

Vol. No. 5 I Issue No. 3 I May 2018

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# Chairman Message

Dear Members.

As the atmosphere heats up, the professionals are ready for the next grueling season of compliances. It is a very difficult phase for our profession. Needless to say that the majority of concerns for our profession are hypothetical and media generated. It seems that all wrong doing in the country has a Chartered Accountant involved in it. But as we all know, that this is not the case. In these tough times, it becomes our responsibility to ensure that the image of the profession is not maligned in any manner. This is an additional burden which



the circumstances have put on us along with the routine burden of compliances and professional challenges. But it is my earnest request to bear with the burden. The coming generation of Chartered Accountants will blame us if we do not ensure the profession's image to be intact. I am sure that you all appreciate the gravity of the situation and will adhere to the highest level of professional and personal ethics to achieve what is expected from all of us.

The first month of the financial year started with a lot of activities at the branch. One more batch of Advance GST Course for members was well received by all the participants. After a gap of two years, one full day program on Peer Review was organized at the Branch by the Peer Review Board. An all round event of training in word, excel and power point was conducted for the members. Common issues on NRI taxation and FEMA were covered in a lecture meeting by CA Hiren Shah. A very well appreciated lecture meeting on New ITR forms and income tax amendments was held at Fire n Flames and the lecture was delivered by CA Navin Khariwal from Bangalore. Educational knowledge is important but we also believe that the internal mental cleansing is of profound importance and therefore a spiritual lecture of Sister BK Shivani was held for the members and their family. The month ended with the most awaited entertainment extravaganza for the cricket fanatic members of the branch, the Summer Cricket Carnival.

We are waiting for the GST audit report formats to come. With that, we will be ushering in a whole new professional opportunity for the members. We will be having several seminars and conferences on that topic. Your participation in all the events so far has been very encouraging and I hope to have your continuous support in the future as well.

Regards,

#### CA. Nirav R Choksi

Chairman

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Forth Coming







# **Editorial**

Dear Members,

After receiving a wonderful response to the April edition of our Newsletter, it gives me immense pleasure to share the May edition which has been designed with a special focus on relaxing/recharging ourselves before the hectic tax season ahead.

Chartered Accountancy profession can be stressful at times and demand a lot of our time and the craziness that is "busy season" can knock our daily life out of balance. So before we start our busy hectic tax and audit season ahead, lets spend some time out of the office, relax, take a break and reassess our life in general. Lets spend quality time with friends and family and take a vacation and come back all charged up. As it is said – "You need to get your mind and body right so you can be the best **YOU** possible!"

I would like to take this opportunity to sincerely thank all the contributors for sending the updates and sparing their precious time for the cause of the profession. In order to make the newsletter more resourceful, we need your support by way of contribution of updates, useful suggestions, etc. I would request you to send your contributions on the topics of Direct Taxes, GST, Corporate Law, Information technology, FEMA, Indian & World economy and other interesting topics. Kindly email your contributions, achievements etc. on ahmedabad@icai.org. The editorial team will publish the best contribution at its own discretion. I extend my sincere gratitude to the Editorial team for their hard work to publish this newsletter in time.

Lets get set for an exciting new financial year. Hope you all have a very enriching and successful year ahead!

Happy Reading!

**CA. Harit Dhariwal**Chairman, Newsletter Committee



# Income Tax Updates

(Contributed by CA. Mohit Tibrewal)

#### **Direct Tax**

- 1. Government of India has issued letter no. F.No. 380/1/2018-IT(B) dated 02.04.2018. Sub: Central Action Plan for the First Quarter i.e. (April 2018 to June 2018) of the F.Y. 2018-19. The highlights relating to Assessment Units& TDS Units are as under:
  - a. Disposal of assessments in at least 25 cases (20 in international taxation) per Assessing Officer through "E-Proceedings" till 30.06.2018.
  - b. Issue of 142(1) / 148 notices in all cases as per SOP in respect of data of cash deposit in banks pushed by Directorate of Systems under "Operation Clean Money" till 31.05.2018.
  - c. Processing of the TDS/TCS defaults for prosecution u/s 276B/276BB in 10 cases already identified during FY 2017-18 & 2016-17 by CPC-TDS or manually by respective CIT (TDS) and taking such cases to logical end including uploading/updating of the status of disposal on TRACES portal till 30.06.2018.
- 2. CBDT has issued letter no. F.NO.500/158/2017-FT&TR-III dated 03.04.2018. Sub: Working Group on Taxation Aspects of High Net Worth Individuals (HNWIs).

The CBDT has issued an office order in which it is noted that there is a trend of High Net Worth Individuals (HNWIs) migrating from their country of residence to other jurisdictions. It is stated that such HNWIs pose a substantial tax risk since they may treat themselves as non-residents for taxation purposes in the first jurisdiction even though they may have strong personal and economic ties with that jurisdiction. For examining the taxation aspects of such High Net Worth Individuals (HNWI), the CBDT has constituted a Working Group of high-ranking officials. The Working Group has to make recommendations for policy decision in respect of tax risks of the migrating HNWI population.

 CBDT issued letter no. D.O.F.No.PR.DGIT (Admn.& TPS)/DO/2018-19 dated 16.04.2018 - Sub: Misconduct and high handedness by Sr. Officers of the Department.

The CBDT has issued a sternly worded directive stating that a number of complaints are being received in the Tax Payer Services Directorate regarding harassment, misconduct and high handedness of Officers and staff. It is stated that such incidents damage the image and reputation of the Income Tax Department and dent the efforts of the Department to position itself as a service oriented organization. All officers and staff have been instructed to deal with the public not only with administrative efficiency but also with the requisite soft skills. It is stated that the behaviour needs to be impeccable not only in the performance of their official duties but also decorous outside the office.

4. CBDT issued letter No. F.NO.292/62/2012-IT (Inv.III)/26 dated 23.04.2018. Sub: Income Tax Informants Rewards Scheme, 2018.

**Under Income Tax Informants Reward Scheme, 2018,** A person can get reward of up to Rs. Five crore by giving specific information about evasion of Income tax on income and assets in India and abroad. Identity of the informant shall be kept confidential.

 CBDT issued Notification No. 1 & Notification No. 2 dated 05.04.2018 - Procedure for registration / submission of form 60 & Form 61.

https://www.incometaxindia.gov.in/communications/notification/system-notification-1-of-2018.pdf

CBDT issued Notification No. 3& Notification No. 4
dated 05.04.2018- Procedure for registration&
submission of Statement of Financial Transaction.

https://www.incometaxindia.gov.in/communications/notification/system-notification-3-of-2018.pdf





# Accounting, Auditing & Company Law Updates

(Contributed by CA. Chintan Patel)

## FAQ on accounting treatment of increase in liability due to enhancement of the gratuity ceiling

The Accounting Standard Board of the ICAI has issued the FAQ on accounting treatment of increase in liability on account of enhancement of the gratuity ceiling from INR 10 lakhs to INR 20 Lakhs due to the Payment of Gratuity (Amendment) Act 2018. The FAQ states that increase in the liability arising due to enhancement of the gratuity ceiling is a <u>past service cost</u>. Accordingly, it should be accounted for as an expense as per the requirements of the relevant applicable Standard, i.e., Ind AS 19/AS 15.

https://resource.cdn.icai.org/50220asb39816.pdf

# 2. Notification of various sections of the Companies (Amendment) Act, 2017 and Amendment to various Companies Rules

The MCA has issued Commencement notification to notify the following sections of the Companies (Amendment) Act, 2017. The effective date is 7 May 2018.

Sections of the Companies (Amendment) Act, 2017	Corresponding section of the Companies Act, 2013
Section 2 [clauses (I) and (xiii)]	Section 2(6)
Section 2 [clauses (I) and (xiii)]	Section 2(87)
Section 8	Section 26
Section 13	Section 54
Section 18	Section 77
Section 19	Section 78
Clauses (i) and (ii) of section 21	Section 89

Clauses (iii) and (iv) of section 23	Section 92
Section 30	Section 117
Section 31	Section 121
Section 33	Section 129
Section 39	Section 137
Section 40	Section 139
Section 46	Section 149
Section 49	Section 157
Section 52	Section 164
Section 54	Section 167
Section 55	Section 168
Section 56	Section 173
Section 57	Section 177
Section 58	Section 178
Section 61	Section 185
Section 62	Section 186
First proviso to clause (ii) of section 80	Section 403
Section 83	Section 410
Section 86	Section 435
Section 87	Section 438
Section 88	Section 439
Section 89	Section 440
	•



#### Amendment of Rules:

- 1. <u>The Companies (Prospectus and Allotment of Securities) Amendment Rules</u>, 2018
- 2. The Companies (Appointment and Qualification of Directors) Second Amendment Rules, 2018
- 3. The Companies (Meetings of Board and its powers) Amendment Rules, 2018
- 4. The Companies (Audit and Auditors)
  Amendment Rules, 2018
- 5. <u>The Companies (Share Capital and Debentures)</u> <u>Second Amendment Rules, 2018</u>
- 6. The Companies (Specification of Definition Details) Amendment Rules, 2018
- 7. The Companies (Registration of Office and Fees)
  Second Amendment Rules, 2018
- 3. Implementation Guide on Reporting Standards (Revised SA 700, Revised SA 705 and Revised SA 706)

The ICAI had issued the revised auditor's reporting standards Revised SA 700 - 'Forming an Opinion and Reporting on Financial Statements', Revised SA 705 - 'Modifications to the Opinion in the Independent Auditor's Report' and Revised SA 706 -'Emphasis of Matter Paragraphs and Other Matter Paragraphs in the Independent Auditor's Report'. These standards are effective for audits of financial statements for periods beginning on or after 1 April, 2018. To provide guidance to the members on these standards so that they can discharge their reporting responsibilities under these standards effectively, the Auditing and Assurance Standards Board of the ICAI has issued Implementation Guide on Reporting Standards (Revised SA 700, Revised SA 705 and Revised SA

https://resource.cdn.icai.org/50035aasb39630.pdf

4. Relaxation of additional fees and extension of last date of filing of AOC-4 XBRL E-Forms using Ind AS under the Companies Act, 2013

7061

The MCA has decided to extend the last date of filing AOC-4 XBRL for all eligible companies required to prepare or voluntarily prepare their financial statement in accordance with Companies (Indian Accounting Standard) Rules, 2015 for the financial year 2016-2017 without additional fees till 31 May2018.

http://www.mca.gov.in/Ministry/pdf/Circular04270 4 27042018.pdf

## 5. Exposure Drafts on Valuation Standards

To meet the above objective and to standardise the various principles, practices and procedures followed by registered valuers/valuation professionals in the valuation of assets and liabilities, the Valuation Standards Board of the Institute of Chartered Accountants of India has formulated the Draft Indian Valuation Standards. The draft standards that have been exposed for public comments are as follows:

**Preface** to the Indian Valuation Standards

**Framework** for the Preparation of Valuation Report in accordance with the Indian Valuation Standards.

Indian Valuation Standard 101- Definitions.

Indian Valuation Standard 102-Valuation Bases.

Indian Valuation Standard 103 - <u>Valuation</u> <u>Approaches and Methods</u>

Indian Valuation Standard 201 - <u>Scope of Work,</u> <u>Analyses and Evaluation</u>

Indian Valuation Standard 202 - Reporting and Documentation

Indian Valuation Standard 301 - Business Valuation

Indian Valuation Standard 302 - Intangible Assets

Indian Valuation Standard 303 - <u>Financial</u> Instruments

The last date for sending comments is 12 May 2018.



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# **GST Updates**

(Contributed by CA. Monish S. Shah)

## Latest GST Ruling's

- 1) India Gate Basmati rice: GST Profiteering charge against KRBL dismissed
- 2) Reinstatement and Access charges paid to Municipal Authorities liable to GST: AAR Mumbai
- 3) GST Registration to be Granted from 01-07-2017 If Registration Delayed due to Wrong PAN Quoted in VAT Returns
- 4) HC Directs Authorities to Release Seized Goods as E-Way Bill was Generated Before Seizure Order
- 5) Mere Non-Mentioning of Vehicle No. in E-Way Bill couldn't be reason for Seizure of Goods: HC
- 6) HC Issues Notice to Advocate General as Transitional ITC Provision under Gujarat GST was Challenged
- 7) Mere Mentioning Name of Aditya Birla on Cereal Packs to be construed as Bearing Brand Name; GST Leviable: AAR
- 8) Caesar stone Classifiable as "Other than Natural Sands", 18% GST applicable: AAR
- 9) Trophies of Only Base Metals would be covered under Chapter Heading No. 8306: AAR
- 10) PVC Floor Mat could be classified as 'Floor Coverings of Plastics'; Taxable at rate of 18% GST: AAR
- 11) Supply of Food and Beverages in Trains doesn't amount to Service; Considered as Supply of Goods: AAR
- 12) Reinstatement Charges paid to Municipal Authorities for Restoring Dug-Up Patches attract 18% GST: AAR
- 13) 'Fludeoxyglucose or FDG' could be classified as 'radioactive isotopes & compounds': AAR
- 14) E-Rickshaw Tyres Classifiable as 'New Pneumatic Tyres of Rubber'; Taxable at Rate of 28%: AAR
- 15) Classification of Service under 'Commercial training or coaching service' referred to larger bench of Tribunal

16) Supply of Machine with condition that Company logo must be visible was liable to ST as Franchise Service

## **Important Case:**

The Gujarat High Court has issued notice to the Centre, Gujarat government and the Goods and Service Tax Council on a petition moved by two chartered accountants challenging the constitution of the National and State GST Appellate Tribunal which they said was "plenary illegal" with just one judicial member.

Petitioner said: "The Tribunal as such suffers from serious defects as the majority of members has to be judicial and making the three-member Tribunal of two Technical and one Judicial member is plenary illegal and unconstitutional and in consonance with the guidelines laid down by Hon'ble Supreme Court in the Matter of R Gandhi. Further, the Technical members are to assist the Judicial members but cannot out-number / exceed the Judicial Member, as that will amount to Coram non-judice and entire proceedings shall be bad in law".

## Important Press Note:

Commissionerate of Goods and Services Tax, Gujarat has started a drive to ensure that taxpayers deposit CGST, SGST, IGST and Cess in Central and State treasuries as per liabilities reflected in their returns. In pursuant of this objective, taxpayers who have shown higher tax liability in GSTR-1 return as compared to tax deposited as per their GSTR-3B returns have been issued scrutiny notices in Form GST ASMT-10 as per procedure prescribed in law. The drive has been targeted at those taxpayers in whose returns large discrepancies in tax amounts were noticed. However, inadvertently, some notices have been issued in which meagre discrepancy for SGST tax amount only was shown although total discrepancy in tax amount including CGST, IGST and Cess was significant in such cases also. It has also come to notice that in some cases time given to taxpayers for compliance was very short.

In all such cases, officers have been instructed to issue notices showing total tax discrepancy including CGST, SGST, IGST and Cess in Form GST ASMT-10. Instructions have also been issued to give sufficient time to taxpayers for compliance as prescribed in law.

Disciplinary proceedings have also been initiated against erring officers.



# **FEMA Updates**

(Contributed by CA. Mehul Talera)

<u>Important Notification for Relaxation in ECB Guidelines</u>

External Commercial Borrowings (ECB) Policy Rationalisation and Liberalisation DATED APR 27, 2018

The circular liberalise the rules regarding permissible end use of ECB, expands the list of borrowers by giving wide opportunities, providing cost benefit for availing ECB and changes the equity to ECB ratio. Key points are highlighted as below:

highlighted as below:				
Points	Particulars			
<b>List of Eligible</b> Borrower	The following new eligible borrowers has been added:			
	Under Tracks I, II and III:			
	- Housing finance companies, regulated by the National Housing Bank.			
	- Port Trusts constituted under the Major Port Trusts Act, 1963 or Indian Ports Act, 1908			
	Under Tracks III:			
	Companies engaged in the business of maintenance, repair and overhaul and freight forwarding to raise ECBs denominated in INR only, like issuing a rupee-denominated bond in overseas market			
Permitted End Use of ECB	To bring uniformity, only negative list has been incorporated:			
	The negative list is as under:			
	For Track I, II, and III shall be as under:			
	· Investment in real estate or purchase of land except when			

used for affordable housing as defined in Harmonized Master List of infrastructure sub-sectors notified by the Government of

Points	Particulars				
	India, construction, and development of Special Economic Zones (SEZ) and industrial parks/integrated townships.				
	· Investment in the capital market.				
	· Equity investment				
	For Tracks I and III:				
	· Working capital purposes				
	· General corporate purposes				
	· Repayment of Rupee loans				
ECB to Equity Ratio	ECB liability to Equity Ratio under <b>Automatic as well as Approval</b> Route for equity raised from direct foreign equity holder is <b>7:1</b> .				
	The ratio is not applicable if the total of all ECBs raised by entity is upto 5 million or equivalent.				
Cost	Flat all-in-cost ceiling of uniform at 450 basis points over the benchmark for ECB and Rupee Denominated Bonds. The benchmark under Track I and Track II would be London Interbank Offer Rate (LIBOR) and for Track III would be the prevailing yield of G-Sec of the corresponding maturity.				

For detailed reference, please visit the link.

 $\frac{https://rbi.org.in/Scripts/NotificationUser.aspx?Id=112}{67\&Mode=0}$ 



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# Lets excel in excel!

(Contributed by CA. Hemlata Dewnani)

#### Excel in Financial Calculation:

In today's world everyone has some sort of finance. So let's learn about EMIS, principal repayment and interest cost for the same applicable to us.

There are certain points which need to be understood

- 1) Every installment amount shall include principal amount as well as interest amount.
- 2) Interest amount shall be highest in the first EMI and lowest in the last EMI. Interest portion shall reduce gradually in every next EMI.
- 3) Principal amount shall be lowest in the first EMI and highest in the last EMI. Principal portion shall increase gradually in every next EMI

How to use Excel for that is a technique. Let's begin

## **PMT Syntax:**

It is used to calculate EMI i.e. equated monthly installment The PMT function has the following syntax: **PMT(rate, nper, pv, [fv], [type])** 

**Rate:** is the interest rate per period for the loan. To be divided by 12 if installment is monthly and 4 if quarterly repayment.

**Nper**: is the total number of payments for the loan.

**Pv**: is the present value; also known as the principal (loan amount as on today)

В	7 *	: × ✓ f <sub>x</sub> =PMT(	B5,B4,B1)	
al	А	В	C	D
1	LOAN Amount	1000000	Ì	
2	years	3		
3	interest	0.09	P.a	
4	NPER	=B2*12	Ī	
5	RATE	=B3/12		
6				
7	EMI	=PMT(B5,B4,B1)	1	
8	Installment	PRINCIPAL	INTEREST	BALANCE
9	1	=PPMT(\$B\$5,A9,\$B\$4,\$B\$1)	=IPMT(\$B\$5,A9,\$B\$4,\$B\$1)	=B1+B9
10	2	=PPMT(\$B\$5,A10,\$B\$4,\$B\$1)	=IPMT(\$B\$5,A10,\$B\$4,\$B\$1)	=D9+B10
11	3	=PPMT(\$B\$5,A11,\$B\$4,\$B\$1)	=IPMT(\$B\$5,A11,\$B\$4,\$B\$1)	=D10+B11
12	4	=PPMT(\$B\$5,A12,\$B\$4,\$B\$1)	=IPMT(\$B\$5,A12,\$B\$4,\$B\$1)	=D11+B12
13	5	=PPMT(\$B\$5,A13,\$B\$4,\$B\$1)	=IPMT(\$B\$5,A13,\$B\$4,\$B\$1)	=D12+B13

The screen shot is upto 5 installments to have clarity of formulas only

For principal and interest you have to check the table prepared below. While putting values through formula or function we have to freeze or lock by using Dollar sign or F4 all the syntax except per (period).

**Fv** is optional. It is the future value, or the balance that you want to have left after the last payment. If fv is omitted, the fv is assumed to be zero.

**Type** is optional. If omitted, it is assumed to be zero, and payments are due at the end of the period. Use 1 in this argument if payments are due at the beginning of the period.

**PPMT** - Returns the payment on the principal for a given period for an investment based on periodic, constant payments and a constant interest rate. The PPMT function has the following syntax: **PPMT(rate, per, nper, pv, [fv], [type]**)

The PPMT function syntax has all same arguments which are in PMT except per. So we will understand this.

**Per** - Specifies the period and must be in the range 1 to nper.

**IPMT -** Returns the interest payment for a given period for an investment based on periodic, constant payments and a constant interest rate. The IPMT function has the following syntax:**IPMT(rate, per, nper, pv, [fv], [type])** In this all the syntax are same as PPMT just we have to use IPMT instead of PPMT.

**EMI -** Select the cell where you want the result and type the formula in the present case B7 as shown in formula =PMT(9/12,60,1000000,0)

В	7	▼ : ×	√ f <sub>x</sub>	=PMT(B5,B4,B1)
	Α	В	С	D
1	LOAN A	1000000		
2	years	3		
3	interest	9%	P.a	
4	NPER	36.00		
5	RATE	1%		
6				
7	EMI	Rs31,799.73		
8	Installn	PRINCIPAL	INTEREST	BALANCE
9	1	Rs24,299.73	Rs7,500.00	Rs. 975,700.27
10	2	Rs24,481.98	Rs7,317.75	Rs. 951,218.29
11	3	Rs24,665.60	Rs7,134.14	Rs. 926,552.69
12	4	Rs24,850.59	Rs6,949.15	Rs. 901,702.10
13	.5	Rs25,036.97	Rs6,762.77	Rs. 876,665.14

Reason behind freezing is so that you can drag the formula mentioned in first installment to till last installment in our case till 36th installment.

In this table last column shows outstanding balance after each repayment and at the end it should be zero. This is to cross verify whether all the formulas mentioned are correct or not



# Forth coming Events

S. N.	Date	Name of the Seminar, Lecture Meeting, Etc.	Venue	Program Details	Fees	СРЕ
1	Saturday, 2nd June, 2018	Seminar on Income Tax	Shantinath Hall, "ICAI Bhawan", Ahmedabad Branch of WIRC of ICAI, 123, Sardar Patel Colony, Naranpura, Ahmedabad	https://icaiahmedabad.com/ event.php?id=MTA3MA==	Rs. 150/- + GST for Members Free for members of Gyansetu Study Circle 2018-19	3
2	Saturday, 9th June, 2018	Direct & Indirect Tax Conclave	Pandit Dindayal Upadhyay Auditorium, Behind Rajpath Club, S. G. Highway, Ahmedabad	http://www.icaiahmedabad. com/event.php?id= MTA2Nw==	Rs. 500+GST UP TO 31.05.2018 & Rs. 600+GST AFTER 31.05.2018	6
3	Saturday, 9th June, 2018	Post Qualification Diploma In International Taxation	"ICAI Bhawan" 123 Sardar Patel Colony, Nr. Usmanpura Underbridge, Naranpura, Ahmedabad	http://www.icaiahmedabad. com/event.php?id= MTA2MQ==	Rs. 40,000/-	30
4	Saturday, 16th June, 2018	Post Qualification Course On Information System Audit Practical Training (Pt)( 16.06.2018 To 15.07.2018)		http://www.icaiahmedabad. com/event.php?id= MTA2NA==	Rs. 20,000/-	30





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