

GST and JOHNNY- UPDATE No.41

JOHNNY
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Yes, Papa!



Have you generated e-way bill keeping in view all legal formalities?



No, papa



What
is the
reason
?



This Papa: The seizure is made by department on small points also. They seize the goods that vehicle number has difference, date in e-way bill and invoice date is not matching, data in e-way bill and invoice is not matching. They are several small issues and manual mistakes are not being ignored.

Even the Court held that goods cannot be seized by a state when IGST is paid on the same but again seizure is being made. The Court has held that UPGST Act by a notification dated 21-07-2017 has made EWB mandatory but that may apply only in respect of goods in transit within the State of U.P. and not for goods brought from outside the State. The seizure U/S 129(1) of the CGST Act, as there was no provision of EWB on the relevant date, prima facie the seizure appears to be illegal. Court directed that the goods and vehicle be released on furnishing bond with security (other than cash and bank guarantee) in respect of the proposed tax and penalty on the value of the goods shown in the documents accompanying the same. *Navyug Airconditioning [2018] 18 (Allahabad) 03-04-2018.*

In second case, petitioner is carrying goods from Orissa to Punjab and has paid IGST on it. A seizure has been made on 28.01.2018 under the UPGST Act. It is the contention of the petitioner that, he has not violated any provision of the UPGST Act Goods ordered to be released by the Hon'ble High Court of Allahabad on bond with security{other than cash or bank guarantee}equal to the value of tax and penalty, to the satisfaction of seizing authority.

Manoj Kumar [2018] 92 taxmann.com 422 (Allahabad) 07-02-2018.

Though there are clear cut decision that seizure cannot be made but the officers did not hear and continue to seize the goods. We are coming up with number of such decisions relating to e-way bills in our series.