

# TAX INFO

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Latest update on GST Law: Information regarding **Whether E-way Bill is necessary for transporting personal effects including motor vehicles?**

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VST and Sons (P.) Ltd had filed a Writ Petition WP(C). No. 22304 OF 2020(K) dated October 21, 2020 challenging the detention of “Range Rover” motor vehicle belonging to him which was being transported from Coimbatore to Thiruvananthapuram as “**used personal effect**”.

The same was detained on the ground that the motor vehicle was transported without the E-way Bill as contemplated under Rule 138 of the Kerala Goods and Service Tax Rules, 2017.

The Hon’ble Kerala High Court in the current application observed that the motor vehicle was detained only on the ground of not having E-way Bill. **Under Rule 138(14)(a) of the KGST Rules the goods classifiable as used, personal and household effect are exempted from the requirement of E-way Bill.**

The Court relied on the case of **KUN Motor Company Private Limited and Others v. the Assistant State Tax Officer [(2019) 60 GSRT 144 (Kerala)]**, wherein it was held that **used vehicles, even if it has run only negligible distances, the motor vehicles are to be categorized as “used personal effect”.**

Therefore, The Court directed the respondent to release the motor vehicle “Range Rover” without insisting on payment of tax or security as the condition for the release as E-way Bill is not necessary for transportation of personal effects and as such detention under Section 129 of the CGST Act is not justified.

## **Conclusion:**

**E-way Bill is NOT necessary for transporting personal effects including motor vehicles.**

**Suresh Aggarwal, Advocate**

**Compliance & Litigation under GST**

**Address:**House No. 54, Pocket A-3, Sector-5, Rohini- 110085

**Phone:** 91-9810032846; 011 - 45131427

**Email:** sureshagg@gmail.com

**Website:** <http://www.sureshtaxation.com>