

BHUJ BRANCH OF WIRC OF ICAI

E-NEWSLETTER FOR THE MONTH OF MARCH-2022

(FOR PRIVATE CIRCULATION ONLY)

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CHAIRMAN'S COMMUNICATION

Dear Colleagues,

I feel extremely elated and privileged to pen this message as the chairman of Bhuj Branch of WIRC of ICAI, the most vibrant branch of our institute. It would be my earnest endeavour to contribute to this institution and to strive to be of value to the profession. This occasion to rise to the post of Chairman brought with it a sense of mixed emotions; of joy, of pride, of honour, and of responsibility, to me.

My predecessors have served the branch to the best of their abilities and I salute all our past chairmen and their teams who have worked hard to bring our branch to the standards that we are today. The Bench mark which our branch has set is example and inspiration for others to look up to with respect and admiration.

Success is based on attaining a series of small goals that, step by step, lead to a major objective. It is easy to stay motivated from each peak to the next - and ultimately achieve a bigger success. The journey of progress and success continues beyond...to achieve a new peak

Taking these things into consideration the theme for the year is "Marching towards a New peak" with three main objectives ...Conceive, Believe and Achieve...To put it into simple words ...when we conceive (vision) we start believing (in our vision, our strengths, our team) and we take action to achieve what we conceive.

In the present time it is really a great opportunity to the professionals as, , RERA, Insolvency and Bankruptcy code, Work with Gift City and various other areas are providing a huge demand and need for CA professionals.

Therefore, I will try my best to give different programme on different topic and subject with new perspective to ensure the members get maximum benefit out of the programme. During the year also, we continue to organize programmes on conventional as well as new professional avenues to equip our members for these and other areas of professional development.

To enable the members to build on their core competences in area of professional relevance, we intend to focus on in depth study by forming Study groups or Clinics for different areas of professional relevance where members can discuss and share their issues in detail, ask questions as well as seek and provide answers. Besides this, another area of focus would be to organize various programme which caters to new members, veteran members in practice as well as members working in industry. These will go a long way in helping our members in honing their professional skills.

Bhuj branch wishes new qualified ca members all success in their professional life. I also invite members to share their knowledge on various subjects by giving their articles in branch newsletter so that it can help our CA students too for their upcoming bright future.

I also invite members to join various subcommittees. TOGETHER.....WE CAN

We, at the branch, value the efforts, time and support of all the increasing members & student to undertake more activities in the premises.

I would like to end this communique by saying that what we need for continued growth and development of our profession, is your constructive suggestions and feedback, based on which we shall improve and improvise continuously.

With kindest regards,

CA Zahir A. Meman

Chairman, Bhuj Branch of WIRC of ICAI

KEY POINTS FOR VERIFICATION OF LOAN ACCOUNTS

Compiled By:- CA Darshan Vora
B.Com.,FCA,DISA(ICAI)

Introduction

Lending is a primary function of a bank. Advances constitute a major item in a bank's balance-sheet. Advances can be Demand Loans and Term Loans. Cash credit and overdraft are demand loans. Term loans can be working capital term loan (WCTL), funded interest term loan (FITL), medium term loan and long term loan. Observations based on audit of advances are to be mentioned in LFAR as well as main audit report, when required.

Audit of Advances should be divided in 2 parts:

Audit of advances sanctioned during the year

- “ Credit Appraisal
- “ Sanction and disbursements
- “ Documentation
- “ Review / Monitoring / Supervision

Review of operations in advances sanctioned prior to the current year (Old Advances)

- “ Asset classification
- “ Operations in account as per the sanctioned terms (Sanc. Letter)
- “ Provisioning as per IRAC norms
- “ Income is recognized as per the IRAC norms
- “ Review / Monitoring / Supervision

Audit of New Advances: Credit Appraisal

Key verification points:

Latest income tax records of the borrower & guarantors are obtained

Audit of New Advances: Sanction & Disbursement

Key verification points:

- ✚ Compare the sanction letter with the appraisal note prepared by concerned authority
- ✚ Cibil Report To Verify Borrower Credit History & Repayment Capacity
- ✚ Proposal has been routed through appropriate authorization levels and recommendations are properly documented
- ✚ Limits sanctioned are within the discretionary powers of the sanctioning authority (verify delegation of authority matrix)
- ✚ In case where the sanctions are beyond the discretionary powers, the same has been reported to appropriate higher authorities and ratified
- ✚ Sanction letter/ limit approval letter stating the terms and conditions of sanction is available
- ✚ Acceptance of the borrower confirming the terms & conditions of sanction is obtained
- ✚ Terms & conditions of the sanction have been complied with
- ✚ Any change in the terms of sanction is ratified by appropriate authority
- ✚ Fund disbursed has been utilized towards the object for which limit was sanctioned i.e. funds were not diverted to associates / subsidiaries
- ✚ Board Resolution for avilment of the facility was obtained

- ✚ Facilities sanctioned to the borrower or its associated concern were not utilized to clear off existing overdues in the accounts
- ✚ Pre-disbursement inspection has been carried out & report held on record Confirm whether all the documents are executed as mentioned in the sanction letter before disbursement has been made. For That Google Maps Etc Can Be Used .
- ✚ Check the method of calculating drawing power on the basis of stock and book debts statement – whether same is in line with terms of sanction and also whether stock levels are in line with those mentioned in the appraisal note
- ✚ Confirm whether the facilities sanctioned are within prescribed exposure limits. For calculating the exposure limits, both fund based and non-fund based limits should be considered together.
- ✚ In case of credit facilities taken over from other institutions confirm whether takeover norms of the bank have been followed.
- ✚ Confirm whether the financial parameters given in the terms of sanction letter are properly fed in CBS. Such parameters include:
 - “ Amount of loan sanctioned
 - “ Amount of security
 - “ Rate of interest
 - “ Moratorium period, if any
 - Tenure of loan

Audit of New Advances: Documentation

Key verification points:

- ✚ All loan documents, as required by the sanction letter and loan policy have been executed (e.g. DP Note, Loan Agreement, Letter of Guarantee, Hypothecation Agreement, etc.)
- ✚ Loan documents are properly executed / filled up.
- ✚ Loan documents are approved by the legal expert, wherever required

- ✚ Fresh Loan documents are obtained on change in limit, change in the constitution of the borrower
- ✚ The letter of acknowledgement of debts/balance confirmation is obtained from the borrower
- ✚ Documents are kept in safe custody
- ✚ Charge on securities offered have been registered with Registrar of Companies / CERSAI (Central Registry of Securitization Asset Reconstruction and Security Interest of India)
- ✚ Equitable mortgages have been created or documentary evidence for creation of charge are available

Audit of New Advances: Review /Monitoring / Supervision

Key verification points:

- ✚ Periodical MIS reports as required are obtained from the borrower
- ✚ Audited financial statement are obtained and reviewed to ascertain overall financial health of the borrower
- ✚ Follow up of unrenewed accounts has been done
- ✚ Operations in the account of borrower are satisfactory **the** balance does not exceed the sanctioned limit and any excess drawing allowed have been intimated to and ratified by appropriate authority
- ✚ Sales / turnover / gross profit / net profit / capital of the borrower is not showing drastic declining trend as compared to previous year
- ✚ Sales Turnover To Be Compared With GST Returns & Tax Audit Report

PLANNING AND SIMPLIFYING AUDIT OF ADVANCES USING BASIC EXCEL TECHNIQUES

CA Ishan U.Shukla
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INTRODUCTORY

Audit of Advances is the most vital part in any Statutory Bank Branch Audit assignment. More than seventy percent of our resources are generally spent around the verification of Advances while conducting such assignments. As Auditors, we are supposed to obtain a sufficient (and satisfactory) confidence level over the entire asset portfolio of the Branch in such a narrow timeframe provided.

Verification of Advances, apart from the basic goal to frame the Audit Opinion, also deals with several other regulatory requirements like LFAR Reporting, Certificates, Audit Documentation and Peer Review.

Since it is barely possible to *thoroughly* cover each and every account of Advances, Sampling is the most practical workaround. The newer LFAR format, however, mandates us to clearly specify the Audit Coverage and Sample Size.

Following an unplanned, haphazard way, it is very much likely miss out any of these regulations and will resultantly hamper the timely (and efficient) closure of the Audit.

Therefore, it is crucial to have a well-planned and integrated course of action for auditing of Advances, in order to make the entire exercise effective and to avoid further duplication and confusion.

Fortunately, the task is not as difficult as getting the assignment itself! A basic understanding of any spreadsheet software such as Excel will do the trick.

SCOPE OF VERIFICATION

Let us revise the fundamentals first. Audit of Advances and its subsequent reporting chiefly revolves around the following aspects in respect of each account.

Documentation (Review of Physical Loan Files)

- Validity and availability of documents such as LAD, Insurance Policy, Stock Statements, Financials, Title Clearance Certificate, Valuation etc
- Lapses to be reported through the LFAR

Asset Classification and Provisioning (Ledger Scrutiny)

- Reporting of Performing and Non-Performing assets as per IRAC Norms
- Certification of Provisioning and Secured/Unsecured Portion of Advances
- Lapses to be reported through the LFAR/MOC

Recognition / Reovery of Revenue Leakage (Ledger Scrutiny)

- Review of Services Charges such as Processing Fees, Inspection Charges, CIBIL Charges etc
- Lapses to be reported through the LFAR/MOC and preferably to be recovered from the borrower before completion of the Audit

BEFORE WE BEGIN

The key requirement in this exercise to have the CBS Generated report of the entire advances, obviously in Excel format.

Nomenclatures of such reports vary from bank to bank. In *Finnacle*, this report is mostly termed as *Jotting Report*. It can be generated through MIS/Report Server.

In *BaNCS*, this report is termed as *Loan Balance File and CC/OD Balance File*. It can be accessed through *Daily Reports* folder. It is mostly auto-generated every day.

After getting the Branch allotment communication, we may ask the Branch Incumbent to forward these reports us.

Although the reports might have not been generated as on the balance sheet date, we may rely upon the latest Friday Report to have a bird's eye view on the Branch Business.

There should not be material difference between this report and the Final Report, except the Interest Application (or Window Dressing).

THE MAIN COURSE

1. Once we have got the required reports, all we need to do is the *import* the file into the Excel *in such a way that the data are organized and reported in separate columns*.

Putting it simply, the resultant Excel file after the import should, have for example, the Account Number in Column A, Name in Column B, Sanctioned Limit in Column C, Outstanding Balance in Column D and so on.

2. After we have imported the file, we will have to add several columns next to the last data column, such as

- Lapses in Documents (Expired LAD, Unavailability of Insurance Policy etc)
- ROI applicable as per Sanction Terms and actual ROI as per CBS System
- Security Value as per the CBS System and Valuation Report
- Lapses in recovery of Services Charges as per the ledger scrutiny made
- Lapses as per Sanction Terms, if any
- General Remarks

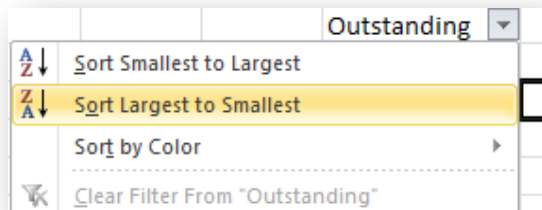
Ensure to give suitable titles to these newly added columns.

3. Now, by moving further towards the sampling part, we will have to apply *Filter* to the above data.

Select the entire data and then press CTRL + SHIFT + L or click on DATA >> FILTER Button.

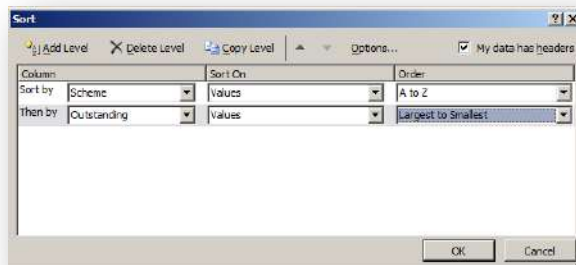


4. We are almost done. As our prime motive is to cover sufficiently sized Sample set, we will sort the Outstanding Balance Column to Largest to Smallest.



By simply shortlisting the top 30 or so accounts in the first phase, we would have covered almost a material chunk of Loan and CC/OD Accounts.

In order to ensure that no scheme remains out of our sample-set, we may further apply *multi-sort functionality*. Just click on *SORT* button, exactly adjacent to the *FILTER* button in the *DATA* Tab.



This will provide us a sample of *Scheme-wise* large accounts. However, our database should contain scheme-code in respect of each line item in order to use this functionality.

Once we have determined the Sample Set, we will have to start verifying the Loan Files and performing an overall Ledger Scrutiny of the Sample Accounts. Just ensure to note down Queries and Lapses in the appropriate column.

BENEFITS OF EXCEL-BASED EXERCISE

1. Better Control: Since we are the determiners of Sample Accounts, we can confidently have covered all those accounts what *we need/wish to have covered, not what BM wants to show us.*

2. Avoids Redundancy and ease in compilation: Since, The single master sample set file documents the entire Advances verification exercise, finalization of LFAR Comments and MOCs becomes relatively easy all the notes and comments along with working are maintained at a single place unlike the traditional approach where multiple pieces of papers have to be compiled together.

3. Better Documentation: We can have a *Peer-Review ready* Audit Documentation and Working Papers file at our fingertips, right at the moment of closure of the audit!

That's all ! Let us hope for the allotment emails to arrive soon !

METAVERSE

CA Riddhi D.Thacker
M.Com., ACA

They Call 'Metaverse' 2022's most overused term. The Tech buzzword become common parlance after facebook rebranded to 'Meta'. Later, Microsoft mentioned that acquiring Activision Blizzard was a metaverse move.

The elements of a new digital age are converging at scale. The metaverse is the driving force bringing these elements together in a unified immersive experience.

The perception that the metaverse is only relevant to gamers is outdated – its relevance is now recognized as being so much wider than that. In some industries, the move to the metaverse has already started, with immersive experiences beginning to materialize among many different platforms. Some business meetings are already held in virtual boardrooms, with avatars representing their human counterparts from all corners of the world. With sustainability and climate change at the top of agendas, and the metaverse not restrained by offline resourcing, businesses can allow for sustainable growth through multiple layers that the real world is struggling to meet.

"Virtual real estate" are also becoming increasingly valuable: Recent examples include virtual space being sold for material, real-life sums, and an auction house establishing their virtual presence for visiting, viewing, and buying artwork.

While auditors and other professionals are still trying to make sense of emerging technologies and innovations like blockchain and cryptocurrencies, the hype around the Metaverse and Non-Fungible Tokens (NFTs) is suddenly everywhere. An auditor cannot help but think of what it will look like auditing in a Metaverse environment. The possibility of auditing remotely from any part of the world and engaging auditees in a more agile way will be assured – even as emphasis shifts from auditing technology to using technology as audit tools.

In the recently published article "Auditing in a Virtual Universe" hosted on ISACA, describes;

Potential benefits, use cases and risks of Metaverse include the following:

Remote Audit Reviews

One of the challenges of traditional audit is the inability to cover the whole audit universe due to distance and time constraints. Metaverse can provide an enabling environment and platform to achieve a thorough remote audit by offering a one-on-one engagement/interview with the auditees. This is much better than a long-distance call, which is less engaging.

Agile Audit Adoption

Agile auditing is gaining wider acceptance because of its ability to crack difficult audit areas and value-adding potential over traditional auditing. Agile audit values individuals and face-to-face interactions over processes. Hence, auditing in a Metaverse virtual world will enhance a wider adoption of agile audit.

Challenges/Risks

A major setback in the adoption of Metaverse as an audit tool will be getting skilled content creators to design and manage the platform for organizations interested in using it. In addition, user-friendly headsets will have to be designed to reduce discomfort.

The risk inherent in the usage may include identity theft and a lack of proper tools in place to verify and authenticate the personality behind the avatar in use. Over time, these and other concerns will gradually be addressed.

The newly formed Indian Premier League (IPL) franchise from Ahmedabad - Gujarat Titans has created a virtual space in the Metaverse named it “ The Titan Dugout”.

DIRECT TAXES: DECIDED CASES

Compiled By:- CA Dimple Majethia
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AB Sciex Pte Limited Vs. The Asst. Commissioner of Income Tax [ITA No. 515/Del/2021]

Reassessment proceedings without issuance of valid notice pursuant to transfer of records from another jurisdiction held to be void ab initio; Revenue had issued a notice u/s 148 31/03/2019 to which Assessee raised an objection that correct jurisdictional Assessing Officer was not ITOWard 1(1) International Taxation 1(1), Bangalore, but ACIT International Taxation, Circle 1(1) (1), Delhi; ITAT noted that the reasons recorded for re-opening Assessee's case were recorded by the the AO - ITO(IT)W-1(1) Bangalore and the notice u/s 148 was issued by the same AO for AY 2012-13 at the fag-end of the 6 years limitation to issue notice; ITAT held that merely transferring the assessment records to the ACIT, International Taxation, Circle 1(1)(1), New Delhi which was received on 04/09/2019 and thereafter issuing notice u/s 129 to the assessee cannot be construed as the proper implementation of the reopening of the assessment proceedings under Section 148; Jurisdictional AO at Delhi merely passed assessment order after the transfer of records without issuing a valid notice under Section 148.

The Dy. Commissioner of Income Tax Vs. Honeywell Automation India Ltd. [ITA No. 332/PUN/2021]

ITAT held that interest on income-tax refund from an assessment was not taxable in the year in which it is granted since it got entirely wiped out against the demand arising from an assessment for another AY; Interest of Rs. 1.18 Crores on refund of Rs. 11.43 Crores granted in AY 12-13 was suo motu adjusted by the Revenue against demand for AY 2009-10 without any intimation to the Assessee; Assessment for AY 2012-13 was concluded with culmination into a notice of demand of Rs.29.53 Cr., whereby interest of Rs.1.18 Cr. granted earlier was added along with interest u/s 234D of Rs.2 Cr; As per ITAT, if it was a case where Assessee received refund along with

interest on processing of return u/s 143(1) not followed by any regular assessment, taxing the interest in the year of receipt would be justified.

**Rich Feel Health and Beauty Private Limited Vs. The Income Tax Officer
[Bombay High Court: W.P. NO.3263 OF 2019]**

Reassessment notice issued to the Assessee merely on the basis of change of opinion and pertaining to issues examined in the original assessment, quashed by the Bombay High Court; The assessee was already subjected to assessment u/s 143(3) for AY 2012-13 and subsequently reassessment notice u/s 148 was issued by Revenue stating that marketing expenditure was not deductible expense for assessee as it was prohibited by under the Indian Medical Council Regulations; High Court held that reopening of assessment on account of change of opinion was not justified; High Court noted that in the original assessment, the Revenue was aware of the issue of expenses incurred on advertisement and marketing and it was not open for the Revenue to reopen the assessment.

M/s Asia Seed India(P) Ltd Vs. The Asst. Director of Income-tax [ITA Nos. 714-715/Bang/2021]

Relevant A.Y.s: 2018-19 & 2019-20

The assessee had paid the employees' contribution to PF and ESI prior to the due date of filing of the return u/s 139(1) of the I.T.Act. Therefore, it was submitted that the assessee is entitled to deduction of employees' contribution to PF and ESI having regard to the provisions of section 43B of the I.T.Act. The CIT(A), however, rejected the appeals of the assessee. The CIT(A) noticed the difference between employer and employee contribution to PF and ESI and held that only employers contribution to PF and ESI is entitled to deduction u/s 43B of the I.T.Act, if the same is paid prior to due date of filing of return of income u/s 139(1) of the Act. It was further held that the amendment to section 36(1)(va) and 43B of the I.T.Act by Finance Act, 2021 is clarificatory and has got retrospective operation.

On identical facts, the Bangalore Bench of the Tribunal in the case of M/s. Shakuntala Agarbathi Company Vs. DCIT by following the dictum laid down by the Hon'ble jurisdictional High Court in the case of Essae Teraoka Pvt. Ltd Vs. DCIT, had held that the assessee would be entitled to deduction of employees' contribution to PF and ESI provided that the payments were made prior to the due date of filing of the return of income u/s 139(1) of the I.T.Act. It was further held by the ITAT that amendment by Finance Act, 2021, to section 36[1][va] and 43B of the Act is not clarificatory.

The amended provisions of section 43B as well as 36(1)(va) of the I.T.Act are not applicable for the assessment years under consideration. By following the binding decision of the Hon'ble jurisdictional High Court in the case of Essae Teraoka Pvt. Ltd Vs. DCIT, the employees' contribution paid by the assessee before the due date of filing of return of income u/s 139(1) of the I.T.Act is an allowable deduction. Accordingly, this issue is in favour of the assessee and the disallowance made by the Assessing Officer is deleted.

Trilok Sanskrutik Trust Vs. The ACIT [ITA No. 279/SRT/2017]

Assessee has filed return of income for assessment year 2014-15 on 21.08.2014. The assessee has claimed to be Registered Trust u/s 12AA of the Act. In the processing of Income Tax Return u/s 143(1), the ACIT (CPC), has not allowed deduction u/s 24(a) @ 30 % of gross rent received. On appeal, Ld. CIT(A) confirmed the action of the Assessing Officer.

Section 24 of the Act allows deduction @ 30% of rental income; hence assessee trust is eligible to claim deduction @ 30% of its rental income. Therefore, the Assessing Officer was directed to allow standard deduction @ 30% of rental income.

To support this proposition, the reliance can be placed on the judgment of the Coordinate Bench of ITAT, Mumbai in the case of Shri Sathya Sai Trust (in ITA No.7350/Mum/2011 for AY.2007-08)

GST UPDATES

Compiled By:- CA Deep Koradia
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Sr No	Notification No	Category	Date	Description	Keyword / Reference / Comment
1	01/2022	Central Tax	24-02-2022	Seeks to implement e-invoicing for the taxpayers having aggregate turnover exceeding Rs. 20 Cr from 01 st April 2022.	The tax payer is having TO of 20 crores in any of the PY from 17-18 is now mandated to generate Einvoice from 01-04-2022 (the earlier limit was 50 crores is now reduced to 20 crore)



॥ जननी जन्मभूमिश्च स्वर्गादपि गरीयसी ॥

कुचमित्र



ભુજ સીએ બ્રાન્ચની નવી મેનેજિંગ કમિટીની રચના

ભુજ, તા. ૪ : આઈસીએઆઈની ભુજ સીએ બ્રાન્ચની નવી મેનેજિંગ કમિટીની નિમણૂક તથા નવા પાસ થયેલ સીએ વિદ્યાર્થીઓનો સન્માન સમારંભ યોજવામાં આવ્યો હતો.

વર્ષ ૨૦૨૨-૨૩ માટે નિમાયેલ મેનેજિંગ કમિટીના ભુજ સીએ બ્રાન્ચ કમિટીમાં ચેરમેન પદ પર સીએ ઝહીર મેમણ, વાઈસ ચેરમેન પદ પર સીએ વિજય ઠક્કર, મંત્રી તરીકે સીએ જગદીશ હિરાણી, ખજાનચી પદે સીએ ભાગવ શંકરવાલા તેમજ

એક્ઝીક્યુટીવ કમિટી મેમ્બર તરીકે સીએ મનીષાબેન જોશીની નિમણૂક કરવામાં આવી હતી.

નવા પાસ થયેલા સીએ વિદ્યાર્થીઓનું સન્માન

પ્રારંભમાં વિદાય લેતા ચેરમેન સીએ રમેશ પિંડોરીયાએ સૌને આવકાર્યા હતા અને ગત વર્ષ દરમિયાનની પ્રવૃત્તિઓનું વર્ણન કર્યું હતું. નવા વરાયેલા

ભુજમાં સીએ બ્રાન્ચના નવા વરાયેલા હોદ્દેદારો અને ઉત્તીર્ણ નવા સીએની સમૂહ તસ્વીર.

ચેરમેન ઝહીર મેમણે આગામી વર્ષમાં થનાર કાર્યક્રમની રૂપરેખા આપી હતી. વિશેષમાં બ્રાન્ચની બધી જ પ્રવૃત્તિમાં મદદરૂપ થનાર જાણીતા સીએ જાગૃત અંજારીયાનું વિશેષ બહુમાન કરવામાં આવ્યું હતું. બ્રાન્ચના વિવિધ કાર્યમાં મદદરૂપ થનાર સીએ હેતલ ભોજાણી, સીએ અભિષેક શાહનું બહુમાન કરવામાં આવ્યું હતું.

કાર્યક્રમમાં નવેમ્બર-૨૦૨૧માં સીએની પરીક્ષા પાસ કરનાર તેમજ ડિગ્રી મેળવનાર વિદ્યાર્થીઓનું મેક્લ આપી સન્માન કરવામાં આવ્યું હતું. કાર્યક્રમનું સંચાલન સીએ પૃથ્વી મહેતાએ અને આભારવિધિ સીએ જગદીશ હિરાણીએ કર્યા હતા.

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