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CA Day

1st July



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THE NAVI MUMBAI BRANCH (WIRC)

Office No. 220, Shiv Center Building, Sector 17,
Vashi, Navi Mumbai 400 703



9289821980 / 9319460232



navimumbai@icai.org



www.navimumbai.icai.org

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Chairman Desk

CA Amit Tenani
Chairman,
ICAI - Navi Mumbai (WIRC)



Dear Esteemed Members,

Warm greetings to you and your families!

As we present this special July 2025 edition of our newsletter, we do so with immense pride and a deep sense of reflection for this month marks the 77th Chartered Accountants Day, a celebration of not only our Institute's founding but also the unwavering spirit that defines our noble profession.

1st July is not just a date on the calendar but it is a milestone etched in the legacy of India's economic evolution. It is a tribute to every Chartered Accountant who has stood tall as a sentinel of financial discipline, ethical conduct, and national trust. Our journey has not just been about balancing ledgers, it has been about balancing principles with practice, integrity with influence, and service with strength.

Today, as CAs, we are no longer confined to the role of financial watchdogs. We are boardroom strategists, policy advisors, digital transformation enablers, and most importantly, guardians of public confidence. Whether it's ensuring compliance in small businesses or shaping fiscal policy at national levels, our

contributions are deep, decisive, and indispensable.

Let this CA Day be a moment of renewed commitment. A reminder that behind every transparent balance sheet, every ethical decision, and every resilient business stands a Chartered Accountant. And that person is you.

In the dynamic landscape of today's economy, our role continues to evolve with advancements in technology, sustainability, and governance frameworks. As professionals, we must stay ahead not just by upgrading skills, but by embracing the values that built this institution: trust, resilience, and relentless pursuit of excellence. Let us be the change agents our society needs, mentoring the next generation and being fearless in shaping a future where ethics and entrepreneurship walk hand in hand.

Let us move forward with even greater purpose. Let's invest in continuous learning, embrace innovation, empower younger members, and hold ourselves to the highest standards not because we must, but because we chose this profession to be a force for good.



I extend my heartfelt gratitude to all our members who contribute to the vibrancy of the Navi Mumbai Branch through active participation, thought leadership, and mentorship. I also urge each one of you to be part of the many upcoming events, seminars, and initiatives we have planned your presence and input make all the difference.

Let us walk together, as proud Chartered Accountants, towards a future that is not only financially sound, but also ethically grounded and nationally inspired.

Wishing you all a very Happy Chartered Accountants Day!

With Warm Regards,

CA Amit Tenani

Chairman,

Navi Mumbai Branch of WIRC of ICAI



Income Tax Update

High Court: Invalid Search Under Sections 131(1A) & 132(1)(b) Pramod Swarup Agarwal vs Pr. Director (Investigation)

Contributed by: CA Shekhar Patwardhan

When in the satisfaction note there is no information whatsoever under the heading other allegations or otherwise warranting the search then whether that search warrant is valid when there is absence of proper reason for the search, the High Court held that the search operations are illegal.

Decision in Favour of Assessee:

The High Court observed that in the satisfaction note, there is no information whatsoever whether under the heading 'other allegations' or otherwise, elsewhere, which could be referable to cl. (b) of sub-s. (1) of s. 132 for issuance of warrant of authorization for search Information/material referred in the satisfaction note, other than under the heading 'Other allegation', has absolutely no relation to cl. (b) Amendments in s. 55(2)(ac) Amendment of s. 55(2)(ac) on 1st Sept., 2024 itself demonstrates that because of absence of any mechanism for calculation of fair market value in respect of sale of share of an unlisted company, capital gain tax could not be calculated on sale/transfer of shares by the promoter shareholders under O.F.S. This could not be an information for search under s. 132(1)(b), as the Revenue has

failed to demonstrate that such sale/transfer was liable to capital gain tax as on the date of filing of Return by the assessee for asst. yr. 2022-23. It was asserted by the assessee's counsel that petitioners are neither director of IPS Ltd. nor in any managerial post therein. There is no information in the satisfaction note which could be the basis for a belief as envisaged under s. 132 that if petitioners were to be issued summons or notice, they would not produce or cause to be produced any books of account or any other documents which will be useful for or relevant to any proceedings under the Act, 1961.

No such past conduct of the petitioners is referred therein nor any other information is referred which may have any relation to s. 132(1)(b) Jurisdictional prerequisites for exercise of power under s. 132 were woefully absent in this case and consequently, the entire search operations based on such satisfaction note and warrant of authorization are illegal. Information and reason to believe based thereon so far as the petitioners are concerned are a mere pretence. Search and post-search information or reason to believe cannot form the basis for justifying the warrant of

authorization or the search conducted in pursuance thereof. As regards notice under s. 131(1A), AK being the Authorized Officer and he not being the AO of the petitioners nor the assessment proceedings having started, he could have issued such notice only prior to action under cls. (i) to (v) of subs. (1) of s. 132 having been taken and not after that Revenue cannot be given the benefit of the fact that he also happened to be Dy. Director, therefore, he could have issued the notice



**CONFIDENCE IS VERY IMPORTANT -
EVEN PRETENDING TO BE CONFIDENT.
IF YOU MAKE A MISTAKE BUT DO NOT
LET YOUR OPPONENT SEE WHAT YOU
ARE THINKING THEN HE MAY OVERLOOK
THE MISTAKE.**



- Viswanathan Anand

GST Update

ITC Cannot Be Denied for Direct Delivery to End Customer

Contributed by: CA Ritesh Arora

Whether ITC can be denied merely for non-physical receipt of goods by the purchasing dealer, where delivery was directed to end consumer?

No, the Hon'ble Patna High Court in *M/s Sane Retails Private Limited vs. The State of Bihar* (CWJC No. 470 of 2024 and batch | Decision Date: 11 April 2025| CITATION - 2025 (4) TMI 1055 - PATNA HIGH COURT) held that physical delivery of goods to the purchasing dealer is not mandatory for availing Input Tax Credit, provided that the dealer has directed the supplier to deliver goods to the end consumer, and the delivery is evidenced by proper documentation. The matter was remanded back for fresh consideration in light of this interpretation. The Hon'ble Court noted that the petitioner had claimed ITC under Section 16(2) of the CGST/BGST Act. The Revenue rejected the claim, arguing that the petitioner had not physically received the goods—thus violating the condition under Section 16(2)(b). The petitioner contended that although the goods were not physically delivered to them, they had directed the supplier to deliver the goods directly to the end customer, a business model supported by valid documentation, including invoices and proof of payment.

- The Hon'ble Court made the following key observations:
- The Explanation to Section 16(2)(b) clearly deems that the recipient has received the goods if the supplier delivers them to any other person on the direction of the registered person, whether acting as an agent or otherwise.
- The latest CBIC Circular No. 241/35/2024-GST dated 31.12.2024 supports the proposition that direct delivery to end customers—under dealer instructions—qualifies as receipt of goods for ITC purposes.
- The Revenue failed to appreciate the petitioner's submissions and did not examine the Memorandum of Understanding (MoU) between the dealer and supplier, or communication with the end consumer regarding direct delivery.
- The cases relied on by the Revenue (*Aastha Enterprises vs. The State of Bihar* and *Another* passed in CWJC No. 10359 of 2023| citation -2023 (8) TMI 1038 - PATNA HIGH COURT and *State of Karnataka vs. Ecom Gill Trading* in 2023 SCC OnLine SC 248) were found factually distinguishable, as they either involved defaulting suppliers

or did not concern the interpretation of 'receipt of goods' under Section 16(2)(b).

Accordingly, the Hon'ble Court set aside the impugned orders and remanded the matter to the Adjudicating Authority for fresh examination limited to whether the petitioner had fulfilled the deemed receipt conditions as per Section 16(2)(b). The Hon'ble Court directed that this exercise be completed within six months, based on evidence of MoUs, delivery instructions, and other supporting documentation.

Author's Comments

This case is a textbook example of a litigation strategy misaligned with the core legal issue. Often, taxpayers feel an uncontrollable urge to respond with elaborate replies, justifications, and factual narratives—without first dissecting the legal foundation of the notice (lis). The key to success in GST litigation is to critically evaluate whether the allegations in the notice logically support the very notice itself.

In the present case, the allegation centers around Section 16(2)(b)—which implies that Input Tax Credit was claimed without actual receipt of goods. This is an allegation of fraud, suppression, or willful misrepresentation. However, the show cause notice was issued under Section 73, which deals exclusively with non-fraudulent cases. This disconnect reveals a fatal flaw: the allegation is incompatible with the statutory basis of the notice.

The Revenue cannot approbate and reprobate on the same issue. If fraud is indeed alleged, then Section 74 must be invoked; if Section 73 is invoked, then the allegation must be limited to non-deliberate defaults. This contradiction weakens the notice itself and exposes it to judicial scrutiny. In attempting to establish a case of ineligible ITC on grounds of fraud while proceeding under Section 73, the department's action is legally unsustainable.

Moreover, the genesis of the proceedings lay in an investigation under Section 67—which is premised on evasion of tax. Once the department concluded the investigation and proceeded under Section 73, it impliedly accepted that no evasion existed. As a matter of settled law, even a legitimate discovery flowing from an illegitimate proceeding (or one based on an erroneous premise) stands tainted.

This case reinforces a crucial litigation strategy for taxpayers: before responding to a show cause notice, assess whether the statutory provision invoked matches the nature of allegations made. If it doesn't, the first line of defense should not be factual rebuttal—but a clear challenge to the legal sustainability of the notice itself.

Role of a Chartered Accountant in Redevelopment of Co-operative Housing Societies

Contributed by: CA S H Teckchandani

The redevelopment of Co-operative Housing Societies, particularly in Maharashtra, presents Chartered Accountants with unique opportunities to apply their professional expertise across financial, legal, and regulatory domains. Given the extensive interplay of the Maharashtra Co-operative Societies Act, 1960 (MCS Act), Development Control and Promotion Regulations (DCPR 2034/UDCPR 2020), and the Real Estate (Regulation and Development) Act, 2016 (RERA), the CA is not merely an auditor but often a strategic advisor, compliance facilitator, and financial certifier. This article outlines how CAs' can professionally engage in such assignments—both for societies and developers—the opportunities and the associated risk.

I. Engagement with Housing Societies undertaking Redevelopment.

The Managing Committee of the Society may not have the knowledge and expertise or the time to undertake a project of the size which could run into hundreds of crores and run the risk of get bullied by the (Project Management Consultants (PMC) and Developers, hence, the role of a Chartered Accountant his financial expertise can be of great assistance to the Managing Committee and Society Members in the entire process of Redevelopment.

CAs' advising housing societies must start with a clear understanding of the legal procedures under the MCS Act and the directives issued under Section 79A by the State Government. CA's role may begin even before financial evaluation—guiding the society through valid convening of Special General Body Meetings (SGMs) (to approve Redevelopment), ensuring compliance with Model Byelaws and assisting with drafting compliant resolutions. CA should make a check list of the Procedural requirements laid by directives issued under 79A of the MCS Act. Procedural defects such as lack of required quorum, number of votes cast in favour of redevelopment, lack of invitation of Tenders for Developer Selection, etc. at this stage can result in redevelopment plans being challenged or rendered void or face litigations.

A CA can add significant value in assessing developer's offer by preparing financial feasibility reports. These should include comparative analysis of developers' offer towards corpus fund, rent, hardship allowance, and additional area, supported with mandatory Bank Guarantee in favour of the Society, which shall help the Society members make informed decisions and avoid any bias or favours in developer selection. Knowledge and understanding of Development Control

Regulations applicable to location of the Society and seeking professional assistance of an Architect is advisable for this purpose and would enhance the credibility of the financial feasibility reports.

Due diligence of the developer is another area where CA skills are critical. Review past project completions, financial statements, ongoing litigations and GST/tax compliance history. Issue red-flag alerts where promoters lack financial strength or regulatory track record to undertake the size of the proposed redevelopment project. Maintain working papers evidencing your analysis and make suitable disclaimers particularly if your assessment influences society's choice.

Under the RERA provisions the Owner of the Land i.e. the Society is also a Promoter. The Chartered Accountants to the Society undertaking redevelopment can explore professional opportunities in Registering the Society as a Promoter. CA plays a key role in preparing and uploading the Quarterly Progress Reports (QPRs) and Annual Audit Reports (Form 5 under Rule 8), ensuring timely and accurate financial disclosures by the Society-Promoter and ensuring compliance thereafter until the final OC is obtained.

CAs' are also expected to vet the financial clauses of the Development Agreement. Pay attention to payment schedules, bank guarantees, escalation clauses, and penalty provisions. Assess the tax implications under Income Tax and GST particularly with respect to

corpus payments and rental compensation—to ensure that the society and its members are fully compliant and not exposed to future tax demands. Where applicable, advise the society to implement escrow mechanism accounts for managing receipts from the developer.

During execution the role of the statutory auditor under Section 81 of the MCS Act ensure proper classification of redevelopment-related receipts and payments, take extra care to avoid any conflicts of interest—especially if the developer is also your client.

Lastly, during the period when redevelopment is in progress advise the society to ensure timely get accounts audited and hold Managing committee elections and AGM, as this aspect gets sidelined/neglected as committee meetings are not formally held. Post Development the admission of new members and receipt of entry fees and share money is equally important to be checked, apart from receivable, if any from the Developer as per the Development Agreement.

II. Engagement with Developers

For developers, CAs' can offer comprehensive support starting with project viability analysis. This includes preparing detailed cost sheets (covering land, TDR, construction, society payouts, GST), IRR computation, pricing strategies, and cash flow projections. These reports form the basis for financial commitments made to societies and banks. The Developer needs to be advised to make

alternative arrangements for bank or other means of finance, where the project Sales are not achieved as projected, and the deadline of project completion dates are nearing in accordance with the RERA requirements, this including guiding the developer to obtain timely extension, where applicable.

Under RERA, the CA's role is codified and subject to regulatory scrutiny. The Act requires that 70% of collections from allottees be deposited in a separate account, withdrawals from this account can be made only in proportion to construction progress, and must be certified by the Architect, Engineer, and Chartered Accountant. CA must issue Form 3 and Form 5 certifications for allowing withdrawals, only after due verification of cost incurred and stage of work. Non-compliance can attract severe penalties, including freezing of project bank accounts by RERA authorities.

CAs' must carefully reconcile the developer's reported sales on the RERA portal with books of account, distinguishing between genuine customer advances, loans and internal transfers. Verify that funds are routed through designated accounts and flag any irregularities such as receipt of Advances from Customer directly deposited in non-designated accounts and/or reported as Loans. When the developer approaches the CA with a last-minute certification request, for withdrawal from designated accounts, relying on management representation and assurance, is a red alert for the CA, indicating bad fund management by the Developer, extra precautions is required in certification at such instances.

In addition to RERA compliance, the CA should provide guidance on GST implications on construction services, development rights, sale and input credit utilisation. Special care must be taken in classifying revenue and expenses, particularly when the developer handles multiple projects. Incorrect classification can lead to complications in cost allocation, profit recognition, and tax audits. With multiple projects, cost allocation and proper accounting controls should be in place, when certifying the withdrawal for each project.

A Chartered accountant gets professional opportunity in setting up project-specific accounting systems. Establish appropriate internal controls, cost centres, MIS templates and statutory due date calendars. These systems should serve both internal management and external compliance to stakeholders such as banks, NBFCs or investors.

When developers seek funding, CAs' are expected to prepare financial projections, cost-to-complete certifications, and due diligence reports for lenders. These must be robust and well-supported with assumptions, cost estimates – including TDR cost, Premium payments, Development Charges, etc. and supporting documentation.

At the end of the project, ensure finalisation of accounts, reconciliation of project costs, and that the Developer is liable to defect liability for a period of 5 years from date of handing over possession, necessary provisions in the books for the same are required at the end of project.

Tax audits, final GST returns, and other standard reports must be completed diligently, supported with proper reconciliation between multiple reports and certifications. Wherever required, support developers in responding to scrutiny notices or audit queries from regulatory authorities.

III. Risk Mitigation and Ethical Conduct

While the redevelopment ecosystem offers extensive scope for professional engagement, it also brings heightened risk. Certifications issued under RERA are enforceable under law and can be questioned in litigation or regulatory proceedings. Always maintain detailed working papers, site visit reports, communication logs, and certification trails. Avoid issuing certificates based only on management representation. Do not simultaneously act in conflicting roles—for example, advising both the society and the developer in the same project.

Follow ICAI's auditing standards—especially Audit Evidence and External Confirmations - while certifying project progress, fund utilisation, and sales figures. Ensure that all assumptions and estimates used in your certifications are backed by independent, third-party evidence. These facts and documents shall be useful in safeguarding against the risk of disciplinary action, more particularly in case of stalled projects (around 1200 projects stalled as of this date), which are increasingly becoming cause of concern to all affected parties. It is advisable to hold adequate Professional Indemnity Insurance.

While CAs' cannot act as legal representatives before MahaRERA Authorities, you can be called as a financial expert or witness, especially in disputes regarding fund mismanagement or false certifications. Ensure your work stands up to such scrutiny.

Conclusion

The role of a Chartered Accountant in redevelopment is to play a transformative role—one that also strengthens public confidence in professional governance and is no longer confined to audits or tax filings. It spans financial structuring, statutory certification, regulatory compliance, and project monitoring. Redevelopment, particularly in Maharashtra, offers a rich avenue for professional growth, provided you exercise diligence, independence, and ethical rigor. Your engagement must be backed by technical expertise, documentation, and a strong understanding of applicable statutes.

As redevelopment reshapes the urban housing landscape, Chartered Accountants have immense opportunities to contribute to these transformative projects. However, these opportunities must be matched with a clear understanding of the risks involved. Any failure of the projects where a CA has certified Forms/reports could lead to inquiries and potential consequences. Therefore, maintaining proper audit trails and robust working papers is critical to support certifications and decisions.

Diligence, precision, and adherence to professional standards will ensure that CAs' can leverage these opportunities effectively while safeguarding their professional integrity.

Highlights of Events



Highlights of Events



WICASA Chairperson Desk

CA Pragya Jain
Chairperson,
WICASA - Navi Mumbai (WIRC)



Dear Students,

"Great things are never done by one person. They're done by a team of people."

What an electrifying month June has been! As we close this chapter, my heart is full of pride and gratitude for the incredible passion, dedication, and unity you all have shown. The momentum we've built together is nothing short of inspiring—and this is just the beginning!

One of the biggest highlights was our Grand Half-Day Seminar—a roaring success with 300+ registrations! Your eagerness to show up, learn, and engage proves just how powerful student-driven initiatives can be. You didn't just attend—you made it unforgettable!

Adding to the excitement, we hosted the Branch Level rounds of the National Talent Hunt, featuring the Quiz, Essay Writing, and Elocution competitions. These events were more than contests—they were platforms where voices were heard, ideas were shared, and confidence soared. Hats off to every participant and the amazing volunteers who made it all happen. You've made Navi Mumbai WICASA proud!

To every aspiring CA—this journey isn't about shortcuts. It's about consistency, silent

sacrifices, and the resilience to keep going even when no one's watching. Celebrate each step forward, support your peers, and keep your eyes on the bigger picture. Progress, no matter how small, is still progress.

And now—get ready for an action-packed July! We're thrilled to bring you more high-impact learning experiences that blend knowledge with real-world exposure: A Full-Day Seminar on Income Tax Return Filing—perfectly timed to get you ahead of the ITR season. An Industrial Visit—learn beyond the books and see your studies in action. Another power-packed Half-Day Workshop—focused on technical skills and current trends. This is your moment. Your platform. Your opportunity to grow, lead, and make a difference. The energy you bring is what drives WICASA forward—let's keep the spirit alive and rising!

Let's not just aim for personal success—let's build a legacy of shared growth, leadership, and excellence. "If everyone is moving forward together, then success takes care of itself."

With Warm Regards,

CA Pragya Jain

Chairperson, WICASA - Navi Mumbai Branch

Understanding Fraud's Psychology to Prevent the Next Crisis

Contributed By: Aditi Baurai

Fraud isn't just some distant villain creeping through big banks or shady shell companies – it's happening all around us. From fake loan apps and Ponzi schemes to rogue employees and fishy vendors, the game has changed, and it's playing dirty.

In India, the numbers paint a grim picture: 59% of Indian companies faced economic fraud in the last two years. Cyber fraud alone drained over ₹1.7 billion in FY 2024. And bank fraud? Up by a whopping 27% this year, crossing ₹21,000 crore. This isn't a few bad apples – it's a full-blown infestation.

So, how do we fight back? Enter: Internal Audit

Internal Audit: The Silent Watchdog

Fraud doesn't show up with flashing lights. It sneaks in through loopholes, unchecked power, and misused trust. That's where internal audit comes in – not just ticking boxes, but actively hunting weaknesses, plugging control gaps, and sniffing out red flags before they become million-rupee disasters.

A good audit isn't about blame – it's about balance. It says, "Let's make sure no one has too much power, that approvals are clear, and story of the numbers is listened to."

Why People Commit Fraud: The Fraud Triangle

Why Fraud Happens (It's Not Just 'Bad People')

Fraud usually boils down to three things:

- Pressure: Maybe someone's drowning in debt or under job pressure.
- Opportunity: Weak controls that make it easy to slip through.
- Rationalization: "I'll pay it back" or "I've earned this."

Recognizing this mindset helps us stop fraud before it starts.

Red Flags That Should Make You Go, 'Hmm...'

Here's what savvy companies watch for:

- Someone suddenly living like a CEO, but on a mid-level salary.
- Employees who never take a day off – not for loyalty, but to keep secrets.
- People who get weirdly defensive when you ask basic questions.
- Avoidance of oversight, secrecy with numbers, or late-night system logins.

None of these scream 'fraud!' on their own. But together? Worth a closer look.

The Human Element (No, AI Can't Replace This)

Yes, AI can flag weird transactions at 3 a.m., but it can't detect a colleague's shift in behavior or a leader's sudden moral compromise. Fraud prevention is as much about empathy and observation as it is about algorithms.

Training employees to spot phishing scams, promoting whistleblower channels, and fostering a culture of transparency — that's where real change happens. When ethics live at the top, they trickle down fast.

Fraud Is Evolving — So Should We

Fraudsters aren't sitting still. With every firewall we build, they find another window. Here's what's next:

- AI-powered fraud detection is already flagging real-time anomalies.
- Biometric authentication is kicking passwords to the curb.
- Blockchain is bringing transparency to high-value contracts.
- Fintech and crypto are exploding — and so are the scams around them.

Bottom line: if your fraud prevention plan hasn't evolved since 2015, it's basically a flip phone in a smartphone world.

Final Word: Culture Is the Ultimate Defense

Policies can be bypassed. Software can be hacked. But a strong, ethical culture? That's hard to break. When leadership walks the talk,

when employees feel safe to speak up, and when controls are tight but fair — fraud finds it harder to breathe.

Fraud isn't a one-time risk; it's a constant threat. But with eyes open, tech on our side, and a zero-tolerance mindset, businesses can outsmart even the most creative of con artists.



CLIMBING TO THE TOP DEMANDS STRENGTH, WHETHER IT IS TO THE TOP OF MOUNT EVEREST OR TO THE TOP OF YOUR CAREER.



- Dr. A.P.J. Abdul Kalam

WICASA Events



Credits & Acknowledgments

We extend our heartfelt thanks to all contributors, writers, and volunteers who made this edition possible. The success of this newsletter lies in the collective efforts of dedicated professionals who shared their insights, time, and creativity.



Call for Articles

We invite members and students of ICAI to contribute insightful articles, research papers, experiences, and thought pieces for upcoming editions. This platform is dedicated to encouraging meaningful knowledge sharing within the fraternity.

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