

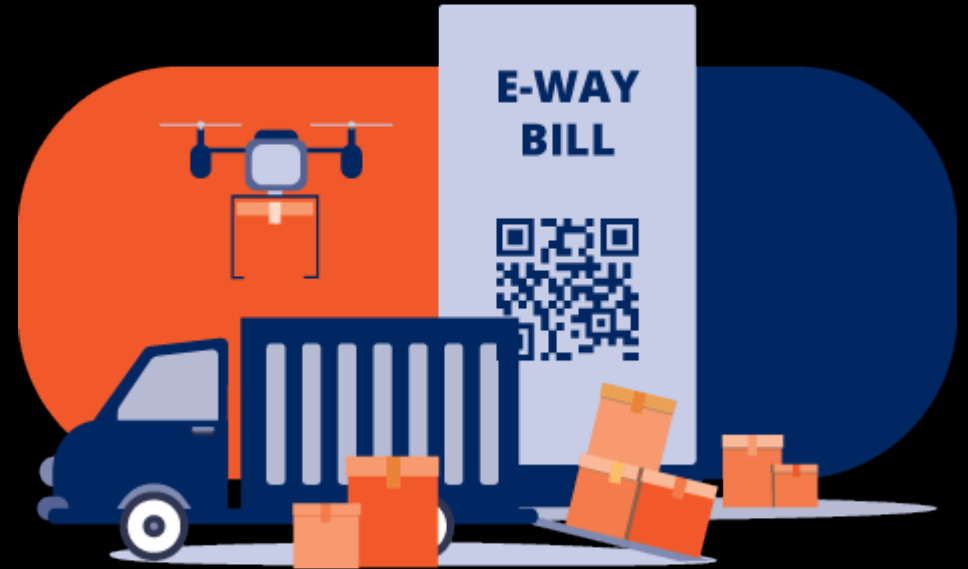
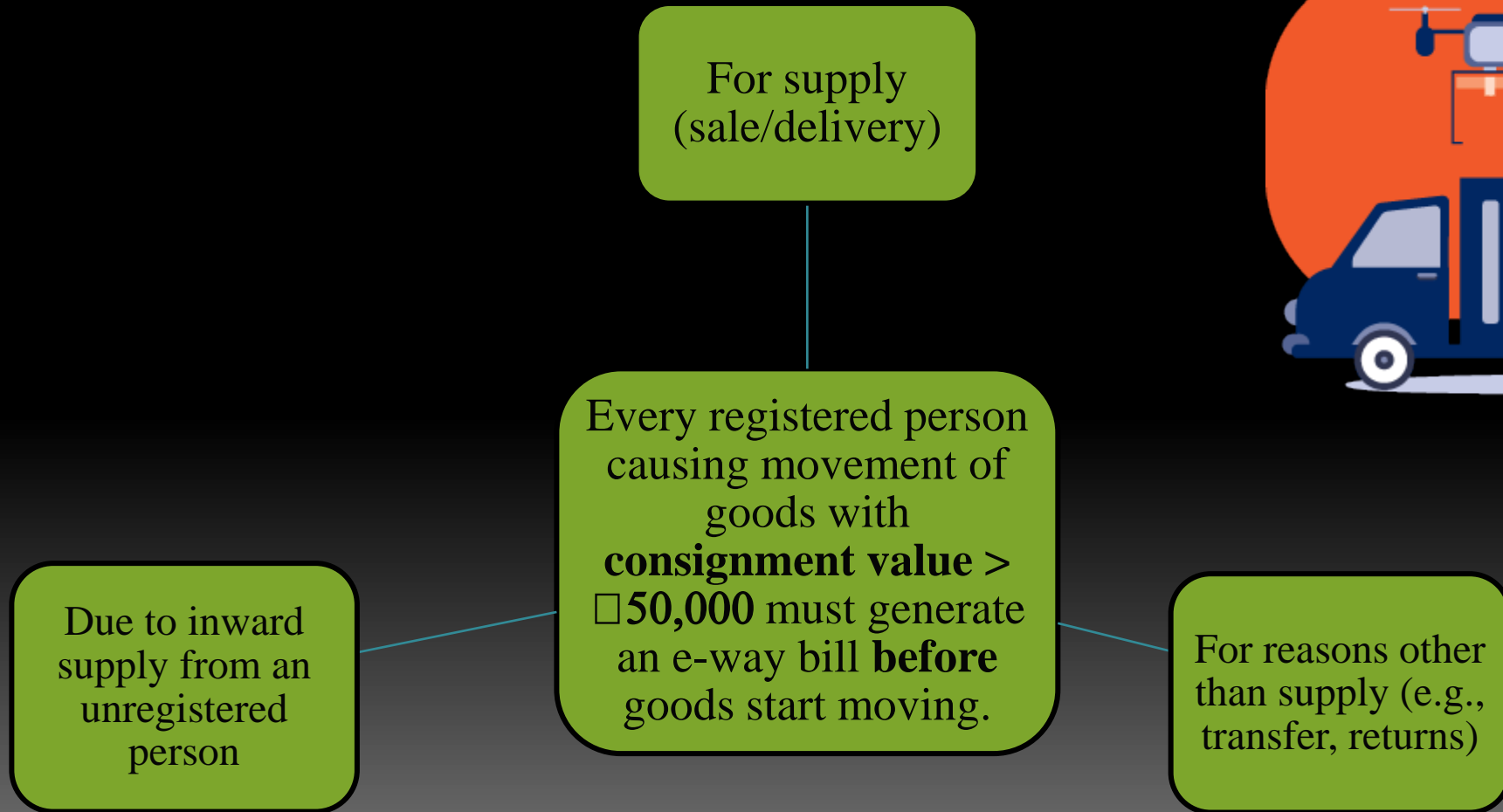
# WHAT, WHY AND HOW OF E-WAY BILL

## COMPREHENSIVE OVERVIEW OF EWAY BILL

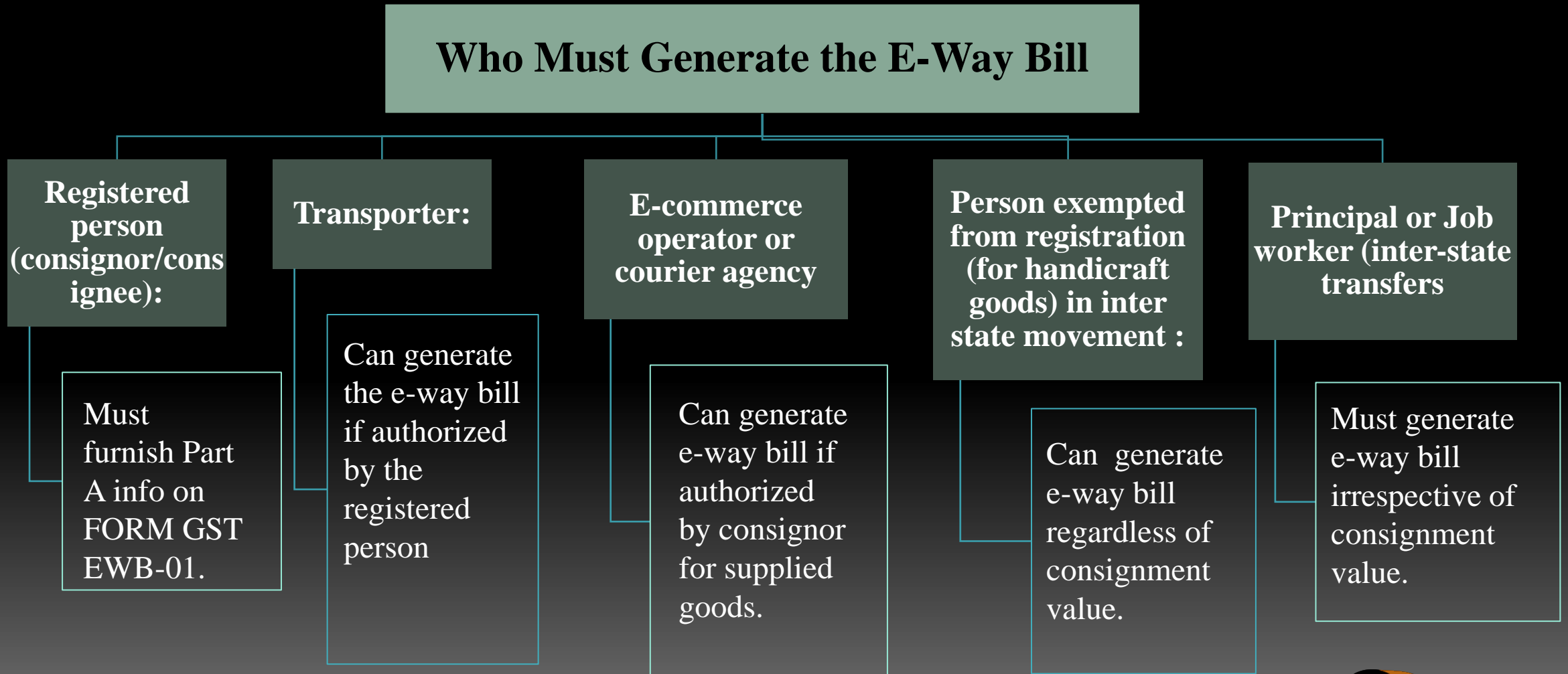


## Rule 138: Information & Generation of E-Way Bill:

### When to Generate E-Way Bill?:



## Rule 138: Information & Generation of E-Way Bill:



## Rule 138: Information & Generation of E-Way Bill:

### Information to be Furnished :

**Part A:** Details of goods, consignor, consignee, invoice, etc. (to be furnished before movement).

**Part B:** Transport details (vehicle number, transporter info) furnished before or after movement begins

### Modes of Transport & E-Way Bill Generation:

**Road:** Registered person or transporter must generate e-way bill before movement

**Rail/Air/Ship:** Registered person (supplier or recipient) must generate e-way bill before or after movement starts; railways require e-way bill at delivery

## Rule 138: Information & Generation of E-Way Bill:

### Special Cases :

#### Validity of E-Way Bill:

##### A. Standard Goods:

Upto 200 km -  
-valid 1 day

Every additional  
200 km or part  
thereof — +1  
day

### Validity of E-way Bill



- **Multiple consignments:** Transporter can generate a consolidated e-way bill (FORM GST EWB-02).
- **Movement within 50 km (supplier to transporter):** Conveyance details may not be required- only Part A required to be filled.
- **Unregistered persons:** Can optionally generate e-way bill; must register via FORM GST ENR-03 to get a unique enrolment number.

## Rule 138: Information & Generation of E-Way Bill:

### Special Cases :

#### B. Over Dimensional Cargo / Multimodal shipments involving ships

Upto 20 km  
-valid 1 day.

Every additional 20  
km or part thereof  
— +1 day



**Extensions:** Commissioner can extend validity; transporter may extend validity under exceptional circumstances within 8 hours after expiry

## Rule 138: Information & Generation of E-Way Bill:

### Cancellation of E-Way Bill :

Allowed within 24 hours if goods not moved or details changed.

Cannot cancel if verified during transit.

### Extension of E-Way bill :

**Adding/modifying vehicle details in E-way bill**

**Transfer and Assignment**

If goods transfer between vehicles, details must be updated on portal (Part B).

E-way bill can be assigned to another transporter before conveyance details are updated.

Once conveyance details updated, e-way bill cannot be reassigned.

## **Rule 138: Information & Generation of E-Way Bill:**

### **Acceptance/Rejection by Supplier or Recipient:**

- Supplier or recipient gets info on e-way bill generated by the other party or transporter.
- Must accept/reject within 72 hours; silence = deemed acceptance.

### **Validity Across India:**

- E-way bills generated under this rule or any state GST rules are valid nationwide.



## **Rule 138: Information & Generation of E-Way Bill:**

### **Exemptions from E-Way Bill Generation:**

**Goods listed in Annexure (e.g., LPG for household use, kerosene under PDS, currency, jewellery except imitation, postal baggage, personal effects, coral).**

**By non-motorized conveyance**

**From customs port to inland container depot or vice versa**

**Within notified areas under respective state GST rules**

**Petroleum products, alcoholic liquor, etc. (specific exempted goods)**

**Movement under customs bond or customs supervision**

## **Rule 138: Information & Generation of E-Way Bill:**

### **Exemptions from E-Way Bill Generation:**

**Transit cargo to/from Nepal or Bhutan**

**Goods exempt from tax under certain notifications**

**Goods moved by defense formations.**

**Goods transported by Central/State/local government by rail**

**Empty containers**

**Goods moved  $\leq 20$  km to weighbridge and back with delivery challan**

**Empty LPG cylinders moved for reasons other than supply**

## Rule 138: Information & Generation of E-Way Bill:

### Annexure Goods (Examples Exempt from E-Way Bill):

LPG for household and non-domestic exempt customers

Kerosene under PDS

Postal baggage

.Precious stones, metals, jewellery (except imitation jewellery).

.Currency.

Used personal/household effects

Coral (worked and unworked

## Rule 138A: Documents and Devices to be Carried by Person-in-Charge of Conveyance:

### 1. Documents to be carried

Invoice, bill of supply, or delivery challan

•E-way bill copy in physical form or e-way bill number electronically, or mapped to RFID embedded on the conveyance.

### 2. Exceptions:

Clause on e-way bill not applicable for movement by rail, air, or vessel

For imported goods, a bill of entry copy must also be carried and indicated in FORM GST EWB-01

# **Rule 138A: Documents and Devices to be Carried by Person-in-Charge of Conveyance:**

## **3. QR Code as Invoice Proof**

Invoices with QR code containing Invoice Reference Number (IRN) may be shown electronically instead of physical copy.

## **4. Auto-population of Form**

When invoices are uploaded (FORM GST INV-1), Part A of FORM GST EWB-01 is auto-populated

## **5. RFID Requirement**

Commissioner may require some transporters to have RFID devices embedded on conveyances

## **1.6. Alternate document:**

Commissioner may require carrying tax invoice/bill of supply/bill of entry or delivery challan instead of e-way bill, depending on circumstances

## Rule 138B: Verification of Documents and Conveyances:

1. Commissioner or authorized officers can intercept any conveyance to verify the e-way bill.
2. RFID readers to be installed at verification points; verification done via RFID when applicable.
3. Physical verification done by authorized officers, or others with Commissioner approval on specific tax evasion info.

EVASION INFO.

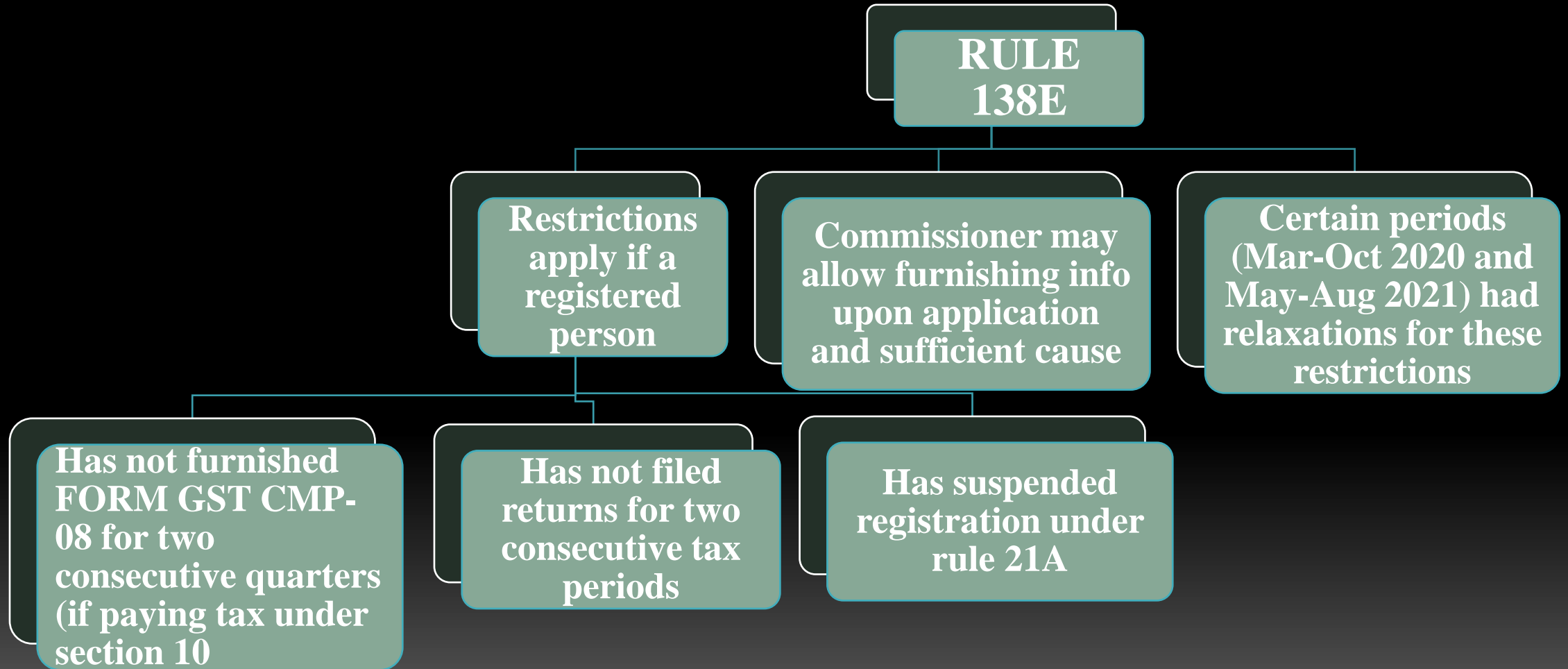
## **Rule 138C: Inspection and Verification of Goods:**

1. Summary inspection report (Part A FORM GST EWB-03) must be recorded online within 24 hours of inspection.
2. Final report (Part B FORM GST EWB-03) must be completed within 3 days (can be extended up to 3 more days by Commissioner).
3. Once verified in one State/UT, further physical verification is not allowed unless new evasion information arises.

## **Rule 138D: Detention Information Upload:**

- If a vehicle is detained for more than 30 minutes, the transporter may upload detention info in FORM GST EWB-04 on the portal.

## Rule 138E: Restriction on Furnishing Information in FORM GST EWB-01 (Part A):





## Rule 138F: Intra-State Movement of Gold, Precious Stones, etc.:

1. If intra-State movement of high-value goods (gold, precious stones) exceeds a threshold (minimum Rs. 2 lakhs), registered persons must furnish details electronically in Part A of FORM GST EWB-01 before movement.
2. Goods can be moved via e-commerce operators or courier agencies who may furnish info.
3. Part B of FORM GST EWB-01 is not required for these intra-State movements.
4. The e-way bill generated can be cancelled within 24 hours if goods are not moved as declared, except after verification.
5. Exceptions where e-way bill not required: movement from customs ports to ICD/CFS, under customs bond, supervision, or seal.
6. Other provisions of related rules apply mutatis mutandis.

## Inspection, Detention, Seizure and Release of Goods and Conveyance Forms:

FORM NO	DESCRIPTION
GST MOV-1	Statement of the Owner/Driver/Person in charge of the goods and conveyance.
GST MOV-2	Order for Physical verification/ inspection of the conveyance, goods and documents
GST MOV-3	Order of extension of time for inspection beyond three working days
GST MOV-4	Physical verification report
GST MOV-5	Release Order
GST MOV-6	Order Of Detention Under Section 129(1) Of The Central Goods And Services Tax Act, 2017 And The State/Union Territory Goods And Services Tax Act, 2017/Under Section 20 Of The Integrated Goods And Services Tax Act, 2017



## Inspection, Detention, Seizure and Release of Goods and Conveyance Forms:

FORM NO	DESCRIPTION
GST MOV-7	Notice Under Section 129(3) Of The Central Goods And Services Tax Act, 2017 And The State/Union Territory Goods And Services Tax Act, 2017/Under Section 20 Of The Integrated Goods And Services Tax Act, 2017
GST MOV-8	Bond for Provisional Release of Goods and Conveyance
GST MOV-9	Order Of Demand Of Tax And Penalty
GST MOV-10	Notice For Confiscation Of Goods Or Conveyances And Levy Of Penalty Under Section 130 Of The Central Goods And Services Tax Act, 2017 Read With The Relevant Provisions Of State/Union Territory Goods And Services Tax Act, 2017/The Integrated Goods And Services Tax Act, 2017 And Goods And Services Tax (Compensation To States) Act, 2017.
GST MOV-11	Order Of Confiscation Of Goods And Conveyance And Demand Of Tax, Fine And Penalty

## **E-way Bill — No requirement of E-way Bill for intra-City and intra-State movements of specified goods in State of Gujarat**

Issued under: Clause (d) of sub-rule (14) of rule 138 of the Gujarat GST Rules, 2017.

Effective from: 1st October, 2018.

No E-way Bill Required for the following movements:

<b>Sr. No.</b>	<b>Type of Movement</b>	<b>Description of Goods</b>	<b>Consignment Value</b>
1	<b>Intra-city movement</b> (within the same city/village limits)	All Goods	Any Value
2	<b>Intra-state movement</b> (within Gujarat) <b>for job work purposes</b>	Hank, Yarn, Fabric, and Garments	Any Value

# E-way Bill — No requirement of E-way Bill for intra-City and intra-State movements of specified goods in State of Gujarat

When E-way Bill *is* Required:

1. E-way Bill must be generated for all other intra-state movements (within Gujarat) not covered under Sr. No. 1 or 2 above.

2. The regular E-way Bill rules (Rules 138, 138A–138D) apply **mutatis mutandis** (i.e., with necessary changes) for such movements.

Documents Required When E-way Bill Not Needed:

Even when an E-way Bill is not required, the **person in charge of the conveyance** must still carry **supporting documents**, such as:

- **Tax invoice**, or **Delivery challan**, or **Bill of supply**, or **Bill of entry**, as applicable.

# E-way Bill — No requirement of E-way Bill for intra-City and intra-State movements of specified goods in State of Gujarat

Definition of “City” and “Intra-city”:

“**City**” means an area notified as a **municipality** under the *Gujarat Municipalities Act, 1963* or as a **municipal corporation** under the *Bombay Provincial Municipal Corporation Act, 1949*.

It also includes **villages** notified under the *Bombay Land Revenue Code, 1879*.

“**Intra-city**” means **movement within the same city or village limits**.

# RELEVANT CASE LAWS



M/s. Sleeveco Traders 2023(8) CENTAX 173 (SC).

If there's no intent to evade and valid documents accompany goods, then Section 130 is not applicable and detention, seizure or penalty is not justified.

# RELEVANT CASE LAWS

## High Courts:

**MS. SANGEETA JAIN 2024 (4) TMI 1079 , M/S UTTAM ELECTRIC STORE 2024 (7) TMI 1450 & M/s. INDEUTSCH INDUSTRIES PVT. LTD(2024) 16 Centax 491- All.**

Wrong dispatch address due to human error does not indicate tax evasion.

Mens rea (intent to evade) must be proved, which is absent.

**M/S LAKSHAY LOGISTICS REPORTED AT 2021 (1) TMI 99 - GUJARAT HIGH COURT**

Opportunity of hearing must be given to both owner of goods and vehicle.

In this case, order served only on driver, violating Section 130(4) and natural justice.



# RELEVANT CASE LAWS

## High Courts:

M/S. HANUMAN GANGA HYDROPROJECTS PRIVATE LIMITED. 2022 (7) TMI 603 – Calcutta HC:

Penalty under Section 130 requires wilful and deliberate attempt to evade tax.

No such finding in the present case; hence penalty is unsustainable.

M/S SATYAM SHIVAM PAPERS PVT. LTD. 2021 (6) TMI 378.- Telangana HC

Even if E-Way Bill has expired, penalty cannot be imposed in absence of malafide intent.

**Circular No. 64/38/2018-GST dated 14.09.2018 :**

Minor mistakes (spelling errors, incorrect pin codes, etc.) should not result in detention or penalty. The said Circular only gives some examples and is not exhaustive in dealing with only certain situations where token penalty is to be imposed.

**Circular No. 41/15/2018-GST, dated 13-4-2018:**

Within 3 working days of issuing FORM GST MOV-02, the proper officer must complete the inspection of goods in transit.

If more time is needed, the officer must get written permission in FORM GST MOV-03 from the Commissioner or an authorized officer, and a copy of the extension order must be served to the person in charge of the Conveyance.



**THANK YOU**



B-216/217, Monalisa  
Business Centre, Manjalpur,  
Vadodara, Gujarat-390011



0265-2986115  
9033088865



[info@saurabhdixit.in](mailto:info@saurabhdixit.in)



[www.saurabhdixit.in](http://www.saurabhdixit.in)



**Saurabh Dixit**  
Advocate