

SECTION C

Practical issues and possible solutions on E-way bills under GST



* 1. What are Legal provisions with regard to goods handed over to Transporter by supplier?

Answer;-

- * This Situation arises, mostly in case of Parcel Booking, wherein Goods are handed over to Transporter who keeps the same for some time in his Godown until goods aggregating to full truck load are accumulated for a particular distance. So in this case, Consignor does not know as to in which Truck , Goods will be transported.
- * In this case, the parcel is brought from Consignor's Destination to Transporter's Godown in some vehicle.
- * In such a situation it is provided that if the distance between Consignor's Premises and Transporter's Godown is less than 10 KM then for the said journey there is no need for E-way Bill.
- * The said distance of 10 KM is the actual distance to be travelled including Galli Kuchi. In other words, it is not Crow Distance in the sky.
- * In this case, rights of filling up Part B of E-Way Bill are transferred/assigned by Consignor to Transporter and accordingly it is only Transporter who will generate E-Way Bill



2. Where multiple invoices are generated on the same customer to be supplied through a same Truck. Whether multiple E-way bills must be generated or one e-way bill shall suffice?

Answer;-

Each invoice/delivery challan shall be considered as one consignment and therefore for **each invoice one e-way bill** has to be generated irrespective of same or different consignors or consignees

3. Can multiple invoices be clubbed to generate one e-way bill?

Answer:-

No, Multiple invoices/delivery challan cannot be clubbed to generate one e-way bill. As provided above each invoice shall be considered as one consignment for the purpose of generating e-way bills. However, after generating all these EWBs, one Consolidated EWB may be prepared by transporter for transportation purpose, if all such goods are going in one vehicle.

4.How to generate e-way bill, , if the goods of one invoice are being moved in multiple vehicles simultaneously?

Answer:-

Where goods pertaining to one invoice are transported in multiple vehicles. For example, Goods transported in semi-knocked down or completely knocked down condition, the e-way bill shall be generated for each of such vehicles based on the delivery challans issued for that portion of the consignment and:

- the supplier shall issue the complete invoice before despatch of the first consignment;
- the supplier shall issue a separate delivery challan for each consignment, giving reference to the invoice;
- each consignment shall be accompanied by copies of the corresponding delivery challan along with a duly certified copy of the invoice; and
- original invoice shall be sent along with the last consignment.

Above methodology could be applicable in case of imports also where goods imported in the large container is transported through multiple trucks from the port to the factory.

5. In case of multimodal transport, where for first mile it is required to generate an e-way bill for road, second, mile by train and last mile by road. These transporters could be same service providers or different service providers. How to generate an e-way bill in this situation?

Answer:-

Where the e-way bill is generated and goods are to be transported from one conveyance to the other in course of transit, the transporter causing further movement of goods shall be required to **update its** details in Part – B of the e-way bill **before the movement of such goods commences.**

Therefore, even in case of multi-modal transport initially, e-way bill must be generated giving the details of the vehicle carrying the goods by road.

Once the goods are unloaded from this vehicle and loaded in the train, part B of E-way bill needs to be updated.

Upon final transit of goods from rail to truck at last mile, part B must be further updated with the details of the vehicle carrying the goods for final delivery.

Goods must finally reach destination within overall validity period.

6. Whether an e-way bill is required to be generated for movement of goods from one unit of the company to another unit through own vehicle located within 10 km?

Answer:-

Yes, e-way bill is required to be generated even in case of movement of goods within 10 km. The relaxation updating part B (vehicle details) is given only in cases of movement of goods from the place of business of consignor to the business of transporter for further movement of such goods, Therefore, in all other cases, e-way bill needs to be generated even if the distance to be covered is less than 10 km.

7.What is meaning of the term consignment value to determine the threshold of Rs.50,000/- and whether the same needs to be computed with taxes or without taxes?

Answer:-

The term “consignment value” is neither defined in the GST act nor in the e-way bill rules provided therein. However, since it is specifically provided in the FAQ issued by department that one invoice shall be considered as one consignment, therefore taking this analogy one can state that the value provided in one invoice shall be considered as the consignment value. Further, this value must be computed inclusive of taxes in order to determine the threshold of Rs.50,000/- for generation of the e- way bill.

8. Whether E-way bill is required to be generated for movement of exempted goods also?

Answer;-

There is no provision in the E-way bill rule which provides that it is not required to be generated in case of goods exempted from levy of GST. Hence, it has to be generated ***in movement of all goods***. However, Annexure to Rule 138 covers 154 items. If the goods covered under consignment fall within the list of these 154 items, there is no need to generate e-way bills.



9. Can information submitted for e-way bill be directly pushed for filing GST Returns?

Answer;-

The information furnished in the e-way bill will be available to the registered supplier on the common portal who may utilize the same for furnishing details in GSTR-1. The purpose is to facilitate the suppliers so that once information is furnished in the E-Way bill format, this is available to him for use in filing GSTR-1.

10. What has to be done to the e-way bill, if the vehicle breaks down?

Answer;-

If the vehicle breaks down while in transit when the goods are being carried with e-way bill, then the transporter can cause to repair the vehicle and extend the validity of E-way bill, if required, and continue the journey.

When the goods are shifted to a different vehicle, then the details of new vehicle must be updated in Part B of e-way bill and continue the journey with new vehicle.



11.How many times can Part-B or Vehicle number be updated for an e-way bill?

Answer;-

The user can update Part-B (Vehicle details) for each change in the vehicle used in the course of movement of consignment ***any number of times*** up to the destination point. However, the updating should be done within overall validity period of E-way bill

12.What has to be done, if the vehicle number has to be changed for the consolidated e-way bill?

Answer;-

There is an option available under the 'Consolidated EWB' menu as '**regenerate CEWB**'. This option allows changing the vehicle number to existing Consolidated EWB, without changing the EWBs and generates the new CEWB, which has to be carried with new vehicle. Old will become invalid for use

13. For the purpose of calculation of distance and validity, does it need to be checked from the date and time of generation of individual e-way bill or whether the same needs to be calculated from the time of generation of consolidated e-way bill?

Answer:-

Consolidated e-way bill is like a trip sheet and it contains details of different e-way bill which are moving towards one direction, and these e-way bills will have different validity periods. Hence, consolidated e-way bill is ***not having any independent validity period***. However, ***individual e-way bills in the consolidated e-way bill should reach the destination as per its validity period***.

It is also worth noting that the ***date of invoice/delivery challan is not relevant for determining the beginning time of E-way bill***.

14. Can Part-B entry be assigned to another transporter by authorized transporter?

Answer;-

Part-B can be entered by the transporter assigned in the EWB or generator himself. But the assigned transporter cannot re-assign to some other transporter to update Part-B on the EWB system.

Hence, where goods are **shifted** in the course of movement from one vehicle to another vehicle, PART B may be updated by the first transporter only not by subsequent transporters. This could create practical difficulties when multiple vehicles are used in the course of completion of movement

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

Answer;-

The e-way bill once generated **cannot be edited or modified.** **Only Part- B can be updated to it.** Further, even if Part A is wrongly entered and submitted, the same cannot be later edited. In such a situation, e-way bill generated with wrong information **will have to be cancelled and generated afresh again.** **The cancellation is required to be done within twenty-four hours from the time of generation.**

16. Can the e-way bill be deleted?

Answer;-

E-way bill once generated **cannot be deleted**. However, it can be cancelled by the generator within 24 hours of generation.

If it has been verified by any officer, then it cannot be cancelled.

A recipient has a right to reject the e-way bill within 72 hours of its generation.

17. Form for filling Part A asks for transporter document number i.e. Railway receipt no or bill of lading etc. However, how one can enter these details before movement of goods as the same is available only after submitting goods to the concerned authority?

Answer;-

E-way bill has to be updated with transport document details within one hour of delivery of goods to concerned authorities and collection of transport document from rail/air/ship authority.

These details have to be entered in Part-A of E way bill before movement of goods. Although, this aspect is not provided in the law but the mechanism is provided in the FAQ issued by Department dated 06.12.2017.



18. Whether E-way bill needs to be generated for sales Returns, Rejection etc.?

Answer;-

Yes, e-way bill needs to be generated for any movement of goods. Therefore, even in case of Sales Returns, E-way bill needs to be generated and in this situation, e-way bill needs to be generated by that person who is causing movement of such sales return or the transporter who is actually moving the goods.

19. What should be done by the transporter if consignee refuses to take goods or rejects the goods for quality reason?

Answer:-

There is possibility that consignee or recipient may decline to take the delivery of consignment due to various reasons. Under such circumstance, the transporter can get one more e-way bill generated with the help of supplier or recipient by indicating supply as 'Sales Return' and with relevant document details, goods can be returned to supplier as per his agreement with him.

20. What has to be done, if validity of the e-way bill expires?

Answer:-

The goods are required to be delivered within validity period of E-way bill. If validity of the e-way bill expires, the goods are not supposed to be moved.

However, under circumstance of **‘exceptional nature’**, the transporter may generate another e-way bill after updating details in Part B.

Also, the Commissioner can extend the validity period of e-way bill for certain categories of goods as notified in the notification issued in this regard.

21. What happen if the other party wrongly rejects the EWB after the goods have commenced movement. What is the recourse available to the supplier?

Answer;-

Where the other party wrongly rejects the e-way bill while the goods are in transit then such e-way bill will stand invalid. Presently, no mechanism is provided in the rules to deal with this situation.

However, one of the options available to the supplier is to stop the vehicle once the e-way bill becomes invalid and then generate another e-way bill either himself or through transporter. Based on this new E-way bill, goods may be moved further.

This issue if not addressed can cause unnecessary hardship even in genuine cases. Suitable clarification may be expected for the same.

22. Whether e-way bill would be required if transportation is done in one's own vehicle?

Answer;-

Yes, e-way bill is required to be generated even if goods are transported by consignor or consignee in his own vehicle. In such a case, the person causing the movement of goods may raise the e-way bill after furnishing the vehicle no. in Part B of FORM GST EWB – 01 if the value is more than Rs.50,000/-. Under this circumstance, the person can himself generate the e-way bill if registered in the portal as taxpayer.

If the Recipient is un-registered or end consumer, then he needs to get the e-way bill generated from the taxpayer or supplier based on the bill or invoice issued by Supplier. Alternatively, he himself can enrol and log in as the citizen and generate the e-way bill

23. What happens if e-way bill is generated but no movement took place and if the e-way bill is not cancelled?

Answer:-

In case e-way bill is generated but no movement of goods took place, ideally in this scenario the e-way bill generated has to be cancelled.

However, if the same is not cancelled within 24 hours, then the system would not allow the cancellation. In such a situation, one can request recipient to reject the e-way bill at his end in the common portal within 72 hours of its generation. However, if the time period for rejection of 72 hours also lapses then no mechanism is provided in the rules.

Therefore, it is very important that all e-way bills that are not supported by proper movement of goods or are invalid or wrongly generated must be immediately cancelled.

24. How does the the taxpayer update his latest business name, address, mobile number or e-mail id in the e-way bill system?

Answer;-

EWB System (<http://ewabill.nic.in>) is dependent on GST Common portal (www.gst.gov.in) for taxpayers registration details like legal name/trade name, business addresses, mobile number and e-mail id. EWB System will not allow taxpayer to update these details directly.

If taxpayer changes these details at GST Common portal, it will be **updated** in **EWB system** within a day. Otherwise, the taxpayer can update the same by selecting the option 'Update My GSTIN' and the details will be fetched from the GST common portal (www.gst.gov.in).

25. What treatment will be given for goods where transportation commenced prior to date of implementation of E-way bill but delivery completed to buyer after 01.02.2018?

Answer:-

E-way bill for the consignment value exceeding Rs. 50,000/- has to be generated before commencement of such movement. Hence, where movement of goods commenced before 1.2.2018, there may not be requirement of generation of E-way bill and one may continue the movement of goods without E-way bill.

However, government has enabled the E-way portal on voluntary basis w.e.f. 15.1.2018. Hence, it is suggested to generate E-way bill voluntarily in such cases to avoid any problems in the course of transportation of goods.

In case e-way bill is not generated for such type of movement , it will be absolutely necessary for transporter to carry proof that journey has began on or before 31st January 2018.

26. What if there is small difference in the description of goods mentioned on the Tax Invoice/Delivery challan when compared with description of Goods in E-way bill?

Answer-

It is absolutely necessary to ensure that description mentioned on the Tax Invoice/Delivery challan matches with the description on the E-way bill as otherwise legal consequences such detention, penalty etc. can follow.

Vehicle Detention





THANK YOU