

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

Update on E-Way Bill

CBIC has notified 1st April 2018 for implementation of e-way bills mandatory for inter-state movement of goods throughout India vide Notification no 15/2018 Central Tax on 23rd March 2018.

1. An E way bill is a declaration, the data of which is furnished electronically, on the common portal by consignor, consignee or transporter, which will be generated from the portal and should be carried along with the consignments.
2. After trial phase, **it has been applicable for inter-state transactions** and it is expected that it will be made applicable for intra-state transactions within a few months. E Way bill is required in the following cases:
 1. **Every registered person or Transporter or e-commerce operator/Courier agency (on an authorization from the registered person)**, who causes movement of Goods of consignment value exceeding Rs. 50,000 (**which includes GST charged but excludes value of exempted goods**)
 - a. In relation to supply (Sale, Transfer, Barter/exchange)
 - b. For reason other than supply (goods return)
 - c. Due to inward supply from an unregistered person.
 2. For certain specified cases the e way bill needs to be generated irrespective of the value of the consignment:
 - a. Where goods are sent by the principal located in one state to a job worker located in other state
 - b. Inter-state movement of Handicraft goods by a person who has been exempted from GST Registration
 3. 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 fifty thousand rupees.
 4. 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.
 5. Where the individual consignment is less than Rs 50,000/- but the aggregate of the consignment value of goods carried in the conveyance is more than Rs. 50,000/- in case of road transport (**However, this provision has been kept in abeyance vide Notification No 15/2018**).
3. Below mentioned table contains the details of forms to be filed online:

Who	When	Part	Form
Every Registered person under GST	Before movement of goods	Fill Part A	Form GST EWB-01

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

Registered person is consignor or consignee (mode of transport may be owned or hired) OR is recipient of goods	Before movement of goods	Fill Part B	Form GST EWB-01
Registered person is consignor or consignee and goods are handed over to transporter of goods	Before movement of goods	Fill Part B	The registered person shall furnish the information relating to the transporter in Part B of FORM GST EWB-01
Transporter of goods	Before movement of goods		Generate e-way bill on basis of information shared by the registered person in Part A of FORM GST EWB-01
An unregistered person under GST and recipient is registered	Compliance to be done by Recipient as if he is the Supplier.		<ol style="list-style-type: none">1. If the goods are transported for a distance of fifty kilometres or less, within the same State/Union territory from the place of business of the consignor to the place of business of the transporter for further transportation, the supplier or the transporter may not furnish the details of conveyance in Part B of FORM GST EWB-01.2. If supply is made by air, ship or railways, then the information in Part A of FORM GST EWB-01 has to be filled in by the consignor or the recipient

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

Note 1: After filing Part A of FORM GST EWB-01 electronically a unique number generated which shall be valid for a period of fifteen days for updating of Part B of FORM GST EWB-01.

Note 2: The details of the e-way bill generated shall be made available to the supplier or the recipient, as the case may be, on the common portal, and the supplier or the recipient, shall communicate his acceptance or rejection of the consignment covered by the e-way bill. And if they do not communicate his acceptance or rejection within **seventy-two hours** of the details being made available to him on the common portal, or the time of delivery of goods whichever is earlier, it shall be **deemed that he has accepted** the said details.

4. If a transporter is transporting multiple consignments in a single conveyance, they can use the form GST EWB-02 to produce a consolidated e-way bill, by providing the e-way bill numbers of each consignment.

If both the consignor and the consignee have not created an e-way bill, then the transporter can do so by filling out PART A of FORM GST EWB-01 on the basis of the invoice/bill of supply/delivery challan given to them.

5. These are the following cases where e way bill is not required to be generated:
 - a. The mode of transport is non-motor vehicle
 - b. Goods transported from Customs port, airport, air cargo complex or land customs station to Inland Container Depot (ICD) or Container Freight Station (CFS) for clearance by Customs.
 - c. Goods transported under Customs supervision or under customs seal
 - d. Goods transported under Customs Bond from ICD to Customs port or from one custom station to another.
 - e. Transit cargo transported to or from Nepal or Bhutan
 - f. Movement of goods caused by defence formation under Ministry of defence as a consignor or consignee
 - g. Empty Cargo containers are being transported
 - h. Consignor transporting goods to or from between place of business and a weighbridge for weightment at a distance of 20 kms, accompanied by a Delivery challan.
 - i. Goods being transported by rail where the Consignor of goods is the Central Government, State Governments or a local authority.
 - j. Goods specified as exempt from E-Way bill requirements in the respective State/Union territory GST Rules.
 - k. Transport of certain specified goods- Includes the list of exempt supply of goods, Annexure to Rule 138(14), goods treated as no supply as per Schedule III, Certain schedule to Central Tax Rate notifications.

Note: Part B of e-Way Bill is not required to be filled where the distance between the consignor or consignee and the transporter is less than 50 Kms and transport is within the same state.

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

6. An e-way bill is valid for periods as listed below, which is based on the distance travelled by the goods. Validity is calculated from the date and time of generation of e-way bill.

Type of conveyance	Distance	Validity of EWB
Other than Over dimensional cargo	Less Than 100 Kms	1 Day
	For every additional 100 Kms or part thereof	additional 1 Day
For Over dimensional cargo	Less Than 20 Kms	1 Day
	For every additional 20 Kms or part thereof	additional 1 Day

Validity of E-way bill can be extended also. The generator of such E-way bill has to either four hours before expiry or within four hours after its expiry can extend E-way bill validity.

7. Documents required for the generation of e-way bill
- Invoice/ Bill of Supply/ Challan related to the consignment of goods
 - Transport by road – Transporter ID or Vehicle number
 - Transport by rail, air, or ship – Transporter ID, Transport document number, and date on the document
8. Where an e-way bill has been generated under this rule, but goods are either not transported or are not transported as per the details furnished in the e-way bill, the e-way bill may be cancelled electronically on the common portal within twenty-four hours of generation of the e-way bill.
9. CBIC has also issued a new clarification on 31st March 2018 stating some situations with respect to New E-way Bill system: -
- Situation 1:** Consider a situation where a consignor is required to move goods from City X to City Z. He appoints Transporter A for movement of his goods. Transporter A moves the goods from City X to City Y. For completing the movement of goods i.e. from City Y to City Z, Transporter A now hands over the goods to Transporter B. Thereafter, the

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

goods are moved to the destination i.e. from City Y to City Z by Transporter B. How would the e-way bill be generated in such situations?

Clarification: – It is clarified that in such a scenario, only one e-way bill would be required. PART A of FORM GST EWB-01 can be filled by the consignor and then the e-way bill will be assigned by the consignor to Transporter A. Transporter A will fill the vehicle details, etc. in PART B of FORM GST EWB-01 and will move the goods from City X to City Y.

On reaching City Y, Transporter A will assign the said e-way bill to the Transporter B. Thereafter, Transporter B will be able to update the details of PART B of FORM GST EWB-01. Transporter B will fill the details of his vehicle and move the goods from City Y to City Z.

- b. **Situation:** – Consider a situation where a Consignor hands over his goods for transportation on Friday to transporter. But, the assigned transporter starts the movement of goods on Monday. How would the validity of e-way bill be calculated in such situations?

Clarification: – It is clarified that the validity period of e-way bill starts only after the details in PART B of FORM GST EWB-01 are updated by the transporter for the first time.

In the given situation, Consignor can fill the details in PART A of FORM GST EWB-01 on Friday and handover his goods to the transporter. When the transporter is ready to move the goods, he can fill the PART B of FORM GST EWB-01 i.e. the assigned transporter can fill the details in PART B of FORM GST EWB-01 on Monday and the validity period of the e-way bill will start from Monday.

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

Ashok Maheshwary & Associates LLP is an accounting firm in India with International presence. Our core practice areas include: Corporate Finance, Joint Ventures & Restructuring, International Tax, Dispute Resolution, Transaction Advisory, Mergers & Acquisitions, Entry Strategy for Foreign Investors and Transfer Pricing study & documentation.

About us

1. Offices in Gurgaon, New Delhi, Mumbai, Pune, Bangalore and Singapore and a well spun net of local and international associates. **Over 36 years** of experience across varied industries.
2. Specialize in advising clients on complex transaction from tax and regulatory perspective integrated with industry expertise.
3. Our partner, **Amit Maheshwari**, is a part of taxation committee of **FICCI** and also co-chairs the trade and development committee of Indian American Chamber of Commerce.
4. High level of service quality and focus on skill development, with partners regularly invited as speakers at national and international forums.
5. Long term personalized client relationships with the ability to assist them right from devising strategies to enter in the Indian market to managing their compliances and supporting them in complex tax litigation.
6. Our Financial Advisory firm, Financial Pundits LLP has inter-alia, been into large and complex Debt Syndication, Trade Finance, Private Equity Advisory, Merger & Acquisitions, Financial Restructuring Deals. We also assist our clients in making a road map for potential fund raising via IPO and Private Placements.
7. Close association with a number of renowned Accounting and Auditing firms in the US to develop, support and facilitate US-India bilateral business opportunities– both for Indian businesses entering the US market as well as US businesses establishing a business presence in India.
8. Dedicated Japanese practice is headed by Ms. Mami Sakatani who is assisted by Ms. Aya Minoda, both of whom are Japanese nationals.
9. **Member** of reputed international alliances, **Leading Edge Alliance**, the second largest global association of accounting firms in the world (#9 in worldwide ranking of networks, associations and alliances), **TPA Global Group**, an independent and specialist provider of expert transfer pricing, tax valuation and customs services to provide transfer pricing and valuation services to their clients globally.
10. Clients include Fortune 1000, Fortune 500 companies, Listed Multinationals, Listed Companies, exciting startups and Large domestic corporate houses.
11. Our Partner, **Amit Maheshwari**, nominated for **Asia Transfer Pricing Practice Leader of the Year** in **Asia Tax Awards 2017** by International Tax Review

Ashok Maheshwary & Associates LLP

C H A R T E R E D A C C O U N T A N T S

Ashok Maheshwary & Associates LLP

344, Tower B2, Spaze I-Tech Park, Sector -49, Sohna Road, Gurgaon-122018

T: 91 124 4637530, F: 91 124 4148180

www.akmglobal.com

12. Consistently ranked as a **Tier 3 firm** in India in *World Tax Guide 2017 & 2018*, International Tax Review's directory to the leading tax advisory practices, including law firms, around the world.
13. Consistently ranked as a **Tier 2 firm** for **Transfer Pricing** services in India in *World Transfer Pricing Guide 2017 & 2018*. Published by International Tax Review, World Transfer Pricing Guide is the comprehensive guide to the world's leading Transfer Pricing firms in each jurisdiction.
14. **Nominated** by *International Tax review* for *Asia Tax Award 2016* in "National Transfer Pricing Firm" and "Best Newcomer Asia" categories.
15. **Nominated** by *International Tax review* for *Asia Tax Awards 2018* in "National Transfer Pricing Firm", "National Tax Firm", "National Tax Litigation and Disputes Firm", "FATCA/Withholding Tax Team of the Year in Asia", "Global Executive Mobility Team of the Year in Asia", "Asia Tax Compliance and Reporting Firm of the Year" and "Asia Tax Transactions Firm of the year" categories.

Initiatives

The partners in the firm contribute stories/articles for the media (electronic/ press like *Worldwide Tax* by TaxAnalysts.com of the *US*, *The Economic Times*, *Live Mint* & *The Wall Street Journal*, *The Financial Express*, *Press Trust of India*, *CCH*, etc) on the International tax and Transfer Pricing matters (including latest developments) providing their views as to their impact on business environment in India.

Amit Maheshwari, managing partner at Ashok Maheshwary & Associates LLP has written a book titled "**Expatriate Taxation - Decoding the Complexity**" published by Wolters Kluwer (CCH) and currently in its second edition.

His second book, titled "**India Transfer Pricing Manual**" has been published by Lexis Nexis, one of the largest publishers in the legal arena in the world. The book aims to provide additional content and depth on Indian transfer pricing landscape that shapes many large MNCs. His latest book titled "**NRI Regulations - Decoding the complexity**" which focuses on Indian legislative requirements applicable to NRIs has been published again by Wolters Kluwer (CCH).