveyance in the e-way bill on the common portal in **FORM GST EWB-01**. Further, where the goods are transported for a distance of less than ten kilometres within the State or Union territory from the place of business of the transporter finally to the place of business of the consignee, the details of conveyance may not be updated in the e-way bill.

Q8. What happens when there is a change of Transporter Company, E-way bill generated for transporter A and he hands over goods after some movement to transporter B?

Ans. Rule 138(5A) of the CGST Rules 2017, provides that the consignor, consignee or the transporter may assign the e-way bill number to another registered or enrolled transporter for updating the information in **Part-B** of **FORM GST EWB-01** for further movement of consignment.

This sub rule can be analysed in two parts –

1. **Assignment before updation of Vehicle details in Part B:** E-Way bill can be assigned to another transporter either by person who furnished **Part A** or Transporter.
2. **Assignment after updation of vehicle details in Part B:** Where **Part B** of the vehicle has been updated but there is change in the transporter in the course of journey, the first transporter may assign it to the second transporter.

Q9. How should the e-way bill be generated in case of multiple consignments intended to be transported in one conveyance?

Ans. After e-way bill has been generated in accordance with the provisions of Rule 138(1), 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.

Q10. If goods are supplied in same truck, whether e-way bill would have to be generated even if, value of each invoice individually is less than the threshold limit of Rs.50,000/- but overall it crosses Rs. 50,000/-?

Ans. Rule 138 (7) of the CGST Rules provide that, if consignor or consignee, in case of inter-state supply have not generated the e-way bill and aggregate of consignment value of goods carried in the conveyance is more than fifty thousand rupees, the transporter has to generate E-way bill based on the documents (invoice, bill of supply, delivery challan, as the case may be). Further, transporter may generate consolidated e-way bill on the basis of multiple separate E-way bill generated. However, the conditions to raise E-way bill in this manner is not applicable on the railway, air and vessel.

However, implementation of Rule 138 (7) has been kept in abeyance *vide Notification No. 15/2018-C.T., dated 23-3-2018* till further date to be notified.

Q11. When can an e-way bill be cancelled?

Ans. Where an e-way bill has been generated however, 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. However, an e-way bill cannot be cancelled if, it has been verified in transit in accordance with the provisions of Rule 138B.

Q12. In case any information is wrongly submitted in e-way bill. Can the e-way bill be modified or edited?

Ans. The e-way bill once generated cannot be edited or modified except **Part-B** of **FORM EWB-01**. In such a situation, e-way bill generated with wrong information has to be cancelled and should be generated afresh again. The cancellation is required to be done within twenty-four hours of generation.

Q13. What is the duration till which an e-way bill generated shall be valid?

Ans. An e-way bill or a consolidated e-way bill generated shall be valid for the following period from the relevant date. Where, the relevant date shall mean the date on which the e-way bill has been generated 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.

<b>Sl. No.</b>	<b>Distance</b>	<b>Validity period</b>
1.	<i>Upto 100 km.</i>	<i>One day in cases other than Over Dimensional Cargo</i>
2.	<i>For every 100 km. or part thereof thereafter</i>	<i>One additional day in cases other than Over Dimensional Cargo</i>
3.	<i>Upto 20 km</i>	<i>One day in case of Over Dimensional Cargo</i>
4.	<i>For every 20 km. or part thereof thereafter</i>	<i>One additional day in case of Over Dimensional Cargo</i>

However, the Commissioner may, by notification, extend the validity period of e-way bill for certain categories of goods as may be specified therein.

Q14. How shall one calculate the distance and validity of goods in case of supply through multi-modal transport?

Ans. The distance and the validity of e-Way Bill shall remain the same even if, the goods are supplied through a multi-modal transport. In order to calculate the validity of the e-way bill, the distance to be covered by all the modes combined together must be taken into consideration.

Q15. What should be done in case of exceptional circumstances when goods cannot be transported within the validity period of the e-way bill?

Ans. Where under the circumstances of an exceptional nature, 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** of **FORM GST EWB-01**, if required.

Q16. How to enter invoice and who shall have to enter the details of e-way bills and how distance must be computed in case of “Bill to” and “Ship to” transaction?

Ans. As per the recent amendments in e-way bill rules and changes on e-way bill portal, now transporter shall not be required to carry two e-way bills to be able to capture the movement of goods from the suppliers to the Ship To party, under Bill to- Ship To transaction. Following fields have been added in **Part-A** of the **FORM EWB-01** to tackle the issue of raising e-way bill in Bill to-Ship to transactions:

1. Place of Dispatch: This includes the address of the place from where the goods are dispatched for the movement to the recipient.
2. 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.
3. Ship To: This allows the registered person to enter the address of Ship To party i.e. address where goods are destined. Therefore, e-way bill can be generated for Bill To-Ship To transactions easily by providing the above details in Part-A of the Form.

Q17. What all documents shall be carried by a person-in-charge of a conveyance?

Ans. Following are the documents that shall be carried by the person in charge of a conveyance:

- (a) the invoice or bill of supply or delivery challan, as the case may be; and
- (b) a copy of the e-way bill in physical form or the e-way bill number in electronic form or mapped to a Radio Frequency Identification Device embedded on to the conveyance in such manner as may be notified by the Commissioner (except in case of movement of goods by rail or by air or vessel).

Further, 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 **FORM GST EWB-01**.

Q18. How should the verification of the documents and conveyances be done by the Department?



Ans. As per Rule 138B of the CGST Rules, the Commissioner or an officer empowered by him in this behalf may authorise the proper officer 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. Further, the Commissioner shall get Radio Frequency Identification Device readers installed at places where the verification of movement of goods is required to be carried out & verification of movement of vehicles shall be done through such device readers where the e-way bill has been mapped with the said device.

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

For procedural details please refer Circular No. 41/15/2018-GST dated 13.04.2018.

Q19. How should the report pertaining to inspection be uploaded by the Department?

Ans. As per Rule 138C of the CGST Rules, 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 24 hours of inspection and the final report in **Part B** of **FORM GST EWB-03** shall be recorded within 3 days of such inspection. 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, for a further period not exceeding 3 days.

Further, the aforesaid period of 24 hours or 3 days shall be counted from the midnight of the date on which the vehicle was intercepted.

Moreover, where the 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.

Q20. How should the information pertaining to detained vehicle be uploaded?

Ans. As per Rule 138D of the CGST Rules, 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.

Q21. In a conveyance where consignment belonging to multiple consignor are transported where some of the consignments have E-way bill whereas other consignments do not have E-way bill, whether all consignments may be detained?

Ans. It has been clarified under the *Circular No.49/23/2018 dated 21.06.2018* that where in relation to multiple consignments being carried in a conveyance few consignments were being transported in contravention of the CGST Act, 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.

For instance, 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 twenty 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.

Q22. What are the consequences of non-issuance of e-way bill?

Ans. 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. Below penalty provisions may get attracted for not complying with e-way bill rules:

1. As per section 122(1) (xiv) of CGST Act a taxable person who transports any taxable goods without the cover of specified documents (e-waybill is one of the specified documents) shall be liable to a penalty of rupees 10,000 or tax to be avoided, whichever is greater.
2. Any person who acquires possession of, or in any way concerns himself in transporting, removing, depositing, keeping, concealing, supplying of any goods which he knows or has reasons to believe are liable to confiscation under this Act shall be liable to a penalty which may extend upto 25,000 rupees
3. Section 129 of the CGST/SGST Act provides that where any person transports any goods while they are in transit in contravention of Act or Rules made thereunder, such goods shall be liable to detention and seizure and shall be released on:

Description	Taxable Goods	Exempted Goods
Owner of goods come forward for payment:	Payment of applicable tax and penalty equal to one hundred percent of tax payable on such goods	Payment of 2% of the value of goods or Rs. 25,000/- whichever is less
Owner of goods does not come forward for payment	Payment of applicable tax and penalty equal to fifty percent of value of goods reduced by tax amount paid thereon	Payment of 5% of the value of goods or Rs. 25,000/- whichever is less

Q23. Is there any alternative available instead of extending the validity of e-way bill where transporters also provide warehousing facility?

Ans. Presently, Transporter providing warehousing facilities is required to get registered and maintain detailed records in addition to extension of the validity of e-way bill.

**To provide the alternative,** Central Government *vide* Circular No. 60/35/2018-GST dated 4<sup>th</sup> September, 2018 has clarified that in case the consignee/ recipient taxpayer stores his goods in the godown of the transporter, then transporter's godown may be shown as an additional place of business by the recipient taxpayer. On declaring transporter's godown as the additional place of business, the transportation under the e-way bill shall be deemed to be concluded once the goods have reached the transporter's godown (recipient taxpayer additional place of business). Hence, e-way bill validity in such cases will not be required to be extended.

Further, the obligation of the transporter to maintain accounts and records shall continue as a warehouse keeper. Moreover, as per rule 56 (7) of the CGST Rules, books of accounts in relation to goods stored at the transporter's godown (i.e., the recipient taxpayer's additional place of business) by the recipient taxpayer may be maintained by him at his principal place of business. It may be noted that the facility of declaring additional place of business by the recipient taxpayer is in no way putting any additional compliance requirement on the transporters.

## MCQ's

Q1. In case of inter-State movement of goods, every registered person who causes movement of goods of consignment value exceeding .....in relation to a supply or for reasons other than supply or due to inward supply from an unregistered person shall, before commencement of such movement, file **FORM GST EWB-01**.

- (a) ` 50,000/-
- (b) ` 1,00,000/-
- (c) ` 70,000/-
- (d) None of the above

Ans. (a) ` 50,000/-

Q2. When the movement of goods is caused by an unregistered person the e-way bill shall be generated by:

- (a) Unregistered person himself
- (b) The Transporter
- (c) Either of them
- (d) Neither of them

Ans. (c) *Either of them*

Q3. When an e-way bill is not required to be generated?

- (a) Where the goods being transported are specified in Annexure to Rule 138 of the CGST Rules
- (b) Where the goods are being transported by a non-motorised 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
- (d) All of the above

Ans. (d) *All of the above*

Q4. What is a valid tenure for an e-way bill for a distance upto 20 KMS?

- (a) One day in case of Over Dimensional Cargo
- (b) One day in cases other than Over Dimensional Cargo
- (c) One additional day in case of Over Dimensional Cargo
- (d) One additional day in cases other than Over Dimensional Cargo

Ans. (a) *One day in case of Over Dimensional Cargo*

Q5. Who can extend the validity of an e-way bill?

- (a) Commissioner
- (b) Joint Commissioner
- (c) Additional Commissioner
- (d) Any one of the above

Ans. (a) *Commissioner*

Q6. How should e-way bill be generated for multiple consignments intended to be transported in one conveyance?

- (a) The transporter shall generate separate e-way bills for each consignment
- (b) A consolidated e-way bill in **FORM GST EWB-02** maybe generated
- (c) No e-way bill shall be required
- (d) None of the above

Ans. (b) *A consolidated e-way bill in **FORM GST EWB-02** may be generated.*

Q7. What is a valid tenure for an e-way bill for a distance up to 100 km?

- (a) One day in cases other than Over Dimensional Cargo
- (b) One additional day in case of Over Dimensional Cargo

- (c) One additional day in cases other than Over Dimensional Cargo
- (d) One day in case of Over Dimensional Cargo

Ans. (a) *One day in cases other than Over Dimensional Cargo.*

*Note: For detailed information about e-way bill, you may refer Indirect taxes Committee specific publication on e-way bill, the link of which is as under:*

<https://bit.ly/2oYWB0h>