

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF STATE TAX, ASSAM
KAR BHAWAN, DISPUR, GUWAHATI-6
& & &

CIRCULAR No. 10/2018-GST

Dated Dispur, the 12th June, 2018.

Subject: Procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances –reg.

No. CT/GST-15/2017/99.— Sub-section (1) of section 68 of the Assam Goods and Services Tax Act, 2017 (hereinafter referred to as the “Assam GST Act”) stipulates that the person-in-charge of a conveyance carrying any consignment of goods of value exceeding a specified amount shall carry with him the documents and devices prescribed in this behalf. Sub-section (2) of the said section states that the details of documents required to be carried by the person in charge of the conveyance shall be validated in such manner as may be prescribed. Sub-section (3) of the said section provides that where any conveyance referred to in sub-section (1) of the said section is intercepted by the proper officer at any place, he may require the person-in-charge of the conveyance to produce the documents for verification, and the said person shall be liable to produce the documents and also allow the inspection of goods.

- 1.1. Rules 138 to 138D of the Assam Goods and Services Tax Rules, 2017 (hereinafter referred to as the “Assam GST Rules”) lay down, in detail, the provisions relating to e-way bills. As per the said provisions, in case of transportation of goods by road, an e-way bill is required to be generated before the commencement of movement of the consignment. Rule 138A of the said rules prescribes that the person-in-charge of a conveyance shall carry the invoice or bill of supply or delivery challan, as the case may be; and in case of transportation of goods by road, he shall also carry a copy of the e-way bill in physical form or the e-way bill number in electronic form or mapped to a Radio Frequency Identification Device embedded on to the conveyance in such manner as may be notified by the Commissioner.
- 1.2. Section 129 of the Assam GST Act provides for detention, seizure and release of goods and conveyances in transit while section 130 of the Assam GST Act provides for the confiscation of goods or conveyances and imposition of penalty.
2. In this regard, various references have been received regarding the procedure to be followed in case of interception of conveyances for inspection of goods in movement and detention, release and confiscation of such goods and conveyances. In order to ensure uniformity in the implementation of the provisions of the Assam GST Act across all the field formations, the Commissioner of State Tax, in exercise of the powers conferred under section 168 of the Assam GST Act, hereby issues the following instructions:
 - (a) The Commissioner or an officer authorised by him for this purpose shall, by an order, designate an officer/officers as the proper officer/officers to conduct interception and inspection of conveyances and goods under the provisions of sections 68, 129 and 130 of the Assam GST Act in the jurisdictional area specified in such order.

- (b) The proper officer, empowered to intercept and inspect a conveyance, may intercept any conveyance for verification of documents and/or inspection of goods. On being intercepted, the person-in-charge of the conveyance shall produce the documents related to the goods and the conveyance. The proper officer shall verify such documents and where, prima facie, no discrepancies are found, the conveyance shall be allowed to move further. An e-way bill number may be available with the person in charge of the conveyance or in the form of a printout, SMS or it may be written on an invoice. All these forms of having an e-way bill are valid. Wherever a facility exists to verify the e-way bill electronically, the same shall be so verified, either by logging on to <http://mis.ewaybillgst.gov.in> or the Mobile App or through SMS by sending **EWBVER <EWB_NO>** to mobile number **77382 99899** (For e.g. EWBVER 120100231897).
- (c) For the purposes of verification of the e-way bill, interception and inspection of the conveyance and/or goods, the proper officer under rule 138B of the Assam GST Rules shall be the officer who has been assigned the functions under sub-section (3) of section 68 of the Assam GST Act vide Order No. 5/2017 dated 21st July, 2017.
- (d) Where the person-in-charge of the conveyance fails to produce any prescribed document or where the proper officer intends to undertake an inspection, he shall record a statement of the person-in-charge of the conveyance in **FORM GST MOV-01**. In addition, the proper officer shall issue an order for physical verification/inspection of the conveyance, goods and documents in **FORM GST MOV-02**, requiring the person-in-charge of the conveyance to station the conveyance at the place mentioned in such order and allow the inspection of the goods. The proper officer shall, within twenty-four hours of the aforementioned issuance of **FORM GST MOV-02**, prepare a report in **Part A** of **FORM GST EWB-03** and upload the same on the common portal.
- (e) Within a period of **three working days** from the date of issue of the order in **FORM GST MOV-02**, the proper officer shall conclude the inspection proceedings, either by himself or through any other proper officer authorised in this behalf. Where circumstances warrant such time to be extended, he shall obtain a written permission in **FORM GST MOV-03** from the Commissioner or an officer authorized by him, for extension of time beyond three working days and a copy of the order of extension shall be served on the person-in-charge of the conveyance.
- (f) On completion of the physical verification/inspection of the conveyance and the goods in movement, the proper officer shall prepare a report of such physical verification in **FORM GST MOV-04** and serve a copy of the said report to the person-in-charge of the goods and conveyance. The proper officer shall also record, on the common portal, the final report of the inspection in **Part B** of **FORM GST EWB-03** within three days of such physical verification/inspection.
- (g) Where no discrepancies are found after the inspection of the goods and conveyance, the proper officer shall issue forthwith a release order in **FORM GST MOV-05** and allow the conveyance to move further.

Where the proper officer is of the opinion that the goods and conveyance need to be detained under section 129 of the Assam GST Act, he shall issue an order of detention in **FORM GST MOV-06** and a notice in **FORM GST MOV-07** in accordance with the provisions of sub-section (3) of section 129 of the Assam GST Act, specifying the tax and penalty payable. The said notice shall be served on the person-in-charge of the conveyance.

- (h) Where the owner of the goods or any person authorized by him comes forward to make the payment of the applicable tax and penalty equal to one hundred percent of the tax payable on such goods under clause (a) of sub-section (1) of section 129 of the Assam GST Act, or

Where the owner of the goods does not come forward to make the payment of the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Assam Goods and Services Tax Act, 2017 and Central Goods and Services Tax Act calculated separately or the applicable tax and penalty equal to the value of the goods reduced by the tax amount paid thereon under the Integrated Goods and Services Tax Act, under clause (b) of sub-section (1) of section 129 of the Assam GST Act,

the proper officer shall, after the amount of tax and penalty has been paid in accordance with the provisions of the Assam GST Act and the Assam GST Rules, release the goods and conveyance by an order in **FORM GST MOV-05**. Further, the order in **FORM GST MOV-09** shall be uploaded on the common portal and the demand accruing from the proceedings shall be added in the electronic liability register and the payment made shall be credited to such electronic liability register by debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the Assam GST Act.

- (i) Where the owner of the goods, or the person authorized by him, or any person other than the owner of the goods comes forward to get the goods and the conveyance released by furnishing a security under clause (c) of sub-section (1) of section 129 of the Assam GST Act, the goods and the conveyance shall be released, by an order in **FORM GST MOV-05**, after obtaining a bond in **FORM GST MOV-08** along with a security in the form of bank guarantee equal to the amount payable under clause (a) or clause (b) of sub-section (1) of section 129 of the Assam GST Act. The finalisation of the proceedings under section 129 of the Assam GST Act shall be taken up on priority by the officer concerned and the security provided may be adjusted against the demand arising from such proceedings.
- (j) Where any objections are filed against the proposed amount of tax and penalty payable, the proper officer shall consider such objections and thereafter, pass a speaking order in **FORM GST MOV-09**, quantifying the tax and penalty payable. On payment of such tax and penalty, the goods and conveyance shall be released forthwith by an order in **FORM GST MOV-05**. The order in **FORM GST MOV-09** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic

credit ledger of the concerned person in accordance with the provisions of section 49 of the Assam GST Act.

- (k) In case the proposed tax and penalty are not paid within seven days from the date of the issue of the order of detention in **FORM GST MOV-06**, the action under section 130 of the Assam GST Act shall be initiated by serving a notice in **FORM GST MOV-10**, proposing confiscation of the goods and conveyance and imposition of penalty.
- (l) Where the proper officer is of the opinion that such movement of goods is being effected to evade payment of tax, he may directly invoke section 130 of the Assam GST Act by issuing a notice proposing to confiscate the goods and conveyance in **FORM GST MOV-10**. In the said notice, the quantum of tax and penalty leviable under section 130 of the Assam GST Act read with section 122 of the Assam GST Act, and the fine in lieu of confiscation leviable under sub-section (2) of section 130 of the Assam GST Act shall be specified.

Where the conveyance is used for the carriage of goods or passengers for hire, the owner of the conveyance shall also be issued a notice under the third proviso to sub-section (2) of section 130 of the Assam GST Act, proposing to impose a fine equal to the tax payable on the goods being transported in lieu of confiscation of the conveyance.

- (m) No order for confiscation of goods or conveyance, or for imposition of penalty, shall be issued without giving the person an opportunity of being heard.
- (n) An order of confiscation of goods shall be passed in **FORM GST MOV-11**, after taking into consideration the objections filed by the person-in-charge of the goods (owner or his representative), and the same shall be served on the person concerned. Once the order of confiscation is passed, the title of such goods shall stand transferred to the State Government.

In the said order, a suitable time not exceeding three months shall be offered to make the payment of tax, penalty and fine imposed in lieu of confiscation and gets the goods released.

The order in **FORM GST MOV-11** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the Assam GST Act.

Once an order of confiscation of goods is passed in **FORM GST MOV-11**, the order in **FORM GST MOV-09** passed earlier with respect to the said goods shall be withdrawn.

- (o) An order of confiscation of conveyance shall be passed in **FORM GST MOV-11**, after taking into consideration the objections filed by the person-in-charge of the conveyance and the same shall be served on the person concerned. Once the order of confiscation is passed, the title of such conveyance shall stand transferred to the State Government.

In the order passed above, a suitable time not exceeding three months shall be offered to make the payment of penalty and fine imposed in lieu of confiscation and gets the conveyance released.

The order in **FORM GST MOV-11** shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the Assam GST Act.

- (p) The order referred to in clauses (n) and (o) above may be passed as a common order in the said **FORM GST MOV-11**.
- (q) In case neither the owner of the goods nor any person other than the owner of the goods comes forward to make the payment of tax, penalty and fine imposed and get the goods or conveyance released within the time specified in **FORM GST MOV-11**, the proper officer shall auction the goods and/or conveyance by a public auction and remit the sale proceeds to the account of the State Government.
- (r) Suitable modifications in the time allowed for the service of notice or order or auction or disposal shall be applied in case of perishable and/or hazardous goods.
- (s) Whenever an order or proceedings under the Assam GST Act is passed by the proper officer, a corresponding order or proceedings shall be passed by him under the Central Goods and Services Tax Act, 2017 and if applicable, under the Goods and Services Tax (Compensations to States) Act, 2017. Further, sub-sections (3) and (4) of section 79 of the Assam GST Act/CGST Acts may be referred to in case of recovery of arrears of State tax/Central tax.
- (t) The procedure narrated above shall be applicable *mutatis mutandis* for an order or proceeding under the IGST Act, 2017.
- (u) Demand of any tax, penalty, fine or other charges shall be added in the electronic liability ledger of the person concerned. In case where no electronic liability ledger is available in case of an unregistered person, a temporary ID shall be created by the proper officer on the common portal and the liability shall be created therein. He shall also credit the payments made towards such demands of tax, penalty or fine and other charges by debiting the electronic cash ledger of the concerned person.
- (v) A summary of every order in **FORM GST MOV-09** and **FORM GST MOV-11** shall be uploaded electronically in **FORM GST-DRC-07** on the common portal.
3. The format of **FORMS GST MOV-01** to **GST MOV-11** are annexed to this Circular.
4. Difficulties, if any, in implementation of the above instructions may be brought to the notice of the Commissioner at an early date.

Sd/- Anurag Goel, IAS.,
Commissioner of State tax, Assam,
Dispur, Guwahati

Copy to :

- 1) The Additional Chief Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information.
- 2) The Director, BI(EO), Assam, Srimantapur, Guwahati-781032 for favour of kind information.
- 3) The Commissioner of Central GST, Guwahati / Dibrugarh Commissionerate for favour of kind information.
- 4) The Additional Commissioner of State tax, Assam (All) / Joint Commissioner of State tax, Assam (All) for information.
- 5) The Deputy Commissioner of State tax (All) for information and necessary action.
- 6) The Assistant Commissioner of State tax (All) / Superintendent of State tax (All) / Inspector of State tax (All) for information and necessary action.
- 7) The Information Technology Officer, Office of the Commissioner of State tax, Assam for uploading it on the website of the Commissionerate for information of all concerned.



Commissioner of State tax, Assam,
Dispur, Guwahati

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-01

**STATEMENT OF THE OWNER / DRIVER/ PERSON- IN-CHARGE
OF THE GOODS AND CONVEYANCE**

Statement of Sri _____ S/o _____ age _____ years,
residing at _____ owner / driver /
person- in- charge of the goods and conveyance bearing No. _____ (Vehicle
Number) made before the _____ (Designation of the proper officer) on
_____ DD/MM/YYYY at _____ AM/PM at _____ (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					
FATHER'S NAME					
AGE:	Yrs :	DL NO:		RTO	
Conveyance Registration No.			Engine No.		Chassis No.
Proof of Identity					
ADDRESS					
Phone:			Email, If any		
2. : Details of the transporter:					
NAME					
ADDRESS					
Phone:			Email		
3	I am the person-in-charge of the goods conveyance number				/ / /
4	I am transporting the goods from			To	
5	I have a) not produced any documents relating to the goods under transportation				
produced the documents, recorded in the Annexure, relating to the goods under transportation, which I have duly certified and signed as correct.					

I hereby further 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 _____ (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.

“Before me”

(Owner/Driver/Person-in-charge)

Signature
Designation

ANNEXURE TO THE DEPONENT STATEMENT IN FORM GST MOV-01

PARTICULARS OF GOODS UNDER MOVEMENT- AS PER DOCUMENTS TENDERED									
SL. NO.	LR. NO	LR. DATE	INVOICE/ BOS/DC NO	INVOICE/BOS/ DC DATE	CONSIGNOR	CONSIGNEE	COMMODITY	VALUE	EWB BILL NO, IF ANY
1	2	3	4	5	6	7	8	9	10

“Before me”

(Owner/Driver/Person-in-charge)

Signature
Designation

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-02

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

The goods conveyance bearing No. / / / carrying _____ goods was intercepted by the undersigned _____ (Designation of the officer), on / / at AM/PM at _____ (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 sub-section (3) of section 68 of the Assam Goods and Services Tax Act, 2017 read with Central Goods and Services Tax Act, 2017 or under section 20 of the Integrated Goods and Services Tax Act, 2017 for the following reasons.

	The owner / driver / person-in charge of the conveyance has not tendered any documents for the goods in movement
	<i>Prima facie</i> 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)

Hence, you are hereby directed, -

- (1) to station the conveyance carrying goods at _____ (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 orders and not to part with the goods in question.

Proper Officer

To,
Sri.
Owner/Driver/Person-in-charge

Conveyance No: / / /

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-03

**ORDER OF EXTENTION OF TIME FOR INSPECTION BEYOND
THREE WORKING DAYS**

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.

ADDITIONAL / JOINT / DEPUTY COMMISSIONER OF STATE TAX

Place:

Date:

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-04

PHYSICAL VERIFICATION REPORT

Ref: FORM GST MOV-02 NO. _____ Dated

The physical verification of the goods conveyance bearing No. _____ has been conducted in the presence of Shri _____ owner / person- in- charge of the goods vehicle. The details of the physical verification are as under:-

PHYSICAL VERIFICATION REPORT							
Date of Physical Verification							
Goods Conveyance number							
Name of the Transporter							
Sl. No.	Transport Document/ LR No. & Date	Tendered Invoice / Documents No. & Date	Description of goods as per invoice including HSN code	Description of goods in the conveyance	Quantity as per invoice	Quantity as per physical verification	Diff.
1							
	Date:	Date:					
2							
	Date:	Date:					

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 report are true and correct.
Signature of the Owner / Person- in- charge.

Signature
Designation of the Proper Officer

ACKNOWLEDGEMENT :

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

Signature of the Owner / Person-in-charge

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-05

RELEASE ORDER:

Ref: FORM GST MOV-02 NO. _____ Dated

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. _____ carrying goods was inspected by me (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 is 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 _____ at _____ AM/PM in good condition.

Signature
Designation of the Proper Officer

ACKNOWLEDGEMENT :

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

Signature of the Owner / Person-in-charge

* Strike through whichever is not applicable

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-06

ORDER OF DETENTION UNDER SECTION 129 (1) OF THE ASSAM GOODS AND SERVICES TAX ACT, 2017 AND THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 / UNDER SECTION 20 OF THE INTEGRATED GOODS AND SERVICES TAX ACT, 2017

The goods conveyance bearing No. _____ was intercepted and inspected by the undersigned on _____ at _____ (place and time) AM/PM. At the time of interception, the owner/ driver/ person- in -charge of the goods/ conveyance is Shri _____

	the owner/ driver/ person- in -charge of the goods conveyance Shri _____ has not tendered any documents for the goods in movement
	<i>Prima facie</i> , 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)

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 _____ and served on the owner/driver/person- in- charge of the conveyance. A physical verification and inspection of goods in movement was conducted on _____ by _____ (name and designation) in the presence of the owner/driver/person- in- charge of the conveyance Shri _____ and a report was drawn in **FORM GST MOV-04**. The following discrepancies were noticed.

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-

	Mismatch between E-Way bill and goods in movement, the details of which are as under- ----- ----- -----
	Goods not covered by valid documents, and the details are as under- ----- ----- -----
	Others (Specify) ----- ----- -----

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 _____ (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**.

Signature

Designation of the Proper Officer

To,

Shri _____

Driver/Person- in- charge

Vehicle/Conveyance No:

Address:

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV-07

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

The conveyance bearing No. _____ was intercepted by _____
(Name and Designation of the proper officer) on _____ (date) at _____ (time)
at _____ (place). The statement of the driver/person-in-charge of the vehicle was recorded on
_____ (date).

2. The goods in movement were inspected under the provisions of sub-section (3) of section 68 of the Assam Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central 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 _____ (date) and the following discrepancies were noticed.
 - (i)
 - (ii)
 - (iii)
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 Assam Goods and Services Tax Act, 2017 and sub-section (1) of section 129 of the Assam Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the Central 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 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 Assam Goods and Services Tax Act, 2017 provides for the release of goods and conveyance detained on the payment of tax and penalty as under:
 - (i) the applicable tax and penalty equal to one hundred percent of the tax payable on such goods, where the owner of the goods comes forward to pay such tax and penalty.
 - (ii) the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Assam Goods and Services Tax Act, 2017 and Central Goods and Services Tax Act calculated separately or the applicable tax and penalty equal to the value of the goods reduced by the tax amount paid thereon under the Integrated Goods and Services Tax Act, where the owner of the goods does not come forward to pay such tax and penalty.
5. Clause (c) of sub-section (1) of section 129 of the Assam Goods and Services Tax Act, 2017 provides for the release of goods upon furnishing of a security equivalent to the amount payable under clause (a) or clause (b) of the said sub-section, as indicated supra at (i) and (ii) of para 4 above, in **FORM GST MOV-08**.

6. The calculation of proposed tax and penalty is as under:

1) CALCULATION OF APPLICABLE TAX

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

2) CALCULATION OF APPLICABLE PENALTY UNDER CLAUSE (a) OF SUB-SECTION (1) OF SECTION 129

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

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				PENALTY AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

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 Assam Goods and Services Tax Act, 2017/ Central 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 _____ (DD/MM/YYYY) at _____ (HH/MM).
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.

Signature

Name and Designation of the Proper Officer

To,

Sri. _____

Driver/Person- in- charge

Vehicle/Conveyance No:

Address:

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV- 08

BOND FOR PROVISIONAL RELEASE OF GOODS AND CONVEYANCE

I/We..... S/D/W of..... hereinafter 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 Assam Goods and Services Tax Act, 2017, the goods have been detained vide order numberdated..... having value ofrupees 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 valuerupees and a security ofrupees 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)

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV -09

ORDER OF DEMAND OF TAX AND PENALTY

Order No.

Order Date

1.	Conveyance No.	
2.	Person in charge of the Conveyance	
3.	Address of the Person in charge of the Conveyance	
4.	Mobile No. of the Person in charge of the conveyance	
5.	e-mail ID of the Person in charge of the conveyance	
6.	Name of the transporter	
7.	GSTIN of the transporter, if any	
8.	Date and Time of Inspection	
9.	Date of Service of Notice	
10.	Order passed by	
11.	Date of Service of Order	
12.	Demand as per Order	

Act	Tax	Interest	Penalty	Fine/Other charges	Demand No.
CGST Act					
SGST Act					
IGST Act					
Cess					
Total					

DETAILS OF GOODS DETAINED

Sl. No.	Description of goods	HSN Code	Quantity	Value

DETAILS OF CONVEYANCE DETAINED

Sl. No.	Description	Details
1.	Conveyance Registration No.	
2.	Vehicle Description	
3.	Engine No.	
4.	Chassis No.	
5.		

ORDER ENCLOSED

(Proper Officer)

ORDER UNDER SECTION 129 (3) OF THE ASSAM GOODS AND SERVICES TAX ACT, 2017 READ WITH RELEVANT PROVISIONS OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 INTEGRATED GOODS AND SERVICES TAX ACT, 2017 AND GOODS AND SERVICES (COMPENSATION TO STATES) ACT, 2017

The conveyance bearing No. _____ was intercepted by _____ (name and designation of the proper officer) on _____ (date) at _____ (time) at _____ (place). The statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of sub-section (3) of section 68 of the Assam Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the Central Goods and Services Tax Act 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 _____ (date) and the following discrepancies were noticed.
 - (i)
 - (ii)
 - (iii)
3. In view of the above, the goods and the conveyance used for the movement of goods were detained under sub-section (1) of section 129 of the Assam Goods and Services Tax Act, 2017 read with sub-section (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (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 Assam Goods and Services Tax Act, 2017 provides for the release of goods and conveyance detained on the payment of tax and penalty as under:
 - (i). the applicable tax and penalty equal to one hundred percent of the tax payable on such goods, where the owner of the goods comes forward to pay such tax and penalty.
 - (ii). the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Assam Goods and Services Tax Act and the Central Goods and Services Tax Act calculated separately or the applicable tax and penalty equal to the fifty per cent of the value of the goods reduced by the tax amount paid thereon under the Integrated Goods and Services Tax Act, where the owner of the goods does not come forward to pay such tax and penalty.
- 4.1. Clause (c) of sub-section (1) of section 129 of the Assam Goods and Services Tax Act, 2017 provides for the release of goods upon furnishing of a security equivalent to the amount payable under clause (a) or clause (b) of the said sub-section, as indicated supra at (i) and (ii) of para 4 above, in **FORM GST MOV-08**.

5. The calculation of proposed tax and penalty is as under:

1) CALCULATION OF APPLICABLE TAX

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

2) CALCULATION OF APPLICABLE PENALTY UNDER CLAUSE (a) OF SUB-SECTION (1) OF SECTION 129

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

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.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

7. Incorporating the above points, a notice in **FORM GST MOV-07** was issued and duly served on the person in charge of the conveyance, providing him an opportunity to show cause against the demand of tax and penalty as applicable and make payment of the same and to get the goods and conveyance released.

8. In response to the said notice,

(i). the owner of the goods/ person in charge of the conveyance has come forward and made the payment of tax and penalty as proposed. In view of this, the applicable tax and penalty proposed are hereby confirmed.

(ii). the owner of the goods/ person in charge of the conveyance has neither made the payment of tax and penalty proposed nor has he filed any objections to the notice issued in **FORM GST MOV-07** and hence, the proposed tax and penalty are confirmed.

(iii). the owner of the goods/ person in charge of the conveyance has filed objections as under:

- a.
- b.
- c.

9. The objections filed by him were perused and found acceptable/ not acceptable for the following reasons:

< SPEAKING ORDER Text >

10. In view of the above, the applicable tax and penalty are hereby calculated/recalculated as under:

< RECALCULATION PART >

11. You are hereby directed to make the payment forthwith/not later than seven days from the date of the issue of the order of detention in **FORM GST MOV-06**, failing which action under section 130 of the Assam Goods and Services Act/Central Goods and Services Tax Act or section 20 of the Integrated Goods and Services Act shall be initiated.

Signature

Name and Designation of the Proper Officer

To,

Shri _____

Driver/Person- in- charge

Vehicle/Conveyance No:

Address:

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV -10

NOTICE FOR CONFISCATION OF GOODS OR CONVEYANCES AND LEVY OF PENALTY UNDER SECTION 130 OF THE ASSAM GOODS AND SERVICES TAX ACT, 2017 READ WITH THE RELEVANT PROVISIONS OF CENTRAL GOODS AND SERVICES TAX ACT, 2017 / THE INTEGRATED GOODS AND SERVICES TAX ACT, 2017 AND GOODS AND SERVICES TAX (COMPENSATION TO STATES) ACT, 2017

The conveyance bearing No. _____ was intercepted by _____ (Designation of the proper officer) on _____ (date) at _____ (time) at _____ (place). The statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of subsection (3) of section 68 of the Assam Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act on _____ (date) and the following discrepancies were noticed.
 - (i)
 - (ii)
 - (iii)
3. In view of the above, the goods and conveyances used for the movement of goods were detained under sub-section (1) of section 129 of the Assam Goods and Services Tax Act, 2017 read with subsection (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act 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). Along with the order of detention in **FORM GST MOV 06**, a notice was issued in **FORM GST MOV 07** under the provisions of sub-section (3) of section 129 of the Assam Goods and Services Tax Act, 2017, specifying the tax and penalty payable in respect of the goods in question.
4. Subsequently, after observing the principles of natural justice, an order demanding the applicable tax and penalty was issued in **FORM GST MOV-09** on _____ (Date) and the same was served on the person in charge of the conveyance. However, neither the owner of the goods nor the person in charge of the conveyance came forward to make the payment of applicable tax and penalty within the time allowed in the order passed supra.
5. In view of this, the undersigned proposes to confiscate the above goods and the conveyance used to transport such goods under the provisions of section 130 of the Assam Goods and Services Tax Act, 2017 read with Central Goods and Services Tax Act or section 20 of the Integrated Goods and Services Tax Act, 2017/ Goods and Services Tax (Compensation to

States) Act, 2017. In addition, you are liable to pay the tax, penalty and other charges payable in respect of such goods and the conveyance.

OR

As the goods were transported without any valid documents, it is presumed that the goods were being transported for the purposes of evading the taxes. In view of this, the undersigned proposes to confiscate the above goods and the conveyance used to transport such goods under the provisions of section 130 of the Assam Goods and Services Tax Act, 2017 read with the relevant provisions of the Central Goods and Services Tax, the Integrated Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, 2017. In addition, you are liable to pay the tax, penalty and other charges payable in respect of such goods and the conveyance.

6. The calculation of proposed tax and penalty is as under:

1) CALCULATION OF TAX

SL no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

2) CALCULATION OF PENALTY

SL no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

3) DETERMINATION OF FINE IN LIEU OF CONFISCATION OF GOODS

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	FINE AMOUNT			
					Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9

4) CALCULATION OF FINE IN LIEU OF CONFISCATION OF CONVEYANCE

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				FINE AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

- You are hereby directed to show cause, within seven days from the receipt of this notice, as to why the goods in question and the conveyance used to transport such goods shall not be confiscated under the provisions of section 130 of the Assam Goods and Services Tax Act or the Integrated Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, 2017 and why the tax, penalty and other charges payable in respect of such goods and the conveyance shall not be payable by you.
- You are hereby directed to appear before the undersigned on _____ (D/MM/YYYY) at _____ (HH/MM).
- 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.

Signature

Name and Designation of the Proper Officer

To,

Shri _____

Driver/Person- in- charge

Vehicle/Conveyance no:

Address:

**GOVERNMENT OF ASSAM
COMMISSIONERATE OF STATE TAX**

FORM GST MOV -11

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

Order No.

Order Date:

1.	Conveyance No.	
2.	Person in charge of the Conveyance	
3.	Address of the Person in charge of the Conveyance	
4.	Mobile No. of the Person in charge of the conveyance	
5.	e-mail ID of the Person in charge of the conveyance	
6.	Name of the transporter	
7.	GSTIN of the transporter, if any	
8.	Date and Time of Inspection	
9.	Date of Service of Notice of Confiscation	
10.	Order passed by	
11.	Date of Service of Order	
12.	Demand as per Confiscation Order	

On the Goods

Act	Tax	Interest	Penalty	Fine/Other charges	Demand No.
CGST Act					
SGST Act					
IGST Act					
Cess					
Total					

On the Conveyance

Act	Tax	Interest	Penalty	Fine/Other charges	Demand No.
CGST Act					
SGST Act					
IGST Act					
Cess					
Total					

DETAILS OF GOODS CONFISCATED

Sl. No.	Description of goods	HSN Code	Quantity	Value

DETAILS OF CONVEYANCE CONFISCATED

Sl. No.	Description	Details
1.	Conveyance Registration No.	
2.	Vehicle Description	
3.	Engine No.	
4.	Chassis No.	
5.		

ORDER ENCLOSED

(Name and designation of Proper Officer)

ORDER OF CONFISCATION UNDER SECTION 130 OF THE ASSAM GOODS AND SERVICES TAX ACT, 2017 READ WITH THE RELEVANT PROVISIONS OF THE CENTRAL GOODS AND SERVICES TAX ACT/ THE INTEGRATED GOODS AND SERVICES TAX ACT, 2017

The conveyance bearing No. _____ was intercepted by _____ (Name and Designation of the proper officer) on _____ (date) at _____ (time) at _____ (place). The statement of the driver/person in charge of the vehicle was recorded on _____ (date).

2. The goods in movement was inspected under the provisions of sub-section (3) of section 68 of the Assam Goods and Services Tax Act, 2017 read with the relevant provisions of the Central Goods and Services Tax Act/the Integrated Goods and Services Tax Act, 2017 and Goods and Services Tax (Compensation to States) Act, 2017 on _____ (date) and the following discrepancies were noticed.
 - (i)
 - (ii)
 - (iii)
3. In view of the above, the goods and conveyances used for the movement of goods were detained under sub-section (1) of section 129 of the Assam Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act read with sub-section (3) of section 68 of the Central Goods and Services Tax Act 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). Along with the order of detention in **FORM GST MOV 06**, a notice was issued in **FORM GSTMOV 07** under the provisions of sub-section (3) of section 129 of the Assam Goods and Services Tax Act, specifying the tax and penalty payable.
4. Subsequently, after observing the principles of natural justice, an order demanding the applicable tax and penalty was issued in **FORM GSTMOV-09** on _____ (Date) and the same was served on the person in charge of the conveyance. However, neither the owner of the goods nor the person in charge of the conveyance came forward to make the payment of applicable tax and penalty within the time allowed in the order passed supra. Hence, a notice in **FORM GSTMOV-10** was issued on _____ (Date) proposing to confiscate the goods and the conveyance used for transporting such goods and the same was duly served on the person in charge of the conveyance. In the said notice, the tax, penalty and other charges payable in respect of such goods and the conveyance were also demanded.

OR

As the goods were transported without any valid documents, it was presumed that the goods were transported for the purposes of evading the taxes. Hence, it was proposed to confiscate the above goods and the conveyance used to transport such goods under the provisions of section 130 of the Assam Goods and Services Tax Act, 2017 read with Central Goods and Services Tax Act or section 20 of the Integrated Goods and Services Tax Act, 2017 and the Goods and Services Tax (Compensation to States) Act, 2017 by issue of a notice in **FORM**

GST MOV-10. In the said notice, the tax, penalty and other charges payable in respect of such goods and the conveyance were also demanded.

5. The person in charge has not filed any objections/ the objections filed were found to be not acceptable for the reasons stated below:
- ...
 - ...
 - ...
6. In view of the above, the following goods and conveyance are confiscated by the undersigned by exercising the powers vested under section 130 of the Assam Goods and Services Tax Act and under section 130 of the Central Goods and Services Tax Act or under section 20 of the Integrated Goods and Services Tax Act which are listed as under:

SL. NO	DESCRIPTION OF GOODS	HSN CODE	QUANTITY	TOTAL VALUE (Rs.)
1	2	3	4	5

7. You are also informed that the above goods and conveyance shall be released on the payment of the following tax, penalty and fines in lieu of confiscation if the same is made within ____ days from the date of this order.

(1) CALCULATION OF TAX

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				TAX AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

(2) CALCULATION OF PENALTY

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				PENALTY AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

(3) DETERMINATION OF FINE IN LIEU OF CONFISCATION OF GOODS

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	FINE AMOUNT			
					Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9

(4) CALCULATION OF FINE IN LIEU OF CONFISCATION OF CONVEYANCE

Sl. no	Description of goods	HSN code	Quantity	Total value (Rs.)	RATE OF TAX				FINE AMOUNT			
					Central tax	State tax	Integrated tax	Cess	Central tax	State tax	Integrated tax	Cess
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature

Name and Designation of the Proper Officer

To,

Shri _____

Driver/Person in charge

Vehicle/Conveyance no:

Address: