

SHCIL



Warning



“The contents of this certificate can be verified and authenticated world-wide by any members of the public at www.shcilestamp.com or at any Authorised collection center address displayed at www.shcilestamp.com free of cost.”

“Any alteration to this certificate renders it invalid. Use of an altered certificate without all the security features could constitute a criminal offence.”

“This document contains security features like coloured background with Lacey Geometric Flexible patterns and Subtle Logo images, Complex ornamental design borders, Anti - copy text, the appearance of micro printing, artificial watermarks and other Overt and Covert features.”



'FORM B'

PROOF OF CLAIM BY OPERATIONAL CREDITORS EXCEPT WORKMEN AND EMPLOYEES
(Under Regulation 7 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution
Process for Corporate Persons) Regulations, 2016)

TO:-

Dated 05.01.2023

SH. RAKESH PHULL.

**P-602, JALANDHAR HEIGHTS 1, 66 FT. ROAD, JALANDHAR CITY, PUNJAB -
144022**

FROM:-

**DHARAM PAL, ASSISTANT COMMISSONER.
CENTRAL GOODS & SERVICES TAX DIVISION AMRITSAR-II
B-12, RANJIT AVENUE, AMRITSAR -PUNJAB 143001**

Subject: Submission of proof of claim.

Sir,

I, DHARAM PAL, ASSISTANT COMMISSONER, CENTRAL GOODS & SERVICES TAX DIVISION AMRITSAR-II, B-12, RANJIT AVENUE, AMRITSAR, PUNJAB, hereby submit this proof of claim in respect of the corporate insolvency resolution process in the case of M/S DEVGAN SOLVEX PVT. LTD., SANGRANA SAHIB, TARN TARAN ROAD, AMRITSAR HOLDING PAN NO. AAACD5630Q GST NO. 03AAACD5630Q1ZM. The details for the same are set out below:

PARTICULARS	
1. NAME OF OPERATIONAL CREDITOR	ASSISTANT COMMISSIONER, CENTRAL GOODS AND SERVICES TAX DIVISION, AMRITSAR-II
2. IDENTIFICATION NUMBER OF OPERATIONAL CREDITOR (IF AN INCORPORATED BODY PROVIDE IDENTIFICATION NUMBER AND PROOF OF INCORPORATION. IF A PARTNERSHIP OR INDIVIDUAL PROVIDE IDENTIFICATION RECORDS* OF ALL THE PARTNERS OR THE INDIVIDUAL)	CENTRAL GOODS & SERVICES TAX COMMISSIONERATE, JALANDHAR DEPARTMENT OF REVENUE MINISTRY OF FINANCE, GOVERNMENT OF INDIA
3. ADDRESS AND EMAIL ADDRESS OF OPERATIONAL CREDITOR FOR CORRESPONDENCE	B-12, RANJIT AVENUE, AMRITSAR. EMAIL: ASR2-GSTJAL@GOV.IN
4. TOTAL AMOUNT OF CLAIM (INCLUDING ANY INTEREST AS AT THE INSOLVENCY COMMENCEMENT DATE)	(i) Principal Amount: Rs.57,46,579/- Interest amount: Rs.50,40,413/- Total: Rs.1,07,86,992/- Nature of claim : (i) Short / Non-Payment of tax for the month of July-2017 to February-2018 amounting to Rs.57,46,579/- and Interest @18% amounting to Rs.50,40,413/- (Total Rs. 1,07,86,992/-) as per Calculation of "Annexure-A and B" (ii) Rs.3,62,148/- (difference between GSTR-2A and GSTR-3B as per calculation of Annexure-"C" (iii) Total (i+ii) = Rs.1,11,49,140/-

Assistant Commissioner
CGST, Amritsar

PARTICULARS

5.	DETAILS OF DOCUMENTS BY REFERENCE TO WHICH THE DEBT CAN BE SUBSTANTIATED.	<p>(i) Difference between GSTR-1 and GSTR-3B return for the month of July-2017 to February-2018 filed by the Taxpayer for claim of principle amount i.e. Non/ Short payment of Rs.57,46,579/-.</p> <p>(ii) Section 50 of the CGST Act, 2017 for claim of Interest of Rs.50,40,413/-</p> <p>(iii) Difference between GSTR-2A and GSTR-3B amounting to Rs.3,62,148/- for the month of July-2017 to November-2017.</p>
6.	DETAILS OF ANY DISPUTE AS WELL AS THE RECORD OF PENDENCY OR ORDER OF SUIT OR ARBITRATION PROCEEDINGS	NA
7.	DETAILS OF HOW AND WHEN DEBT INCURRED	<p>1. Principle amount i.e. Non/Short payment of Rs.57,46,579/- as per "Annexure-A"</p> <p>2. Interest of Rs.50,40,413/- as per "Annexure-B".</p> <p>3. Difference between GSTR-2A and GSTR-3B amounting to Rs.3,62,148/- as per "Annexure-C"</p>
8.	DETAILS OF ANY MUTUAL CREDIT, MUTUAL DEBTS, OR OTHER MUTUAL DEALINGS BETWEEN THE CORPORATE DEBTOR AND THE CREDITOR WHICH MAY BE SET-OFF AGAINST THE CLAIM	NA
9.	<p>DETAILS OF:</p> <p>a. any security held, the value of security and its date, or</p> <p>b. any retention of title arrangement in respect of goods or properties to which the claim refers</p>	<p>NA</p> <p>NA</p>
10.	DETAILS OF THE BANK ACCOUNT TO WHICH THE AMOUNT OF THE CLAIM OR ANY PART THEREOF CAN BE TRANSFERRED PURSUANT TO A RESOLUTION PLAN	Cheque/DD in name of CAO, CBIC Chandigarh
11.	LIST OF DOCUMENTS ATTACHED TO THIS PROOF OF CLAIM IN ORDER TO PROVE THE EXISTENCE AND NON-PAYMENT OF CLAIM DUE TO THE OPERATIONAL CREDITOR	<p>(i) Attested copy of Annexure-A</p> <p>(ii) Attested copy of Annexure-B</p> <p>(iii) Attested copy of Annexure-C</p> <p>(iv) Hqrs. letter dated 04.01.2023 regarding pending enquiry against the party.</p>

Signature of operational creditor or person authorised to act on his behalf

Assistant Commissioner
CGST
Amritsar

Name in BLOCK LETTERS: SH. DHARAM PAL, IRS

Position with or in relation to creditor: ASSISTANT COMMISSIONER, CENTRAL GOODS & SERVICES TAX DIVISION, AMRITSAR-II.

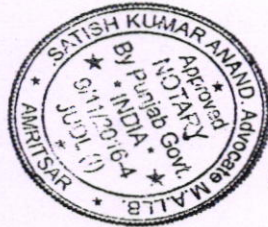
Address of person signing: B-12. RANJIT AVENUE. AMRITSAR PUNJAB 143001.
EMAIL: ASR2-GSTJAL@GOV.IN

AFFIDAVIT

I, DHARAM PAL IRS , ASSISTANT COMMISSIONER, CENTRAL GOODS & SERVICES TAX DIVISION-II, AMRITSAR, hereby declare and state as follows:-

1. M/s Devgan Solvex Pvt. Ltd., Sangrana Sahib, Tarn Taran Road, Amritsar the corporate debtor was, at the insolvency commencement date, being the 22th Day of December 2012, actually indebted to me in the sum of Rs.1,11,49,140/- (Principal amount of Rs.57,46,579/- plus Rs.3,62,148/- and interest of Rs.50,40,413/-
2. In respect of my claim of the said sum or any part thereof, I have relied on the documents specified below:
 - (i) Calculation chart of Tax liability and Tax payable/paid as per attachment of Annexure-'A'.
 - (ii) Interest calculation chart as per attachment of Annexure-'B'.
 - (iii) Calculation chart of difference between GSTR-2A and GSTR-3B as per Annexure-'C'
 - (iv) Hqrs. letter dated 04.01.2023 regarding pending enquiry against the party.
3. The said documents are true, valid and genuine to the best of my knowledge, information and belief and no material facts have been concealed therefrom.
4. In respect of the said sum or any part thereof, neither I nor any person, by my order, to my knowledge or belief, for my use, had or received any manner of satisfaction or security whatsoever, save.

Date: AMRITSAR.
Place:05.01.2023



[Signature]
Assistant Commissioner
DHARAM PAL
ASSISTANT COMMISSIONER,
CENTRAL GOODS & SERVICES TAX DIVISION-II
AMRITSAR

VERIFICATION

DHARAM PAL IRS , ASSISTANT COMMISSIONER, CENTRAL GOODS & SERVICES TAX DIVISION-II, AMRITSAR the claimant here-in-above, do hereby verify that the contents of this proof of claim are true and correct to my knowledge and belief and no material fact has been concealed therefrom.

Verified at on this 05th day of January 2023

[Signature]
Assistant Commissioner
DHARAM PAL
ASSISTANT COMMISSIONER,
CENTRAL GOODS & SERVICES TAX DIVISION-II,
AMRITSAR

[Note: In the case of company or limited liability partnership, the declaration and verification shall be made by the director/manager/secretary and in the case of other entities, an officer authorized for the purpose by the entity].

ATTESTED as IDENTIFIED

[Signature]
Satish Kumar Anand Notary
Amritsar

15 JAN 2023

I Person
Executant and he has signed in
my presence (Wife Name)

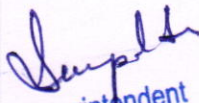
ANNEXURE-'A'

GSTIN
Name of the Taxpayer
Address

03AAACD5630Q1ZM
DEVGAN SOLVEX P LTD
Sangrana Sahib, Tarn Taran Road, Amritsar

(Figures in Rs.)

Tax period	Comparison of tax liability as per GSTR-1 and GSTR-3B		
	Tax liability as per GSTR1	Tax liability as per GSTR-3B	Shortfall in liability
Jul-17	0	0	0
Aug-17	47,590	47590	0
Sep-17	3,08,638	308638	0
Oct-17	21,79,697	21,79,697	0
Nov-17	29,49,169	29,49,169	0
Dec-17	25,72,918	0	-2572918
Jan-18	21,29,417	0	-2129417
Feb-18	10,44,244	0	-1044244
TOTAL	112,31,673	54,85,094	-57,46,579


अधीक्षक/Superintendent
के.व.से.कर./C.G.S.T.
मण्डल-II/DIV-II, ASR.

ANNEXURE-'B'

GSTIN
Name of the Taxpayer
Address

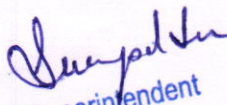
03AAACD5630Q1ZM
DEVGAN SOLVEX P LTD
Sangrana Sahib, Tarn Taran Road, Amritsar

(Figures in Rs.)

Month	Payment of tax paid in CASH						
	Other than Reverse charge	Reverse Charge	Total	Due date for payment	Date of payment	Delay of payment (days)	Interest liable to pay (due to late payment)
1	2	3	4	5	6	7	8
Nov-17	10,46,663	46,164	10,92,827	20-12-2017	09-01-2018	20	10779

Month	Tax liability declared in GSTR-1, but tax not paid in GSTR-3B/Not filed return				
	As per GSTR-1	Due date for payment	Interest calculated as on date 22.12.2022 (i.e. commencement of insolvency)	Delay of payment (days)	Interest liable to pay
Dec-17	25,72,918	20-01-2018	22-12-2022	1797	2280099
Jan-18	21,29,417	20-02-2018	22-12-2022	1766	1854518
Feb-18	10,44,244	20-03-2018	22-12-2022	1738	895017
TOTAL	57,46,579				50,29,634

Total interest is liable to pay	10779
	50,29,634
	5040413


अधीक्षक/Superintendent
के.व.से.कर./C.G.S.T.
मण्डल-II/DIV-II, ASR.

ANNEXURE-'C'

GSTIN

03AAACD5630Q1ZM

Name of the Taxpayer

DEVGAN SOLVEX P LTD

Address

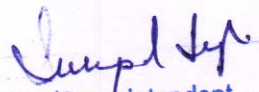
Sangrana Sahib, Tarn Taran Road, Amritsar

(Figures in Rs.)

Month	ITC accrued as per GSTR-2A			
	Integrated Tax	Central Tax	State/UT Tax	Cess
Jul-17	N/A	N/A	N/A	N/A
Aug-17	0	29415	29415	9
Sep-17	0	152509	152509	18
Oct-17	0	951122	951122	0
Nov-17	0	851130	851130	0
TOTAL	0	19,84,176	19,84,176	27
39,68,378				

Month	ITC availed as per GSTR-3B			
	Integrated Tax	Central Tax	State/UT Tax	Cess
Jul-17	0	0	0	0
Aug-17	0	29,122	29,122	0
Sep-17	0	1,53,604	1,53,604	0
Oct-17	0	10,31,284	10,31,284	0
Nov-17	0	9,51,253	9,51,253	0
TOTAL	0	21,65,263	21,65,263	0
43,30,526				

Name of returns	Integrated Tax	Central Tax	State/UT Tax	Cess
GSTR-2A	0	19,84,176	19,84,176	27
GSTR-3B	0	21,65,263	21,65,263	0
Excess ITC availed	0	1,81,087	1,81,087	-27
3,62,148				


अधीक्षक/Superintendent
के.व.से.कर./C.G.S.T.
मण्डल-II/DIV-II, ASR.

	<p>कार्यालय आयुक्त OFFICE OF THE COMMISSIONER केंद्रीय माल और सेवाकर आयुक्तालय जालंधर CENTRAL GOODS & SERVICES TAX COMMISSIONERATE, JALANDHAR केन्द्रीय राजस्व भवन, मोडेल टाउन रोड, जालंधर-14401 Central Revenue Building, Model Town road, Jalandhar-144001 दूरभाष/TELE: 0181-2457274, ई-मेल/Email: commr-cexjlnr@gov.in, prev-gstjal@gov.in</p>
---	---

Date: .01.2023

सेवा में,

The Assistant Commissioner,
CGST Division-II, Amritsar

महोदया/महोदय,

विषय: Filing of claim in NCLT in respect of M/s DEVGAN SOLVEX P LTD
(03AAACD5630Q1ZM- regarding.

Kind attention is invited on the above-mentioned subject. In this regard, an email has been received from TRC section forwarding thereunder, a public announcement dated 25.12.2022 (copy attached) has been issued in Form A by Sh. Rakesh Phull, IRP in the case of M/s Devgan Solvex Pvt Ltd registered office at 83, Dhab Wasti Ram, Amritsar, Punjab-143001. As per the announcement dated 25.12.2022 the CIRP proceedings against the subject taxpayer has been initiated in view of NCLT, Chandigarh Bench order dated 22.12.2022 and the last date of filing claim with IRP is 05.01.2023.

2. Accordingly, the following merits consideration:

2.1 Basing on letter received from Asstt. Commissioner State tax, Kapurthala, an inquiry has been initiated against M/s Devgan Solvex Pvt. Ltd. (03AAACD5630Q1ZM), Sangrana Sahib, Tarn Taran Road, Amritsar, 143001 to verify the aspect of genuiness of transactions entered into with M/s AG Fats Private Limited (GSTIN 03AABCA1669F1Z4) as well as to recover the declared liability on behalf of M/s Devgan Solvex in as much as M/s Devgan Solvex Private Limited had filed its GST-1 returns for the period July to February 2018 but has not filed GSTR-3B for the period December 2017 to February 2018.

2. 2 M/s Devgun Solvex Pvt. Ltd. has admitted tax liability in GSTR-1 but has not discharged the output tax liability in GSTR-3B. The comparison of tax liability as per GSTR-1 and GSTR-3B is as under:-

Comparison of Tax liability as per GSTR-1 and GSTR-3B			
Tax Period	Tax liability declared as	Tax liability as per	Shortfall in

	per GSTR-1 (in Rs.)	GSTR-3B (in Rs.)	liability (in Rs.)
Jul-17	0	0	0
Aug-17	47590	47590	0
Sep-17	308638	308638	0
Oct-17	2179697	2179697	0
Nov-17	2949169	2949169	0
Dec-17	2572918	0	-2572918
Jan-18	2129417	0	-2129417
Feb-18	1044244	0	-1044244
Total	11231673	54,85,094	-57,46,579

The total difference between tax liability declared in GSTR-1 and discharged in GSTR-3B is Rs. 57,46,579/- which is recoverable along with applicable interest and penalty. The same please be confirmed from GST returns of the taxpayer.

2.3 Summons dated 14.10.2022, 28.10.2022, 23.11.2022 and 03.01.2023 had been issue to the authorized signatory of the taxpayer (as found in the GST portal registration) but the concerned person from the taxpayer's unit has not come forward to record his statement. Sh. Shivesh Devgan had submitted his submission that he has seized to be a director since December 2017. However, Sh. Shivesh Devgan was the authorized signatory on the GST portal and was solely responsible for the statutory compliance as far as the GST returns and liabilities was concerned (since the date of GST registration till the date of cancellation of the GST registration of M/s Devgan Solvex Private Limited). The non-cooperative nature of the taxpayer had been frustrating the investigation.

2.4 Further, on checking the suppliers of M/s Devgan Solvex Pvt. Ltd. (03AAACD5630Q1ZM), it has been found that two of its suppliers namely M/s SV Agro Foods Pvt. Ltd and M/s Om Oil & Feeds are found to be availers of fake/inadmissible ITC passed on by certain shell entities floated by Sh. Rajinder Beri (who was subsequently arrested). Hence, the ITC passed on by M/s SV Agro Foods Pvt. Ltd (Rs. 65,74,586) and M/s Om Oil & Feeds (Rs. 88,113) to M/s Devgan Solvex Pvt. Ltd. needs verification insofar as the genuiness of the transactions are concerned and if found inadmissible, the same is liable to be recovered along with interest and penalty. for which the investigation is currently being undertaken.

3. Furthermore, on reconciliation of the Balance Sheet filed by the taxpayer with Ministry of Corporate Affairs with the GSTR-1 Return of outward supplies for the FY 2017-18, it is seen that the taxpayer had declared an income of Rs. 28,00,85,227 in the P&L account while the outward supplies declared in the GSTR-3B returns was Rs. 12,11,17,379 (including exempt supplies worth Rs. 1,13,55,883). No zero-rated supplies have been shown by the taxpayer in both the Balance sheet as well as in the statutory GSTR-3B/GSTR-1 Returns. In this regard, the IRP may kindly be informed that the investigation on this aspect is underway and that the summons has been

अधीक्षक
के.व.एव.से.कर
मंडल-2, अमृतसर

issued to the authorized signatory of the taxpayer to provide inter-alia sale bills of FY 2017-18, reconciliation statement of the sale income declared in the profit and Loss account with the GSTR-1 and GSTR-3B returns.

4. Accordingly, in light of the non-cooperative nature of the authorized person, the above-mentioned facts be brought to the notice of the learned IRP who may be apprised that to correctly estimate the GST dues this office may require time.

संलग्नक:- ऊपरोक्त

भवदीय,

BHAGAT DEEPAK S KUMAR
DEPUTY COMMISSIONER
04-01-2023

अधीक्षक
के.ए.से. कर
मंडल-2, अमृतसर

GSTIN- 03AAACD5630Q1ZM

CBIC-DIN-20230150ZE000000DF84

SUMMONS**[under Section 70 of the Central Goods and Services Tax Act, 2017]**

To,

**Authorised Signatory, M/s DEVGAN
SOLVEX P LTD****Sangrana Sahib, Tarn Taran Road,
Amritsar, Punjab, 143001**

WHEREAS, I, **Pawan Kumar** am making inquiry in connection with **GST** under the Central Goods and Services Tax Act, 2017.

AND WHEREAS, I consider your attendance necessary to

(a) give evidence and / or
(b) produce documents or things of the following description in your possession or under your control:

1. Sale invoices of Financial Year 2017-18

2. Reconciliation of the sales shown in the profit and loss account for FY 2017-18 vis-a-vis the outward supplies shown in GST-3B returns for FY 2017-18.

3. Produce book of accounts from Financial Year 2018-19 onwards

NOW, THEREFORE, in exercise of powers vested in me under Section 70 of the Central Goods and Service Tax Act, 2017 I do hereby summon you to appear before me in person on **2023-01-16** at **11:30:AM** at the office of **THE COMMISSIONER, CGST COMMISSIONERATE, ROOM NO. 108, MODEL TOWN ROAD, JALANDHAR**

Inquiry as aforesaid is deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860 (45 of 1860) and non-compliance of this summon is an offence punishable under Section 174 & 175 of the Indian Penal Code, 1860.

Given under my hand and seal of office to-day the **04** day of **January**, **2023** at

Jalandhar



Name : **Pawan Kumar**

Signature : ... **Pawan Kumar Sharma**

Superintendent (AE)/अधीक्षक (कर अपवचना शाखा)

Designation : Central GST Commissionerate

Superintendent / अपवचना सेक्टर / Intelligence Officer
Jalandhar/जालंधर

Seal of Office.

अधीक्षक
के. व. ए. सी. कर
मंडल-2, अमृतसर