CEP TOPIC : TAX INVOICE , E-WAY BILL, E-INVOICE ,INSPECTION,VARIFICATION AND DETENTION OF GOODS IN TRASIT UNDER GST ACT.

SPEAKER : CMA SALMAN PATHAN

PRACTICING COST ACCOUNTANT

ORGANISED : ICMAI-CHHATRAPATI SAMBHAJINAGAR CHAPTER

DATE : 18-APRIL-2025,FRIDAY

CONTACT

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TAX INVOICE

E-WAY BILL

E-INVOICE

INSPECTION

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AND

DETENTION

OF GOODS IN TRANSIT UNDER GST.

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TAX INVOICE

- Invoice under GST Under the GST regime, an "invoice" or "tax invoice" means the tax invoice referred to in section 31 of the CGST Act, 2017. This section mandates issuance of invoice or a bill of supply for every supply of goods or services or both. It is necessary for a person supplying goods or services or both to issue invoice.

- The type of invoice to be issued depends upon the category of registered person making the supply. For example, if a registered person is making supplies, then a tax invoice needs to be issued by such registered person. However, if a registered person is dealing only in exempted supplies or is availing composition scheme (composition dealer), then such registered person needs to issue a bill of supply in lieu of tax invoice.

- The invoice should contain description, quantity and value & such other prescribed particulars under rule 46 of CGST Rules, 2017

Importance of Tax Invoice under GST

- Under GST a tax invoice is an important document. It not only evidences supply of goods or services or both, but is also an essential document for the recipient to avail Input Tax Credit (ITC). A registered person cannot avail input tax credit unless he is in possession of a tax invoice or a debit note.

- GST is chargeable at the time of supply. Invoice is an important indicator of the time of supply. Broadly speaking, the time of supply of goods is the date of issuance of invoice and the time of supply of services is the date of issuance of invoice or receipt of payment, whichever is earlier.

When a Tax Invoice or a Bill of Supply should be issued by a Registered Person

- The time for issuing invoice would depend on the nature of supply viz. whether it is a supply of goods or services. A registered person supplying taxable goods shall, before or at the time of removal of goods (where supply involves movement of goods) or delivery or making available thereof to the recipient, issue a tax invoice showing the description, quantity and value of goods, the tax charged thereon and such other particulars that have been prescribed in the CGST Rules.

CONTENT OF INVOICE

There is no format prescribed for an invoice, however, Invoice rules makes it mandatory for an invoice to have following fields (only applicable field are to be filled):

(a) Name, address and GSTIN of the supplier;

(b) A consecutive serial number, in one or multiple series, containing alphabets or numerals or special characters hyphen or dash and slash symbolised as “-” and “/” respectively, and any combination thereof, unique for a financial year;

(c) (c) Date of its issue;

(d) (d) Name, address and GSTIN or UIN, if registered, of the recipient;

(e) (e) Name and address of the recipient and the address of delivery, along with the name of State and its code, if such recipient is un-registered and where the value of taxable supply is fifty thousand rupees or more

- (f) HSN code of goods or Accounting Code of services;
- (g) Description of goods or services;
- (h) Quantity in case of goods and unit or Unique Quantity Code thereof; (i) Total value of supply of goods or services or both;
- (j) Taxable value of supply of goods or services or both taking into account discount or abatement, if any;
- (k) Rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);
- (l) Amount of tax charged in respect of taxable goods or services (central tax, State tax, integrated tax, Union territory tax or cess);
- (m) Place of supply along with the name of State, in case of a supply in the course of inter-State trade or commerce;
- (n) Address of delivery where the same is different from the place of supply;
- (o) Whether the tax is payable on reverse charge basis; and
- (p) Signature or digital signature of the supplier or his authorized representat

- Signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of an electronic invoice, bill of supply, ticket or any such document in accordance with the provisions of the Information Technology Act, 2000.

E-WAY BILL

- E - Way Bill or an Electronic Way bill is required for movement of goods under GST. Transporters should carry an eWay Bill when moving goods from one place to another, valid across India if value of consignment exceeds Rs 50000/-. (wef **01-04-2024)**

- What is an eWay Bill?
- What are the components of an e-way bill?
- When should an eWay Bill be issued?
- Who should generate an eWay Bill?
- Cases when an eWay bill is not required
- State-wise e-Way Bill rules and limits
- SMS e-way bill generation on mobile
- Validity of eWay Bill
- Frequently Asked Questions

What is an eWay Bill?

- Under GST, an Electronic Way bill is required for movement of goods. A registered person cannot transport goods in a vehicle whose value exceeds Rs. 50,000 (Single Invoice/bill/delivery challan) without an e-way bill that is generated on ewaybillgst.gov.in.

What are the components of an e-way bill?

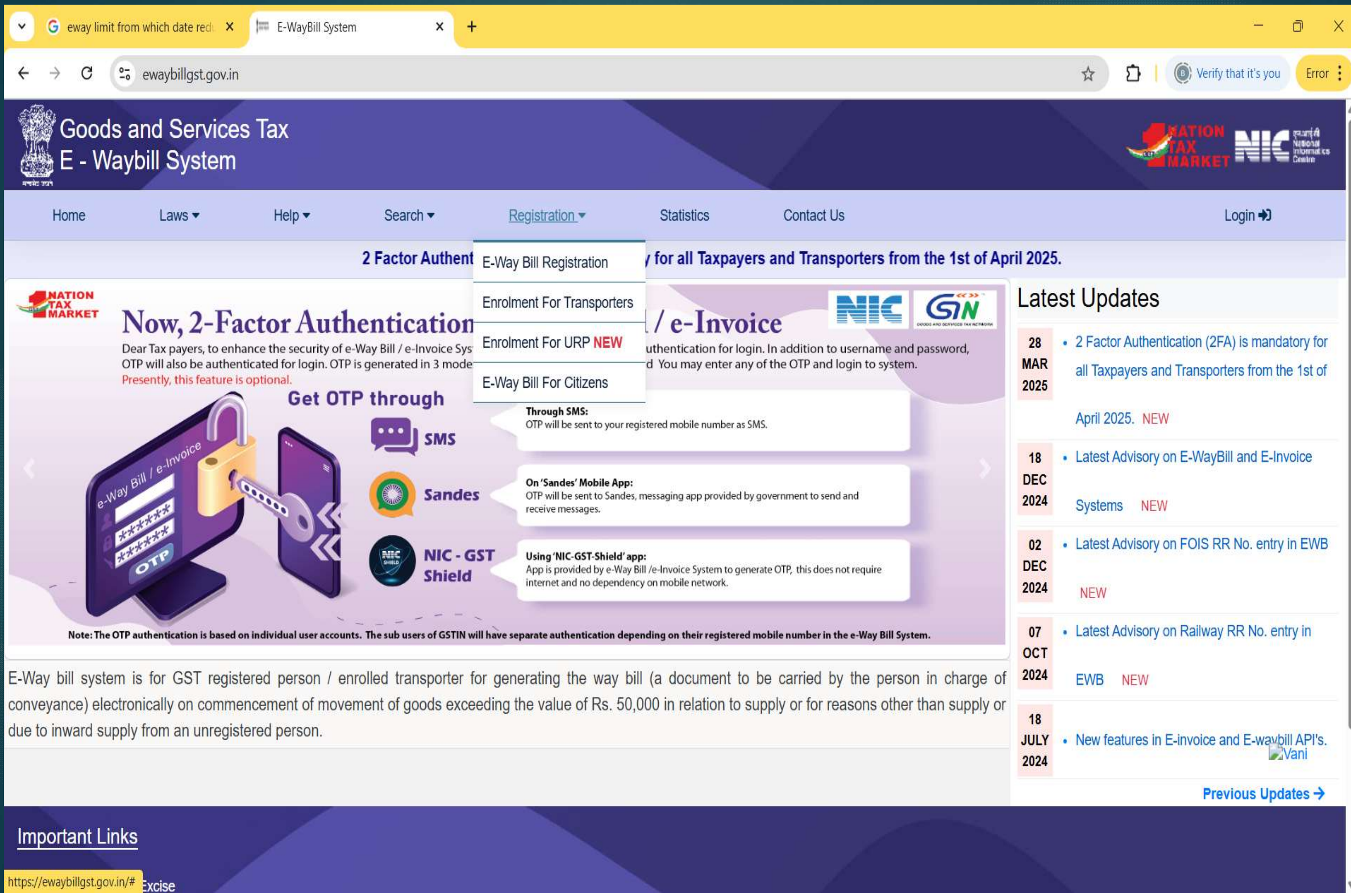
- E-Way bill is divided into two components i.e. Part A and Part B. The person required to issue eway bill should fill in the following details of Part A:
- Details of GSTIN of recipient,
- Place of delivery (PIN Code),
- Invoice or challan number and date,
- Value of goods,
- HSN code,
- Transport document number (Goods Receipt Number or Railway Receipt Number or Airway Bill Number or Bill of Lading Number) and
- Reasons for transportation
- While as far as Part B is concerned, it comprises of the transporter details (for eg: Vehicle number)

When Should eWay Bill be issued?

- eWay bill will be generated when there is a movement of goods in a vehicle/ conveyance of value more than Rs. 50,000 (either each Invoice or in aggregate of all invoices in a vehicle/conveyance) –
- In relation to a 'supply'
- For reasons other than a 'supply' (say a return)
- Due to inward 'supply' from an unregistered person
- For this purpose, a supply may be either of the following:
- A supply made for a consideration (payment) in the course of business
- A supply made for a consideration (payment) which may not be in the course of business
- A supply without consideration (without payment).

Who should Generate an eWay Bill?

- **Registered Person** – Eway bill must be generated when there is a movement of goods of more than Rs 50,000 in value to or from a registered person. A registered person or the transporter may choose to generate and carry eway bill even if the value of goods is less than Rs 50,000.
- **Unregistered Persons** – Unregistered persons are also required to generate e-Way Bill. However, where a supply is made by an unregistered person to a registered person, the receiver will have to ensure all the compliances are met as if they were the supplier.
- **Transporter** – Transporters carrying goods by road, air, rail, etc. also need to generate e-Way Bill if the supplier has not generated an e-Way Bill but are not required to generate the Eway bill (as Form EWB-01 or EWB-02) where all the consignments **in the conveyance** :
- Individual.



CMA SALMAN PATHAN
18-Apr-25

Cases when eWay bill is Not Required

- In the following cases it is not necessary to generate e-Way Bill:
- The mode of transport is non-motor vehicle
- 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.
- Goods transported under Customs supervision or under customs seal
- Goods transported under Customs Bond from ICD to Customs port or from one custom station to another.
- Transit cargo transported to or from Nepal or Bhutan
- Movement of goods caused by defence formation under Ministry of defence as a consignor or consignee.

- Empty Cargo containers are being transported
- Consignor transporting goods to or from between place of business and a weighbridge for weighment at a distance of 20 kms, accompanied by a Delivery challan.
- Goods being transported by rail where the Consignor of goods is the Central Government, State Governments or a local authority.
- Goods specified as exempt from E-Way bill requirements in the respective State/Union territory GST Rules.
- 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 consigner or consignee and the transporter is less than 50 Kms and transport is within the same state.

SMS e-way bill generation on mobile

- You can generate e-way bills via SMS using registered mobile phone. All can begin by enabling SMS e-way bill generate facility. Register the mobile phone to be used for SMS facility of e-way bill generation. Thereafter, send simple SMS codes to a particular mobile number managed by the e-way bill portal/GSTN to generate, manage and cancel e-way bills. For more details, read our article on SMS mode of e-way bill generation.

Time limit to generate e-way bill

- Earlier there was no time limit set for generating e-way bills. However, there was a validity given for every e-way bill.(one day for every 200 kilometers or part thereof). However, starting 1st January 2025, you can generate e-way bills on documents dated within 180 days. For example, documents dated earlier than 5th July 2024 will be ineligible for e-way bill generation from 1st January 2025. The update is as per a GSTN advisory dated 17th December 2024.

Validity of eWay Bill

Type of conveyance	Distance	Validity of EWB
Other than Over dimensional cargo	Less Than 200 Kms	1 Day
	For every additional 200 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

- NOTE : E-way Bill Validity can also be extended by the generator of such Eway bill either eight hours before expiry or within eight hours after its expiry.
- Over Dimensional Cargo (ODC) :

refers to goods that exceed the standard size and weight limits allowed for transportation by road, rail, or sea. This includes oversized, bulky, or heavy goods that require special handling and transportation methods, like heavy machinery or large structures.

E-INVOICE

Phase	Applicable to taxpayers having an aggregate turnover of more than	Applicable date	Notification number
I	Rs 500 crore	01.10.2020	61/2020 – Central Tax and 70/2020 – Central Tax
II	Rs 100 crore	01.01.2021	88/2020 - Central Tax
III	Rs 50 crore	01.04.2021	5/2021 - Central Tax
IV	Rs 20 crore	01.04.2022	1/2022 - Central Tax
V	Rs 10 crore	01.10.2022	17/2022 – Central Tax
VI	Rs 5 crore	01.08.2023	10/2023 - Central Tax

- Aggregate Turnover (AATO) exceeds the specified limit in any financial year from 2017-18 to 2024-25. The aggregate turnover will include the turnover of all GSTINs under a single PAN across India.

INSPECTION

VARIFICATION

DETENTION

OF GOODS IN TRANSIT UNDER GST.

- One of the main purposes of E-way bill is to ensure smooth movement of goods at the check post. Let us examine the various process involved in the process of transporting the goods from one place to another. Once the goods are ready for transportation, the transporter has to ensure that two things are in place:
- E-way Bill or E-way bill number
- Invoice

Inspection by the Proper Officer

- When the goods are in movement, a proper officer may intercept or inspect any vehicle that is carrying goods. A vehicle may be intercepted either for verification of documents or inspection of goods. He shall verify all the documents that the transporter is carrying including an E-way bill, invoice etc However, the officer cannot conduct another physical verification of the same goods when a physical verification has already been conducted in any state or union territory. As an exception, the vehicle may be stopped if the officer has specific information about tax evasion.

Transporter failure to provide documents

- If the transporter fails to provide the documents asked for verification, the proper officer shall follow these steps

Form Name	Purpose
GST MOV-01	Statement of owner, driver or person in charge of the vehicle
GST MOV-02	Order for physical verification and inspection of goods, conveyance or documents
GST MOV-03	Order for extension of time beyond 3 days for inspection
GST MOV-04	Physical verification report
GST MOV-05	Release order
GST MOV-06	Order of detention
GST MOV-07	Notice specifying tax and penalty amount
GST MOV-08	Bond for provisional release of goods/ conveyance
GST MOV-09	Order of demand of tax and penalty
GST MOV-10	Notice for the confiscation of goods
GST MOV-11	Order of confiscation of goods and conveyance and demand of tax, fine and penalty

FORM GST MOV-01

COMMERCIAL TAXES DEPARTMENT- TAMILNADU
FORM GST MOV-01
STATEMENT OF OWNER / DRIVER PERSON IN CHARGE OF THE GOODS AND CONVEYANCE.

GST MOV 01 Sl No: 2556 **/2024-25/RS-** 2 **/Hosur** **Dated:** 06.04.2025..

Statement of Sri .....P. udhayakumar............. S/o....Palaniappan....... age ....42.....years, residing at .A/1/20B, poolampatty colony, Edappadi... owner / driver / person- in- charge of the goods and conveyance bearing No.......T[redacted]898 made before the State Tax Officer (FAC) (Intelligence) , Roving Squad- 2 , Hosur (Designation of the proper officer) on...06.04.2025.at ...3.15....AM/PM At [redacted] (place).

Today, you have intercepted the above mentioned conveyance and after disclosing your identity, you have requested me to produce my credentials and the documents relating to the goods in movement for your verification. In this regard, I hereby declare the following.

1.Personal Details		
Name	:	[redacted] P. Udhayakumar
Father name	:	P[redacted]
Age	:	42
Years	:	o[redacted]
DL No.	:	TN27V20070002116
RTO	:	S[redacted]
Conveyance Registration No.		T[redacted]A898
Engine No.	:	F[redacted]41
Chassis No.	:	MP[redacted]9
Proof of Identity		Driving License & RC
Address	:	A/1/20B, Poolampatty colony, Poolampatty, Edappadi (TK), Salem-637107.
Phone	:	7[redacted]
Email Id	:	
2.Details of the Transporter	:	
Name	:	
Address	:	
Phone	:	
Email	:	

3. I am person in charge of the goods conveyane number ...T[redacted]

4.I am transporting goods....Battery Scrap [85491100]........

From:.Ah[redacted]tra To ...E[redacted]u...

5.a) I have not produced any documents relating to the goods under transportation

b) produce the documents, recorded in the Annexure, relating to the goods under transportation, which I have duly certified and signed as correct.

I hereby declare that , except the documents mentioned in the Annexure to this statement which have been tendered to you, there are no other documents with me or in the conveyance relating to the goods in movement

The facts recorded in this statement are as per the submissions made by me and the contents of the statement were explained to me once again in the..Tamil............ (language) which is known to me and I declare that the information furnished in this statement is true and correct and I have retained a copy of this statement.

6/4/25 3.15 Pm.

BEFORE ME

(OWNER/DRIVER/PERSON INCHARGE)

06/04/25

STATE TAX OFFICER (FAC)
State Tax Officer(FAC),
ROVING SQUAD-2
Roving Squad-2, Hosur.
HOSUR INTELLIGENCE DIVISION
HOSUR-[redacted]

Annexure to The Deponent Statement in Form GST MOV -01
(particulars of Goods movement – As per the documents Tendered)

1.	Sl No.	:	GST Mov -01 : 2556/2025-26/RS-2/Hosur
2.	LR No.	:	–
3.	LR date	:	–
4.	Invoice /Bill of supply / Delivery challan No ./ date	:	[redacted] 2025 [redacted] 2025
5.	Consignor	:	[redacted]
6.	Consignee	:	[redacted] Ltd [redacted] Ltd [redacted]
7.	Commodity	:	Battery scrap [HSN : 85491100]
8.	Value	:	[redacted]
9.	EWB Bill No. if any	:	[redacted]

[redacted]

BEFORE ME

(OWNER /DRIVER /PERSON INCHARGE)

STATE TAX OFFICER (FAC)
State Tax Officer(FAC),
ROVING SQUAD-2
Roving Squad-2, Hosur.
HOSUR INTELLIGENCE DIVISION
[redacted]

COMMERCIAL TAXES DEPARTMENT - TAMILNADU
FORM GST MOV -02

ORDER FOR PHYSICAL VERIFICATION /INSPECTION OF THE CONVEYANCE , GOODS AND DOCUMENTS .

GST MOV -02 SL.No : 2556/25-26/RS2/HSR **Dated:** 06.04.2025

The goods conveyance bearing No. T[redacted] carrying Battery Scrap - 85491100 goods was intercepted by the undersigned SO[redacted] (Designation of officer) on 06.04.25 at 3.15 AM/PM at Kothapally (place).
The owner / Driver / person –in charge of the goods conveyance has:

1. Failed to tender any document for the goods in movement, or
2. Tendered the documents mentioned in the Annexure to Form GST MOV -01 for verification. Upon verification of the documents tendered, the undersigned is of the opinion that the inspection of the goods under movement is required to be done in accordance with the provisions of the Sub Section (3) of Section 68 of the Tamilnadu Goods and Services Tax Act, 2017 for the following reasons.

1.The owner /driver / person – in charge of the conveyance has not tendered any documents for the goods in movement	
2.Prima facie the documents tendered are found to be defective	✓
3.The genuineness of the goods transit (its quantity etc) and / or tendered documents requires further verification	✓
4.E way bill not tendered for the goods in movement	
5.Other specify	✓

i) Goods moved without any physical copies of documents such as eway bill, Tax invoice, etc.
ii) Goods moved from unregistered place of Registered person. (Ahmednagar, Maharashtra) but the consignor has not any additional place of business at Ahmednagar, Maharashtra. (Tvl. A.K. metals)
iii) The original supplier of goods Tvl. A.K. metals, Maharashtra has generated eway bill and einvoice at 11.45 pm, 05.04.2025 but the second consignor has generated eway bill and einvoice at 4.31 pm, 04.04.2025. Before purchase the goods how he can move the goods. ⊗

Hence you are hereby directed:-

1. To station the conveyance carrying goods at CT Building, Hosur. (Place) at your own risk and responsibility.

2. To allow and assist in physical verification and inspection of the goods in movement and related documents ,

3. Not to move the goods and conveyance from the place at which it is stationed until further ordersand not to part with the goods in question.

⊗ The entire transaction is suspected one.
iv) The relationship between Tvl. Amara Raja Energy and mobility Ltd and Metstar Industries private Ltd has to be verified. Hence offence booked.

W/6 06/04/25
STATE TAX OFFICER (FAC
ROVING SQ. AD -02
HOSUR INTELLIGENCE DIVISION
State Tax Officer (FAC),
Roving Squad [redacted]

To :-
Thiru. P.[redacted]kumar.
Owner /Drive /person in charge of conveyance No.: TN.52.H.4898

[redacted]

About Us Contact

FORM GST MOV-03
ORDER OF EXTENTION OF TIME FOR INSPECTION BEYONF THREE WORKING DAYS

Order No.

The conveyance bearing No.__________ was intercepted by __________ (Designation of the officer) on __________ (date & time) at __________ (Place) and the same was directed to be stationed at ________ (place) for inspection by serving an Order in FORM GST MOV -02 on the person in charge of the conveyance.

Now, the proper officer has requested for extension of time for conducting the inspection of the goods and conveyance for the following reasons:

____

____

The request of the proper officer has been examined and the same is found to be reasonable. The time period for conduct of inspection is hereby extended for a further period of _____ days.

The proper officer is hereby directed to serve a copy of this order on the person in charge of the conveyance.

JOINT/ADDL. COMMISSIONER

Place:

Date:

COMMERCIAL TAXES DEPARTMENT - TAMILNADU
FORM GST MOV -04
PHYSICAL VERIFICATION REPORT

Ref Form GST MOV -02 No ..2556/25-26/RS2/HSR.. Dated..06.04.25......

The physical verification of the goods conveyance bearing No. [redacted] has been conducted in the presence of Thiru. [redacted] owner / person in charge of the goods vehicle . The details of the physical verification are as under:

PHYSICAL VERIFICATION REPORT	
Date of Physical verification	06.04.2025
Goods conveyance number	TN [redacted]
Name of the Transporter	—

Sl No.		2556/25-26/RS2/HSR
Transport document / LR No. & Date	:	—
Tendered Invoice / Documents No. &Date as per online portal.	:	AB002/05.04.25 15/04.04.25
Description of goods as per Invoiceincluding HSN Code	:	Battery scrap 85491100
Description of goods in theconveyance	:	Battery scrap
Quantity as per Invoice	:	[redacted]
Quantity as physical verification	:	[redacted]
Difference		—

I hereby declare that the physical verification of the goods and conveyance mentioned above has been conducted in my presence and I accept that the contents recorded in this reportare true and correct.

[redacted]
Signature of the owner / person in charge

[redacted]

STATE TAX OFFICER (FAC)
ROVING SQUAD- 02
HOSUR INTELLIGENCE DIVISION
State Tax Officer (FAC)
[redacted]

Acknowledgment

I hereby duly declare that I have received a copy of the above report of physicalverification.

[redacted]
Signature of the owner / person in charge

COMMERCIAL TAXES DEPARTMENT - TAMILNADU FORM GST

MOV-06

ORDER OF DETENTION UNDER SECTION 129(1) OF THE TAMIL NADU GOODS AND SERVICES TAX ACT, 2017 AND CENTRAL GOODS AND SERVICES TAX ACT, 2017.

Ref Form GST MOV -04 No 2556/25-26/PSJ/HSR **Dated** 06.04.25

The goods conveyance bearing No. [illegible] was intercepted and inspectedby the undersigned on 06.04.25 at Krishnagiri (place and time) 3.15 ~~AM~~/PM. At the time of interception, the owner/ driver/ person in charge of the goods/ conveyance is Shri/Thiru P. [illegible].....

	The owner /driver / person in charge of the goods conveyance Shri ______________ has not tendered any documents for the goods in movement
✓	Prima facie, the documents tendered are found to be defective
✓	The genuineness of the goods in transit (its quantity etc) and / or tendered documents requires further verification
	E way bill not tendered for the goods in movement
✓	Others
Specify:-	1) Goods moved without any physical copies of documents. — As per MOV 02 —

For the above said reasons, an order for physical verification / inspection of the conveyance, goods and documents was issued in **FORM GST MOV-02** dated 06.04.25 and served on the owner/driver/person in charge of the conveyance. A physical verification and inspection of goods in movement was conducted on 06.04.25 by P. Sureesh, STO(FAC), RSJ, Hosur (name and designation) in the presence of the owner/driver/person in charge of the conveyance Shri P[illegible] and a report was drawn in **FORM GST MOV-04.** The following discre[illegible]

DISCREPANCIES NOTICED AFTER PHYSICAL VERIFICATION OF GOODS AND CONVEYANCE	
Mismatch between the goods in movement and documents tendered, the details of which are as under.	a) b) — c)

Mismatch between E way bill and goods in movement, the details of which are as under .	a) b) — c)
Goods not covered by valid documents, and the details are as under.	a) b) — c)
Others (Specify)	a) b) Defective document. c)

In view of the above discrepancies, the goods and conveyance are required to be detained for further proceedings. Hence, the goods and above conveyance are detained by the undersigned and the driver/person in charge of the conveyance is hereby directed to station the conveyance at CT Building Hosur (place) at his own risk and responsibility and not to part with any goods, till the issue of release order in **FORM GST MOV-05.**

STATE TAX OFFICER (FAC)
State Tax Officer (FAC),
ROVING SQUAD
Roving Squad 02, Hosur
HOSUR INTELLIGENCE DIVISION

To,
Shri
Driver/Person in charge
Vehicle/Conveyance No:
Address:

COMMERCIAL TAXES DEPARTMENT - TAMILNADU
FORM GST MOV- 07

NOTICE UNDER SECTION 129(3) OF THE CENTRAL GOODS AND SERVICES TAX ACT,2017 AND THE TAMIL NADU GOODS AND SERVICES TAX ACT,2017 /UNDER SECTION 20 OF THE INTEGRATED GOODS AND SERVICES TAX ACT,2017

The conveyance bearing No. [redacted] was intercepted by P. SURESH, STO(FOC), RSD, Hosur (Name and Designation of the proper officer) on 06.04.25 (date) at 3.15 p.m (time) at [redacted] (place). The statement of the driver/person in charge of the vehicle was recorded on 06.04.25 (date).

2. The goods in movement were inspected under the provisions of sub-section (3) of section 68 of the Central Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the State/ Union Territory Goods and Services Tax Act, 2017 or under section 20 of the Integrated Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central Goods and Services Tax Act, 2017 on 06.04.25 (date) and the following discrepancies were noticed.

i) Goods moved without any physical copies of documents. Such as ewaybill, Taxinvoice, LR copy etc.

ii) Goods moved from unregistered place of Registered person (Ahmednagar) (Maharashtra) but the consignor has no any additional place of business at Ahmednagar, Maharashtra. (M/s. AK metals).

iii) The original supplier of goods M/s. A.K. metals, Maharashtra has generated ewaybill and einvoice at 11.45pm 05.04.2025 but the second consignor M/s. Silver Industries, Maharashtra has generated ewaybill and einvoice at 4.31pm, 04.04.2025. Before purchase the goods, how he can move the goods. The entire transaction is suspected one. (*)

3. In view of the above, the goods and the conveyance used for the movement of goods were detained under sub-section (3) of section 68 of the Central Goods and Services Tax Act, 2017 and sub-section (1) of section 129 of the Central Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the State/ Union Territory Goods and Services Tax Act, 2017 or under section 20 of the Integrated Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the Central Goods and Services Tax Act, 2017 by issuing an order of detention in **FORM GST MOV 06** and the same was served on the person in charge of the conveyance on……………………(date).

4. Sub-section (1) of section 129 of the Central Goods and Services Tax Act, 2017 provides for the release of goods and conveyance detained on the payment of tax and penalty as under:

(a)the applicable penalty penalty equal to two hundred per cent. of the tax payable on such goods and, in case of exempted goods, on payment of an amount equal to two per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods comes forward for payment of such penalty.

(b)the applicable penalty equal to fifty per cent. of the value of the goods or two hundred per cent. of the tax payable on such goods, whichever is higher, and in case of exempted goods, on payment of an amount equal to five per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods does not come forward for payment of
Such penalty.

(*) The relationship between M/s. Omkaraja, Energy and mobility Ltd, and Metstar Industries private Ltd has to be verified. Hence Offence booked and penalty proposed u/s 129.

3) **Calculation of Applicable penalty under Clause (b) of Sub Section (1) of Section 129**

Sl No.	:	
Description of goods	:	
HSN Code	:	
Quantity	:	
Total Value (Rs.)	:	
Amount of Tax	:	
Central Tax	:	
State Tax	:	
Integrated Tax	:	
Cess	:	
Penalty amount	:	
Central Tax	:	
State Tax	:	
Integrated Tax	:	
Cess	:	

7. You are hereby directed to show cause, within seven days from the receipt of this notice, as to why the proposed tax and penalty mentioned supra should not be payable by you, failing which, further proceedings under the provisions of the Central Goods and Services Tax Act, 2017 State/Union Territory Goods and Services Tax Act, 2017 or the Integrated Goods and Services Tax Act, 2017 and the Goods and Services Tax (Compensation to States) Act, 2017 shall be initiated.

8. You are hereby directed to appear before the undersigned on 09.04.25 at 11 am AM/PM.

9. If you fail to furnish a reply within the stipulated date or fail to appear for personal hearing on the appointed date and time, the case will be decided ex-parte on the basis of available records and on merits.

[redacted]

STATE TAX OFFICER (FAC)
ROVING SQUAD- 02
HOSUR INTELLIGENCE DIVISION
HOSUR [redacted]

State Tax Officer (FAC),
Roving Squad: 2, Hosur.

To:-
Thiru [redacted]
Driver / Person in Charge Vehicle/Conveyance No: [redacted]
Address:

Action to be taken by owner w.r.t. the order

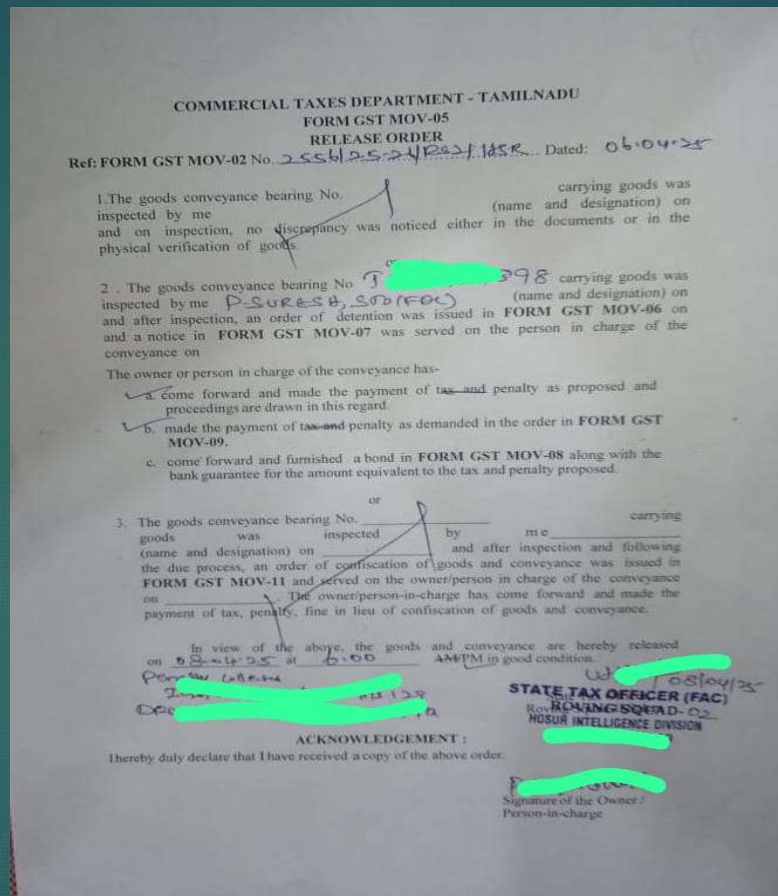
Actions available to the owner

Accept the tax and penalty

- He can either pay the tax and penalty
- He can furnish a bank guarantee equal to the said amount
- The tax amount along with the penalty shall be paid within 7 days
- Thereafter, an order releasing the goods is passed in Form GST MOV-05

Dispute the tax and penalty

- In this case, the officer shall consider the objections and pass a speaking order in the said amount Form GST MOV-09



COMMERCIAL TAXES DEPARTMENT - TAMILNADU
FORM GST MOV-05
RELEASE ORDER

Ref: FORM GST MOV-02 No. 2556125-24/R22/185R Dated: 06.04.25

1.The goods conveyance bearing No. carrying goods was inspected by me (name and designation) on and on inspection, no discrepancy was noticed either in the documents or in the physical verification of goods.

or

2 . The goods conveyance bearing No T [redacted] 398 carrying goods was inspected by me P.SURESH, STO(FAC) (name and designation) on and after inspection, an order of detention was issued in **FORM GST MOV-06** on and a notice in **FORM GST MOV-07** was served on the person in charge of the conveyance on

The owner or person in charge of the conveyance has-

a. come forward and made the payment of ~~tax and~~ penalty as proposed and proceedings are drawn in this regard.

b. made the payment of ~~tax and~~ penalty as demanded in the order in **FORM GST MOV-09.**

c. come forward and furnished a bond in **FORM GST MOV-08** along with the bank guarantee for the amount equivalent to the tax and penalty proposed.

or

3. The goods conveyance bearing No. ______ carrying goods was inspected by me ______ (name and designation) on ______ and after inspection and following the due process, an order of confiscation of goods and conveyance was issued in **FORM GST MOV-11** and served on the owner/person in charge of the conveyance on ______. The owner/person-in-charge has come forward and made the payment of tax, penalty, fine in lieu of confiscation of goods and conveyance.

In view of the above, the goods and conveyance are hereby released on 08.04.25 at 6.00 ~~AM~~/PM in good condition.

[redacted]

[redacted] 08/04/25

STATE TAX OFFICER (FAC)
ROVING SQUAD-02
HOSUR INTELLIGENCE DIVISION
[redacted]

ACKNOWLEDGEMENT :

I hereby duly declare that I have received a copy of the above order.

[redacted]

Signature of the Owner / Person-in-charge

FORM GST MOV -08

BOND FOR PROVISIONAL RELEASE OF GOODS AND CONVEYANCE

I/We ....S/D/W of..................... here in after called "obligor(s)" am/are held and firmly bound to the President of India (hereinafter called "the President") and/or the Governor of..................(State) (hereinafter called "the Governor") for the sum of.....................rupees to be paid to the President / Governor for which payment will and truly be made. I jointly and severally bind myself and my heirs/ executors/ administrators/ legal representatives/successors and assigns by these presents: dated this..................day of................

WHEREAS, in accordance with the provisions of sub-section (1) of section 129 of the Central Goods and Services Tax Act, 2017, the goods have been detained vide order number ....dated............ having value of ....rupees. and involving an amount of tax of ....rupees. On my request, the goods have been permitted to be released provisionally by the proper officer on execution of the bond of value ....rupees and a security of ....rupees against which bank guarantee has been furnished in favour of the President/Governor; and

WHEREAS, I undertake to produce the said goods released provisionally to me as and when required by the proper officer duly authorized under the act.

And if all taxes, interest, penalty, fine and other lawful charges demanded by the proper officer are duly paid within seven days of the date of detention being made in writing by the said proper officer, this obligation shall be void.

OTHERWISE and on breach or failure in the performance of any part of this condition, the same shall be in full force and virtue:

AND the President/Governor shall, at his option, be competent to make good all the losses and damages from the amount of the bank guarantee or by endorsing his rights under the above-written bond or both;

IN THE WITNESS THEREOF these presents have been signed the day hereinbefore written by the obligor(s).

Signature(s) of obligor(s).

Date:

Place:

Witnesses

(1) Name and Address

Occupation

(2) Name and Address Date

Occupation

Place

Accepted by me this..............................day of......................(month)..........................(year) .... (designation of officer) for and on behalf of the President/Governor.

(Signature of the Officer)

FORM GST MOV-09

ORDER OF DEMAND OF TAX AND PENALTY

https://gstlearn.com/2024/04/29/government-of-india-9/

FORM 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.**
- /https://gstlearn.com/2024/04/30/government-of-india-10

FORM GST MOV -11

- **ORDER OF CONFISCATION OF GOODS AND CONVEYANCE AND DEMAND OF TAX, FINE AND PENALTY**

- https://gstlearn.com/2024/04/30/government-of-india-11/

Fine in lieu of confiscation

- The minimum fine will be 100% tax if the owner comes forward and 50% of the value of goods before tax if the owner does not come forward. The maximum penalty will equal the market value of the products before tax. For vehicle confiscation, the owner will have the option to pay a fine equal to the tax due on the products. The imposition of a fine in lieu of confiscation does not nullify the other applicable penalties. Other taxes, fees, and penalties will still be owed following the payment of a fine in lieu of confiscation.

- As we seen.

Goods will not be seized without a notice to show cause and an opportunity to be heard. Once confiscated, the products become the government's property. There will be a three-month grace period for the payment of the confiscation fine, after which the products will be sold. Confiscation will have no effect on other penalties under the GST, meaning that all penalties and prosecutions will continue to apply.

CONCLUSION

- In conclusion, the **confiscation of goods under the GST** law is a crucial provision aimed at ensuring compliance and deterring tax evasion. It serves as a powerful tool to penalize defaulters and maintain the integrity of the tax system. Businesses must understand the legal framework and reasons for confiscation to avoid falling afoul of the law. By maintaining proper records, adhering to GST regulations, and promptly rectifying any discrepancies, businesses can mitigate the risks of confiscation and its adverse consequences. Overall, compliance with the GST law is essential for the smooth operation and growth of businesses in the ever-evolving taxation landscape.

THANKS