WESTERN INDIA CHARTERED ACCOUNTANTS NEWSLETTER







THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)



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Forthcoming Events
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CHAIRMAN'S COMMUNICATION

Respected Members,

"Everything changes and nothing stands still", with this we welcome the most awaited revolution in our legislative system - Goods and Services Tax. "GST: One Country, One Tax, One Market" is now a reality and is welcomed by every section of our society.

1st July is a proud day for each of us, as we celebrated our "CA Foundation

Day". We proudly salute the endeavours of our founding fathers who had sown the seeds and we are reaping the fruits. On the occasion of our 68th Foundation Day, we were honoured by the august presence of Shri Narendra Modiji, Hon'ble Prime Minister addressing us simultaneously throughout the country, and we also hosted the respected Chief Ministers, local Members of Parliament (MPs), State Cabinet Ministers and Bureaucrats in their respective States.

On this occasion, our PM launched the new CA curriculum and expressed confidence that the new course will boost the professional skills of people joining this profession.

As always, with utmost pride we at WIRC marked our CA Foundation Day. We conducted our flag hoisting ceremony at ICAI Tower, BKC, marking our 68th Foundation Day in the gracious presence of Chief Guests Dr. Suhas Warke, IPS, DIG (ATS), Maharashtra and CA Lovish Kumar, IRS, Addl. Commissioner of Income Tax. They addressed the members and students present praising us by mentioning how we are an important catalyst in national development. Also present were WIRC Office Bearers as well as our veteran and prominent members.

As part of the celebrations, WIRC organised a number of programmes including the cultural evening comprising the '12th Mile Sur Mera Tumhara'. The event saw excellent performances from members, their

families and students. The performances by famous celebrity performers Anusmriti Sarkar, Karan Mehra, Priyanka Negi, Ankur Nayyar, Master Ninad and Simran Kaur were well appreciated.

Recognising and honouring our responsibilities to Nation Building, we also organised environment drives via tree plantation programmes and focused on spreading awareness of 'Swachh Bharat Abhiyan' on CA Day.

A special senior member cultural get-together was organised at ICAI Tower, BKC, where our respected seniors showcased their special talents on this day. Special accolades to them.

Keeping pace with our proud legacy, WIRC organised seminars and refresher courses for members and students like Impact Analysis of the mandatory IndAS, ICDS, Tax Planning for NRIs; Business Restructuring; Anti-Avoidance Provisions relating to Income Tax; Refresher Courses on GST for students, Impact on Co-op. Hsg. Society, Credit Society & Co-Op. Bank. A two day 'GST Conclave 2017', saw experts give insights and direction on almost all relevant aspects and sectors of GST.

Keeping abreast with the dynamic changes in RERA and Insolvency Acts, we have formed dedicated Study Groups to deliberate on technical issues. The inaugural meetings of these Study Groups were attended by members in packed capacity. The Income Tax Department celebrated Income Tax Day on 24th July. We express our best wishes and pledge our support. We also conducted a training programme for the GST officials.

I wish all members and students a very Happy Raksha Bandhan, Janmashtami and Independence Day.

With Warm Regards

CA. Vishnu Agarwal

Chairman



















REGIONAL CONFERENCE OF WIRC CPE HIS



Days & Dates	Venue	Time	Fees
Saturday 2nd & Sunday 3rd September, 2017	Hotel Grand Hyatt, Santacruz, Mumbai	9.00 a.m. to 6.00 p.m.	₹ 5,015/-

Topics	Speakers
Chief Guest:	Eminent Personality
GST: Issues and challenges in Transitional provisions	Adv. Lakshmi Kumaran Founder & Managing Partner, Lakshmi Kumaran & Sridharan
RERA: The Unchartered Territory	CA. Niranjan Hiranandani CMD, Hiranandani Construction CA. Dilip Sheth Adv. Parimal Shroff
GST: Input Tax Mechanism & Matching concept	Adv. V. Raghuraman
Banking, Insolvency: Lets explore new horizons	CA. Abizer Diwanji Shri Avinash Kulkarni GM, SBI Large Corporate Branch Mrs. Sumnath Saxsena Whole Time Members, IDBI Moderator CA. Khushroo Panthaky
Data safety and Integrity - International Best Practices	Renowned Speaker
Panel Discussion: Emerging Investment avenues in India	Moderator CA. Anil Singhvi CNBC Awaaz

Sunday 3rd September, 2017

Topics	Speakers	
Keynote address:	Renowned Personality	
GST: Issues in place of supply	CA. Jatin Christopher	
Various Challenges in CA Profession & Professional Opportunities	CA. Uttam Prakash Agarwal Past President, ICAI	
GST: Industry wise Impact (Panel Discussion):		
1) Film Industry	CA. Suresh Rohira	
2) Manufacturing Industry	CA. Ashok Batra	
3) Logistics Industry	CA. A. R. Krishnan	
4) Construction Industry– Real estate	CA. Jayesh Gogri	
5) Textile & Gems & Jewellery	CA. Avinash Poddar	
6) Event Management	CA. Rajiv Luthia	
Journey of Direct Tax with ICDS, GAAR & BEPS	CA. Rajan Vora	
GST: Job work, Branch Transfer, Consignment sale under GST	Adv. L. Badri Narayan	

Regional Council Members

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CA. Shruti Shah	9892407988	CA. Balkishan Agarwal	9377110634
CA. Purushottam Khandelwal	9825020844	CA. Shilpa Shinagare	9820053395



ICAI Tower, Bandra Kurla Complex, Mumbai

Date, Day & CPE Hrs	Time & Fees	Topic(s)	Speaker(s)	Chief Co-ordinators / N	Mobile Nos.	Co-ordinators / Mol	bile Nos.
18/08/2017 19/08/2017 Friday & Saturday	10.00 a.m. to 6.00 p.m. ₹ 2,832/-	Seminar on Internal Audit Friday, 18th August, 2017 Internal Audit (IA) Methodology – (IA Infrastructure – Charter/Manual, Risk based IA Plan, IA Process, Reporting, Follow up, ACM, etc.) Risk based IA Plan – (Developing a Risk based IA Plan and updating the Audit Universe) Process Audit – (Audit Process, Sampling, Data Analytics, Audit Evidence & Documentation & Red Flag Indicators) Report Writing – (Presentation of findings, Root cause, Impact, Recommendations, Management actions & Observations & report writing) Saturday, 19th August, 2017 Standards on Internal Audit – (Importance of Standards and Compliance) Data Analytics & Tools and Audit Management Software – (Importance of Data Analytics in IA, application of various tools for Data Analytics and Audit Management Software) Stakeholder Management & Soft Skills Quality Assurance of IA – (Framework, Review of internal	CA. Akhilesh Thakur CA. Milan Mody CA. Delzad Jivasha Eminent Faculty Eminent Faculty CA. Apoorva Yatindra CA. Prashant Chikal CA. Vijay Pandit	CA. Aniket Talati CA. Purushottam Khandelwal CA. Pradeep Agrawal CA. Kamlesh Saboo	9825551448 9825020844 9898560967 9819195333	CA. Abhijit Totade CA. Nehal Turakhia CA. Sandesh Bhandare	9819659151 9833991898 9930398330
08/09/2017 09/09/2017 16/09/2017 23/09/2017 Friday & Saturdays	10.00 a.m. to 1.00 p.m. ₹ 2,832/-	Refresher Course in Transfer Pricing 8th September, 2017 (5.00 p.m. to 8.00 p.m.) Recent Transfer Pricing Developments in India (including secondary adjustment) Key Transfer Pricing Rulings 9th September, 2017 (10.00 a.m. to 1.00 p.m.) BEPS Action Plans 13 – Country-by-Country Reporting BEPS – Action Plan 8 to 10 (Intangibles) 16th September, 2017 (10.00 a.m. to 1.00 p.m.) APA & MAP – Status update Industry specific Transfer Pricing issues – Manufacturing & Service Industry 23rd September, 2017 (10.00 a.m. to 1.00 p.m.) Brainstorming – Question & Answers [Panel Discussion] – CA. T. P. Ostwal, CA. Samir Gandhi, CA. Dilip Bhatia, CA. Vishweshwar Mudigonda, CA. Samir Shah	CA. Vispi Patel CA. Sunil M. Lala CA. Rohan Phatarphekar Shri Anis Chakravarty CA. Tehmina Sharma CA. Mukesh Bhutani	CA. Aniket Talati CA. Rakesh Alshi CA. Vikrant Kulkarni CA. Purushottam Khandelwal	9825551448 9819427242 9881880073 9825020844	CA. Vinit Vyas CA. Dhavni Karia CA. Riya Uttamprakash Agarwal	9930766805 9819900489 9820101808
09/09/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Tax Audit Issues in Clauses of Tax Audit Standards on Auditing vis-à-vis Tax Audit Various other legal issues in Tax Audit Impact on ICDS on Tax Audit	CA. Sanjeev Lalan CA. Mehul Shah CA. Ketan Vajani CA. Vishesh Sangoi	CA. Priti Savla CA. Sandeep Jain CA. Sarvesh Joshi	9321426883 9819788099 9822022292	CA. Diti Shah CA. Mayur Momaya CA. Alpesh Doshi	9870131165 9867952010 9892504512

AUGUST 2017



ICAI Tower, Bandra Kurla Complex, Mumbai

Date, Day & CPE Hrs	Time & Fees	Topic(s)	Speaker(s)	Chief Co-ordinators / Mobile Nos.	Co-ordinators / Mobile Nos.
16/09/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Project Finance Insolvency & Bankruptcy Act PE Funding Infrastructure Finance Stress Assets Funding (Restructuring & Alternative Fundraising options)	Eminent Faculty Shri Raja Ganapathi Shri Shishir Jain Eminent Faculty	CA. Sushrut Chitale 9821112904 CA. Umesh Sharma 9822079900 CA. Pradeep Agrawal 9898560967	CA. Vidhyut Jain 9892414386 CA. Abhishek Shah 9773050495 CA. Kinjal Mirani 9930187990
23/09/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Transfer Pricing • Analysis of Provisions of Transfer Pricing under the Income-tax Act, 1961 • Valuation Approaches and their applicability under Transfer Pricing • Functions, Assets and Risk Analysis under Transfer Pricing • Case laws and Case Studies relating to Transfer Pricing	CA. Darpan Mehta Eminent Faculty Eminent Faculty CA. Ronak Doshi	CA. Drushti Desai 9820335923 CA. Purushottam Khandelwal 9825020844 CA. Lalit Bajaj 9867692321	CA. Abhishek Agrawal 9619818336 CA. Preeti Singhania 9892986278 CA. Virag Shah 7943154500
07/10/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Mergers & Acquisitions • Corporatisation of Non Corporate Entity, Conversion of Proprietary Concern & Partnership to Company and Corporate Restructuring • Legal & Tax Implications • Stamp Duty Aspects • Accounting Implications • Restructuring Case Studies	CA. Umesh Gala CA. Anup Shah Adv. Sharad Abhayankar Eminent Faculty CA. Ajay Agashe	CA. Priti Savla 9321426883 CA. Shilpa Shinagare CA. Purushottam Khandelwal 9825020844	CA. Ashish Bakliwal 9004315053 CA. Jayesh kala 9892001113 CA. Navneet Lahoti 9324236755
07/10/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Mock Tribunal • Mock Tribunal	CA. Sanjiv Brahme CA. Paras Savla CA. Vimal Punmiya	CA. Aniket Talati 9825551448 CA. Priti Savla 9321426883 CA. Purushottam Khandelwal 9825020844	CA. Vishesh Sangoi 9819281830 CA. Milind Joshi 9930033939 CA. Bipeen Mundade 9223290561
28/10/2017 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/-	Seminar on Concurrent Audit of Banks Introduction to Concurrent Audit & KYC / AML compliances with practical examples Advances Exposure Norms and IRAC Norms Forex related areas including Advances / Deposits and highlights of FEMA/RBI Regulations Usage of CBS system for Concurrent Audit	Eminent Faculty CA. K.V.S. Shyamsunder CA. Heneel Patel CA. Sandeep Welling	CA. Priti Savla 9321426883 CA. Sarvesh Joshi 9822022292 CA. Kamlesh Saboo 9819195333	CA. Y. R. Desai 9820448365 CA. Kanchan Goel 9987705466 CA. Aniket Kulkarni 9821690559



DIRECT TAX (Contributed by



CA. Haresh P. Kenia & CA. Deepak Lala)

Deduction of Tax at Source - Rent u/s. 194-I - CBDT Clarification on Non-Applicability of Provisions of Section 194I on Remittance of Passenger Service Fees (PSF) by an Airline to an Airport Operator [248 Taxman (St.) 4]

The CBDT Circular No. 21 / 2017 dated 12/6/2017 clarified on applicability of provisions of section 194-I of the Act on payment of passenger Service Fees (PSF) by an Airline to an Airport Operator. The Hon'ble High Court of Bombay in CIT vs. Jet Airways (India) Ltd. declined to admit the ground relating to applicability of provisions of section 194-I of the Act on PSF charges holding that no substantial question of law arises. While doing so it relied on the judgment of the Hon'ble Supreme Court dated 4/8/2015 in the case of Japan Airlines and Singapore Airlines where the Apex Court held that in view of Explanation to Section 194-I of the Act, though, the normal meaning of the word 'rent' stood expanded, however, the primary requirement is that the payment must be for the use of land and building and mere incidental/minor/insignificant use of the same while providing other facilities and service would not make it a payment for use of land and buildings so as to attract section 194-I of the Act.

The board has clarified that the above view of the High Court of Bombay is now a settled position u/s. 194-I of the Act with regard to PSF. Accordingly the board has accepted the above view of the High Court of Bombay and instructed not to file appeal by the department on the above settled issue and those already filed may be withdrawn and not pressed upon.

For more details visit www.wirc-icai.org.

MAHARASHTRA VAT (Contributed by CA. C. B. Thakar)



The Maharashtra Goods and Services Tax Act, 2017

Notifications

The Government of Maharashtra has issued following notifications.

- Notification No. GST-1017/CR 94(B)/ Taxation 1 dated 21/6/2017 notifying classes of officers.
- Notification No. GST-1017/CR 94(C)/ Taxation 1 dated 21/6/2017 notifying electronic common portal.
- Notification No. GST-1017/CR 94(D)/ Taxation 1 dated 21/6/2017 notifying exemption for persons in which case tax will be paid on reverse charge basis.

For more details visit www.wirc-icai.org.

GUJARAT VAT





Time Limit Extended

Vide Public Circular No. GUJKA/VAT-15/17-18/OTW. 199/173 dated 7/7/2017, time limit for filing of Annual Return for F.Y. 2016-17, by dealers not liable for VAT Audit, has been extended from 30/6/2017 to 31/8/2017.

Abolition of Check-Posts

Vide Notification No. (GHN-51)VAT-2017/S.68(1)(6)-TH dated 4/7/2017, all the 73 check-posts in the State of Gujarat have been abolished with effect from 1/7/2017.

GVAT Amendment Act

The GVAT Amendment Act 2017 received the assent of the Governor on 17/5/2017. It amended the GVAT Act, 2003 to provide, inter-alia, for

- Restricting the levy of tax on petrol, diesel, ATF, petroleum crude, natural gas and alcoholic liquor for human consumption only.
- Deemed cancellation of registration of all dealers, except, the dealers dealing in goods as covered under Entry 54 of List II of the 7th Schedule to the Constitution of India.
- Reversal of tax-credit of stock held on 30/6/2017 and of capital goods, for which period of 5 years has not expired, if the dealer opts for composition under the GST Act.
- Rate of tax on petrol has been increased from 23% to 26%.
- Filing of annual return for balance period by the dealers, whose taxable turnover is more than ₹ 25 lakhs.
- Audit of books of account by a Chartered Accountant or a Cost Accountant, if the amount of tax credit to be carried forward exceeds ₹ 5 lakhs.

CORPORATE LAWS



(Contributed by CA. Rahul Joglekar)

MCA (www.mca.gov.in)

MCA Notifications GSR 621(E) dated 22nd June 2017 - Companies (Audit and Auditors) Second Amendment Rules, 2017

MCA has amended the aforesaid rules in respect of criteria applicable to companies for rotation of auditors. It is now provided that rotation of auditors would be mandatory to all private limited companies having paid up share capital of ₹ 50 crore or more instead of all private limited companies having paid up share capital of ₹ 20 crore or more as



hitherto. For complete text of the notification, please refer the link: http://www.mca. gov.in/Ministry/pdf/CompaniesAuditandAuditorsSecondAmendmentRules2017. pdf.

SEBI (www.sebi.gov.in)

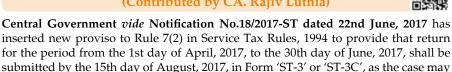
SEBI Circular No. CIR/CFD/CMD/80/2017 dated 18th July 2017 - Disclosure of divergence in the asset classification and provisioning by banks

SEBI has directed that certain disclosures should be made by all banks which have listed specified securities on all recognised stock exchanges. SEBI has mandated the banks shall disclose to the stock exchanges divergences in the asset classification and provisioning by RBI wherever the additional provisioning requirements assessed by RBI exceed 15% of the published net profits after tax for the reference period; and/or the additional Gross NPAs identified by RBI exceed 15% of the published incremental Gross NPAs for the reference period. For complete text of the circular, please refer the link: http://www.sebi.gov.in/legal/circulars/jul-2017/disclosure-of-divergence-inthe-asset-classification-and-provisioning-by-banks_35339.html.

For more details visit www.wirc-icai.org.

GST LAW





Further, new proviso has also been inserted in Rule 7B(1) of Service Tax Rules, 1994 to provide that revised return for the period from the 1st day of April, 2017, to 30th day of June, 2017, shall be submitted within a period of 45 days from the date of submission of the return under Rule 7.

For more details visit www.wirc-icai.org.

FEMA

(Contributed by CA. Manoj Shah, CA. Sudha G. Bhushan & CA. Mitesh Majithia)



Export of Goods and Services

be.

Notification No. FEMA 23(R)/(1)/2017-RB dated June 23, 2017 issued by RBI

The Foreign Exchange Management (Export of Goods & Services) Regulations, 2015 has been amended to delete the words "and Exchange Control copies of the shipping bills" appearing after the words, "viz. EDF and SOFTEX" in sub-regulation (C) of Regulation 6 by issue of the Foreign Exchange Management (Export of Goods & Services) (Amendment) Regulations, 2017.

Standard Operating Procedure (SOP) for processing FDI proposals

No. 1/8/2016-FC-1 dated June 29, 2017 issued by Department of Industrial Policy & Promotion (DIPP)

DIPP has issued SOP for processing of FDI proposals post abolition of Foreign Investment Promotion Board. It broadly covers following aspects of application for approval of FDI proposals:

- Online filing of application
- Competent authorities for approval of Foreign Investment
- Procedure for processing of applications seeking approval for Foreign Investment
- Time limits
- Monitoring & Review

SOP also provides for list of documents to be submitted along with application and specified format of approval letter.

The said SOP is available on DIPP website at http://dipp.gov.in/whats-new/ standard-operating-procedure-sop-processing-fdi-proposals.

CO-OPERATIVE SECTION

(Contributed by CA. Ramesh Prabhu)



1) Government of Maharashtra

Urban Development Department on 21st July, 2017. vide No. TPS-1814/CR-82/14/Rules/UD-13. published the draft called as Maharashtra Town Planning (Compounded Structures) Rules, 2017 to regularise irregular structures. Suggestions and objections need to be given to Government of Maharashtra within one month period from the date of publication of these rules.

2) GST for CHS: As per Press Release dated 13th July 2017 by Ministry of Finance, RWA (Residential Welfare Asdociations) or Housing Societies (HS) are required to pay GST on monthly subscription/contribution charge from its members if such subscription is more than ₹ 5,000 per member and the annual turnover of RWA by way of supplying of services and goods is also ₹ 20 lakhs or more. Under GST, the tax burden on RWAs will be lower for the reason that they would now be entitled to ITC in respect of taxes paid by them on capital goods (generators, water pumps, lawn furniture etc.), goods (taps, pipes, other sanitary/hardware fillings etc.) and input services such as repair and maintenance services.

For more details visit www.wirc-icai.org.







S. 14A, 15JB Investments yielding no exempt income, not to be considered

The amount or amounts of expenditure relatable to exempt income as contemplated in clause (f) to Explanation 1 to section 115JB(2) could not be arrived at by resorting to the computation as contemplated u/s. 14A read with Rule 8D.

ITAT also held that only those investments are to be considered for computing average value of investment which yielded exempt income during the year. ACIT vs. Vireet Investment (P.) Ltd. [2017] 82 taxmann.com 415 (Delhi - Trib.) (SB).

S. 37(1) Self-made vouchers

The mere fact that the vouchers are self made with the observation that proper bills and vouchers qua the expenditure is not maintained, cannot be said to be a sufficient reasoning as what was improper in the vouchers Resonance Eduventures (P.) Ltd. vs. *CIT(A)* [2017] 83 taxmann.com 232 (Jaipur-Trib.).

S. 45 Family arrangement

The transaction of transfer of shares during the course of family arrangement by the independent corporate entity was assessable to capital gains tax B.A. Mohta Textiles Traders (P.) Ltd. vs. DCIT [2017] 82 taxmann.com 397 (Bombay).

For more details visit www.wirc-icai.org

INTERNATIONAL TAXATION





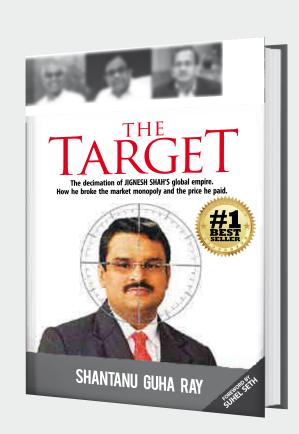
Valentine Maritime (Gulf) LLC vs. Assistant Commissioner of Income-tax (International Taxation) 2(2), Mumbai [2017] 82 taxmann.com 200 (Mumbai-Trib.) dated 24/5/2017

For more details visit www.wirc-icai.org

Personal Column

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Editor: CA. Vishnu Agarwal

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