

GST and JOHNNY- UPDATE No.73

JOHNNY
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Yes, Papa!



Have you ever paid penalty
due to generation of E way
bill with minor mistakes?



Yes, Papa



The Circular No. 64/2018 was issued regarding the clarifications of the e-way bill. The major clarification is regarding the penalty for errors in the E-way bill. There is the list of the errors, for which the penalty is reduced to the 1,000 rupees only

Minor mistakes/technical mistakes in E-way bill are clarified by the CBEC and further various courts have given judgements for non-levy of penalty/confiscation of goods etc. Such minor mistakes/errors should be allowed to rectify in the course of valid time limit of E-way bill. Such Technical revision of E-way bill will give big relief to genuine taxpayers.

Minor mistakes/errors such as spelling mistakes in the name of consignor or the consignee, 4 & 6 digit level of HSN & SAC codes, would not happen if the system Auto-picked up the names of consignor/consignee on the basis of GSTIN and description of goods and tax rate from HSN & SAC codes entered.

Few judgements related to the minor mistakes in generating E-way bills are :

Case-1: Sabitha Riyaz v/s Union of India- Issue: Mistake in writing distance in E-way bill.

Case-2: Diamond metal v/s State of U.P- Issue: Mistake in writing vehicle number in E-way bill.

Case-3: V.V. Mohommed Rafi v/s State of Kerela- Issue: Mistake in writing tax invoice number and vehicle number and E-way bill.

Issues in all the above cases are held to be minor mistakes. Revision of E-way bill is the solution to avoid litigation and avoid penalties on genuine tax payers. Wherein recently government has introduced facility of amendment in returns, it is expected that revision facility in e way bill will be released soon.

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