



Vol. 130] Jammu, Tue., the 23rd Jan., 1818/3rd Magha, 1939. [No. 42-i

Separate paging is given to this part in order that it may be filed as a  
separate compilation.

**Laws, Regulations and Rules passed thereunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT, FINANCE DEPARTMENT

## Notification

Jammu, the 23rd January, 2018.

SRO-32.66In exercise of the powers conferred by section 164 of the Jammu and Kashmir Goods and Services Tax Act, 2017 (**Act No. V of 2017**), the State Government hereby makes the following rules to amend the Jammu and Kashmir Goods and Services Tax Rules, 2017, namely :66

- (i) in rule 3, in sub-rule (3A), for the words *ōninety daysō*, the words *ōone hundred and eighty daysō* shall be substituted ;

- 031A. Value of supply in case of lottery, betting, gambling and horse racing.** 60(1) Notwithstanding anything contained in the provisions of this Chapter, the value in respect of supplies specified below shall be determined in the manner provided hereinafter.

(2) (a) The value of supply of lottery run by State Governments shall be deemed to be 100/112 of the face value of ticket or of the price as notified in the Official Gazette by the organising State, whichever is higher.

(b) The value of supply of lottery authorised by State Governments shall be deemed to be 100/128 of the face value

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of ticket or of the price as notified in the Official Gazette by  
the organising State, whichever is higher.

*Explanation* :ôô For the purposes of this sub-rule, the  
expressionsôô

- (a) ôlottery run by State Governmentsö means a lottery  
not allowed to be sold in any State other than the  
organizing State ;
- (b) ôlottery authorised by State Governmentsö means a  
lottery which is authorised to be sold in State(s) other  
than the organising State also ; and
- (c) ôOrganising Stateö has the same meaning as  
assigned to it in clause (D of sub-rule (1) of rule 2  
of the Lotteries (Regulation) Rules, 2010.

(3) The value of supply of actionable claim in the form of  
chance to win in betting, gambling or horse racing in a race  
club shall be 100% of the face value of the bet or the amount  
paid into the totalisator.ö ;

- (vi) in rule 43, after sub-rule (2), for the Explanation, the following  
Explanation shall be substituted, namely :ôô

*Explanation* :ôô For the purposes of rule 42 and this rule, it is  
hereby clarified that the aggregate value of  
exempt supplies shall excludeôô

- (a) the value of supply of services specified in the  
notification of the Government of India in  
the Ministry of Finance, Department of Revenue  
No. 42/2017-Integrated Tax (Rate), dated the  
27th October, 2017 published in the Gazette of India,  
Extraordinary, Part II, Section 3, Sub-section (i),

[illegible]

vide number GSR 1338(E) dated the 27th October, 2017 ;

- (b) the value of services by way of accepting deposits, extending loans or advances in so far as the consideration is represented by way of interest or discount, except in case of a banking company or a financial institution including a non-banking financial company, engaged in supplying services by way of accepting deposits, extending loans or advances ; and
- (c) the value of supply of services by way of transportation of goods by a vessel from the customs station of clearance in India to a place outside India ;

6(1A) (a) A registered person, having the same PAN and State code as an Input Service Distributor, may issue an invoice or, as the case may be, a credit or debit note to transfer the credit of common input services to the Input Service Distributor, which shall contain the following details :66

- (i) name, address and Goods and Services Tax Identification Number of the registered person having the same PAN and same State code as the Input Service Distributor ;
- (ii) a consecutive serial number not exceeding sixteen characters, 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 ;

- (iii) date of its issue ;
- (iv) goods and Services Tax Identification Number of supplier of common service and original invoice number whose credit is sought to be transferred to the Input Service Distributor ;
- (v) name, address and Goods and Services Tax Identification Number of the Input Service Distributor ;
- (vi) taxable value, rate and amount of the credit to be transferred ; and
- (vii) signature or digital signature of the registered person or his authorised representative.

(b) The taxable value in the invoice issued under clause (a) shall be the same as the value of the common services.ö ;

- (viii) after rule 55, the following rule shall be inserted, namely: :óó

**655A. Tax Invoice or bill of supply to accompany transport of goods.**66The person-in-charge of the conveyance shall carry a copy of the tax invoice or the bill of supply issued in accordance with the provisions of rules 46, 46A or 49 in a case where such person is not required to carry an e-way bill under these rules.ö ;

- (ix) with effect from 23rd October, 2017, in rule 89, for sub-rule (4A) and sub-rule (48), the following sub-rules shall be substituted, namely :óó

6(4A) In the case of supplies received on which the supplier has availed the benefit of the Finance Department notification No. SRO-443 dated 23/10/2017, refund of input tax credit, availed in respect of other inputs or input services used in

[illegible]

making zero-rated supply of goods or services or both, shall be granted.

(4B) In the case of supplies received on which the supplier has availed the benefit of the Finance Department, notification No. SRO-443 dated 23/10/2017 or notification No. 41/2017-Integrated Tax (Rate) dated the 23rd October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G. S. R 1321 (E) dated the 23rd October, 2017 or notification No. 78/2017 -Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1272(E) dated the 13th October, 2017 or notification No. 79/2017-Customs dated the 13th October, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G. S. R 1299(E) dated the 13th October, 2017, or all of them, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.ö

(x) with effect from 23rd October, 2017, in rule 96,00

(a) in sub-rule (1), for the words ðan exporterø, the words ðan exporter of goodsö shall be substituted ;

(b) in sub-rule (2), for the words "relevant export invoices", the words "relevant export invoices in respect of export of goods" shall be substituted ;

(c) in sub-rule (3), for the words "the system designated by the Customs shall process the claim for refund", the words "the system designated by the Customs or the proper officer of Customs, as the case may be, shall process

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the claim of refund in respect of export of goods" shall  
be substituted ;

- (d) for sub-rule (9), the following sub-rules shall be  
substituted, namely :ôô

ô(9) The application for refund of integrated tax paid on  
the services exported out of India shall be filed in **FORM  
GST RFD-01** and shall be dealt with in accordance with  
the provisions of rule 89ô.

(10) The persons claiming refund of integrated tax paid  
on exports of goods or services should not have received  
supplies on which the supplier has availed the benefit of  
the Finance Department notification No. SRO-445  
dated 23/10/2017 or notification No. SRO-443 Dated 23/  
10/2017 or notification No. 41/201 -Integrated Tax (Rate)  
dated the 23rd October, 2017 published in the Gazette of  
India, Extraordinary, Part II, Section 3, Sub-section (i),  
vide number G. S. R 1321 (E) dated the 23rd  
October, 2017 or notification No. 78/2017-Customs dated  
the 13th October, 2017 published in the Gazette of  
India, Extraordinary, Part II, Section 3, Sub-section (i),  
vide number G. S. R 1272(E) dated the 13th October,  
2017 or notification No. 79/2017-Customs dated the 13th  
October, 2017 published in the Gazette of India,  
Extraordinary, Part II, Section 3, Sub-section (i), vide  
number G. S. R 1299 (E) dated the 13th October, 2017.ô;

- (xi) with effect from 1st February, 2018, for rule 138, the following  
rule shall be substituted, namely :ôô

ô138. **Information to be furnished prior to  
commencement of movement of goods and generation  
of e-way bill.**ôô(1) Every registered person who causes

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movement of goods of consignment value exceeding fifty

thousand rupees

- (i) in relation to a supply ; or
- (ii) for reasons other than supply ; or (iii) due to inward supply from an unregistered person, shall, before commencement of such movement, furnish information relating to the said goods as specified in Part A of **FORM GST EWB-01**, electronically, on the common portal along with such other information as may be required at the common portal and a unique number will be generated on the said portal :

Provided that where goods are sent by a principal located in one State to a job worker located in any other State, the e-way bill shall be generated by the principal irrespective of the value of the consignment :

Provided further that where handicraft goods are transported from one State to another by a person who has been exempted from the requirement of obtaining registration under clauses (i) and (ii) of section 24, the e-way bill shall be generated by the said person irrespective of the value of the consignment.

*Explanation 1.* For the purposes of this rule, the expression "handicraft goods" has the meaning as assigned to it in the Finance Department Notification No. SRO-GST-18 dated 15/09/2017 as amended from time to time.

*Explanation 2.* For the purposes of this rule, the consignment value of goods shall be the value, determined in accordance with the provisions of section 15, declared in an invoice, a bill of supply or a delivery challan, as the case may



be, issued in respect of the said consignment and also includes the central tax, State or Union territory tax, integrated tax and cess charged, if any, in the document.

(2) Where the goods are transported by the registered person as a consignor or the recipient of supply as the consignee, whether in his own conveyance or a hired one or by railways or by air or by vessel, the said person or the recipient may generate the e-way bill in **FORM GST EWB-01** electronically on the common portal after furnishing information in Part B of **FORM GST EWB-01** :

Provided that where the goods are transported by railways or by air or vessel, the e-way bill shall be generated by the registered person, being the supplier or the recipient, who shall furnish, on the common portal, theôô

(a) information in Part B of **FORM GST EWB-01** ; and

(b) the serial number and date of the Railway Receipt or the Air Consignment Note or Bill of Lading, as the case may be.

(3) Where the e-way bill is not generated under sub-rule (2) and the goods are handed over to a transporter for transportation by road, the registered person shall furnish the information relating to the transporter on the common portal and the e-way bill shall be generated by the transporter on the said portal on the basis of the information furnished by the registered person in Part A of **FORM GST EWB-01**:

Provided that the registered person or, the transporter,

[illegible]

as the case may be may, at his option, generate and carry the e-way bill even if the value of the consignment is less than fifty thousand rupees :

Provided further that where the movement is caused by an unregistered person either in his own conveyance or a hired one or through a transporter, he or the transporter may, at their option, generate the e-way bill in **FORM GST EWB-01** on the common portal in the manner specified in this rule :

Provided also that where the goods are transported for a distance of less than ten kilometers within the State or Union territory from the place of business of the consignor to the place of business of the transporter for further transportation, the supplier or the recipient, or as the case maybe, the transporter may not furnish the details of conveyance in Part B of **FORM GST EWB-01**.

*Explanation 1.* For the purposes of this sub-rule, where the goods are supplied by an unregistered supplier to a recipient who is registered, the movement shall be said to be caused by such recipient if the recipient is known at the time of commencement of the movement of goods.

*Explanation 2.* :66 The e-way bill shall not be valid for movement of goods by road unless the information in **Part-B** of **FORM GST EWB-01** has been furnished except in the case of movements covered under

the third proviso to sub-rule (3) and the  
proviso to sub-rule (5).

(4) Upon generation of the e-way bill on the common portal, a unique e-way bill number (EBN) shall be made available to the supplier, the recipient and the transporter on the common portal.

ô(5) Where the goods are transferred from one conveyance to another, the consigner or the recipient, who has provided information in **Part-A** of the **FORM GST EWB-01**, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in the e-way bill on the common portal in FORM GST EWBô01 :

Provided that where the goods are transported for a distance of less than ten kilometers within the State or Union territory from the place of business of the transporter finally to the place of business of the consignee, the details of conveyance may not be updated in the e-way bill.

(5A) The consignor or the recipient, who has furnished the information in **Part-A** of **FORM GST EWB-01**, or the transporter, may assign the e-way bill number to another registered or enrolled transporter for updating the information in **Part-B** of **FORM GST EWB-01** for further movement of consignment :

Provided that once the details of the conveyance have been updated by the transporter in **Part B** of **FORM GST EWB-01**, the consignor or recipient,

[illegible]

as the case maybe, who has furnished the information in **Part-A** of **FORM GST EWB-01** shall not be allowed to assign the e-way bill number to another transporter.

(6) After e-way bill has been generated in accordance with the provisions of sub-rule (1), where multiple consignments are intended to be transported in one conveyance, the transporter may indicate the serial number of e-way bills generated in respect of each such consignment electronically on the common portal and a consolidated e-way bill in **FORM GST EWB-02** may be generated by him on the said common portal prior to the movement of goods.

(7) Where the consignor or the consignee has not generated **FORM GST EWB-01** in accordance with the provisions of sub-rule (1) and the value of goods carried in the conveyance is more than fifty thousand rupees, the transporter shall generate **FORM GST EWB-01** on the basis of invoice or bill of supply or delivery challan, as the case may be, and may also generate a consolidated e-way bill in **FORM GST EWB-02** on the common portal prior to the movement of goods :

Provided that where the goods to be transported are supplied through an e-commerce operator, the information in **Part A of FORM GST EWB-01** may be furnished by such e-commerce operator.

(8) The information furnished in **Part A** of **FORM GST EWB-01** shall be made available to

the registered supplier on the common portal who may utilize the same for furnishing details in **FORM GSTR-1** :

Provided that when the information has been furnished by an unregistered supplier or an unregistered recipient in **FORM GST EWB-01**, he shall be informed electronically, if the mobile number or the e-mail is available.

(9) Where an e-way bill has been generated under this rule, but goods are either not transported or are not transported as per the details furnished in the e-way bill, the e-way bill may be cancelled electronically on the common portal within 24 hours of generation of the e-way bill :

Provided that an e-way bill cannot be cancelled if it has been verified in transit in accordance with the provisions of rule 138B :

Provided further the unique number generated under sub-rule (1) shall be valid for 72 hours for updation of **Part B** of **FORM GST EWB-01**.

(10) An e-way bill or a consolidated e-way bill generated under this rule shall be valid for the period as mentioned in column (3) of the Table below from the relevant date, for the distance, within the country, the goods have to be transported, as mentioned in column (2) of the said Table :ôô

Table

Sl. No.	Distance	Validity period
---------	----------	-----------------

oo

(1)
(2)
(3)

oo

- |    |  |                         |
|----|--|-------------------------|
| 1. | Upto 100 km.                                       | One day                 |
| 2. | For every 100 km.<br>or part thereof<br>thereafter | One additional<br>day : |

Provided that the Commissioner may, by notification, extend the validity period of e-way bill for certain categories of goods as may be specified therein :

Provided further that where, under circumstances of an exceptional nature, the goods cannot be transported within the validity period of the e-way bill, the transporter may generate another e-way bill after updating the details in **Part B** of **FORM GST EWB-01**.

*Explanation* :—For the purposes of this rule, the relevant date shall mean the date on which the e-way bill has been generated and the period of validity shall be counted from the time at which the e-way bill has been generated and each day shall be counted as twenty-four hours.

- (11) The details of e-way bill generated under sub-rule (1) shall be made available to the—
- (a) supplier, if registered, where the information in **Part A** of **FORM GST EWB-01** has been furnished by the recipient or the transporter ; or
  - (b) recipient, if registered, where the information in **Part A** of **FORM GST EWB-01** has been

furnished by the supplier or the transporter, on the common portal, and the supplier or the recipient, as the case maybe, shall communicate his acceptance or rejection of the consignment covered by the e-way bill.

(12) Where the person to whom the information specified in sub-rule (11) has been made available does not communicate his acceptance or rejection within seventy two hours of the details being made available to him on the common portal, it shall be deemed that he has accepted the said details.

(13) The e-way bill generated under this rule or under rule 138 of the Goods and Services Tax Rules of any State shall be valid in every State and Union territory.

(14) Notwithstanding anything contained in this rule, no e-way bill is required to be generatedôô

- (a) where the goods being transported are specified in Annexure ;
- (b) where the goods are being transported by a non-motorised conveyance ;
- (c) where the goods are being transported from the port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs ;
- (d) in respect of movement of such goods and within such areas in a State and for values not

[illegible]

exceeding such amount as the Commissioner of State tax, in consultation with the Chief Commissioner of central tax goods, may notify.

- (e) where the goods, other than de-oiled cake, being transported are specified in the Schedule appended to the Finance Department notification No. SRO-GST-2 dated 08-07-2017 as amended from time to time ;
- (f) where the goods being transported are alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas or aviation turbine fuel ; and
- (g) where the goods being transported are treated as no supply under Schedule III of the Act.

*Explanation :*60 The facility of generation and cancellation of e-way bill may also be made available through SMS.

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## ANNEXURE

[(See rule 138 (14))]

S. No.	Description of Goods
1	2
1.	Liquefied petroleum gas for supply to household and non domestic exempted category (NDEC) customers



2. Kerosene oil sold under PDS
  3. Postal baggage transported by Department of Posts
  4. Natural or cultured pearls and precious or semi-precious stones; precious metals and metals clad with precious metal (Chapter 71)
  5. Jewellery, goldsmiths' and silversmiths' wares and other articles (Chapter 71)
  6. Currency
  7. Used personal and household effects
  8. Coral, unworked (0508) and worked coral (9601)ö ;
- (xii) with effect from 1st February, 2018, in rule 138A, in sub-rule (5), for the words "Notwithstanding anything contained", the words "Notwithstanding anything contained in" shall be substituted ;
- (xiii) with effect from 1st February, 2018, in rule 138B, in sub-rule (3), in the proviso, for the words **"carried out by any"**, the words **"carried out by any other"** shall be substituted ;

(xiv) in FORM GST RFD-01A, óó

(a) after Statement 1A, the following Statements shall be inserted, namely: 'óó

**“Statement- 2 [rule 89(2)(c)]**

Refund Type : Exports of services with payment of tax

(Amount in Rs.)

[illegible]

Statement-3 [rule 89(2)(b) and 89(2)(c)]

Refund Type : Export without payment of tax (accumulated ITC)

(Amount in Rs.)											
Sr. No.	Invoice details			Goods/ Services (GIS)	Shipping bill/Bill of export			EGM Details		BRC/ FIRC	
	No.	Date	Value		Port code	No.	Date	Ref. No.	Date	No.	Date
1	2	3	4	5	6	7	8	9	10	11	12

(b) after Statement 3A, the following Statement shall be inserted, namely: "00

**"Statement-a [rule 89(2)(d) and 89(2)(e)]**

Refund Type : On account of supplies made to SEZ unit or SEZ Developer (on payment of tax)

(Amount in Rs.)

[illegible]

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(xv) with effect from 1 st February, 2018, for **FORM GST EWB-01**  
and **FORM GST EWB-02**, the following forms shall be substituted,  
namely :ôô

**“FORM GST EWB-01**

*(See rule 138)*

**E-Way Bill**

E-Way Bill No. :

E-Way Bill date :

Generator :

Valid from :

Valid until :

<b>PART-A</b>		
A.1	GSTIN of Supplier	
A.2	GSTIN of Recipient	
A.3	Place of Delivery	
A.4	Document Number	
A.5	Document Date	
A.6	Value of Goods	
A.7	HSN Code	
A.8	Reason for Transportation	
<b>PART-B</b>		
B.1	Vehicle Number for Road	
B.2	Transport Document Number	

**Note :**ôô 1. HSN Code in column A.7 shall be indicated at minimum two  
digit level for taxpayers having annual turnover upto five crore

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rupees in the preceding financial year and at four digit level for taxpayers having annual turnover above five crore rupees in the preceding financial year.

2. Document Number may be of Tax Invoice, Bill of Supply, Delivery Challan or Bill of Entry.
3. Transport Document number indicates Goods Receipt Number or Railway Receipt Number or Airway Bill Number or Bill of Lading Number.
4. Place of Delivery shall indicate the PIN Code of place of delivery.
5. Reason for Transportation shall be chosen from one of the following :

Code	Description
1	Supply
2	Export or Import
3	Job Work
4	SKD or CKD
5	Recipient not known
6	Line Sales
7	Sales Return
8	Exhibition or fairs
9	For own use
10	Others

**FORM GST EWB-02**

*(See rule 138)*

**Consolidated E-Way Bill**

Consolidated E-Way Bill No. :

Consolidated E-Way Bill Date :

Generator :

Vehicle Number :

Number of E-Way Bills	
E-Way Bill Number	

(xvi) with effect from 1st February, 2018, in **FORM GST EWB-03**,  
for the letters öUTö, at both places where they occur, the words  
öUnion territoryö shall be substituted ;

(Sd.) NAVIN K. CHOUDHARY, IAS,  
Commissioner/Secretary to Government,  
Finance Department.