

EDITORIAL BOARD

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For Members only

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From the Desk of Chairman



Dear all Professional Colleagues and Seniors of Profession,

While reading this communication we might have received outcome of Elections 2014. Best wishes from our profession to government irrespective any political party forming the same. I also congratulate to all members and students for casting their vote in elections 2014, ultimately its proud moment for Indian Democracy.

Indian economy since ages depends upon

monsoon and this year also no different from others. We all predict growth, in anticipation of rainfall in monsoon. Lets pray all mighty that we will get better rainfall this year and growth also.

Students: "It is better to fail in originality than to succeed in limitation"-Herman Melvillie. We call all our successful students for a felicitation program on 14th May 2014 at K C College Mumbai. I am sure you all will like our innovative ideas to make this program more interesting.

WIRC conducted campus interviews on 26th April 2014. I congratulate all candidates who got selected in campus interviews held in April 2014.

June examination is approaching fast. Start preparing for it both in studies and in mind. Ultimately examination is not of studies but its examination of how you keep nerves in those 3 hours. WIRC as usual is always with you in your efforts. We successfully conducted orientation program in the month of March and April. I am sure you all must have taken advantage of this.

Members: I would like to inform you all that our Regional Cost Convention is scheduled on 10th and 11th of May 2014 at Nashik. The theme of this convention is CMA Profession- catalyst in Socio Economic Development.

Over the years, the cost and management accounting profession has strived relentlessly to promote the socio economic development of the country. The CMA profession has always emphasized the cost optimization through efficient

deployment of scares resources, thus achieve cost effectiveness. Indian economy has witnessed a spectacular growth in the past decade though the growth rate has slowed down considerably in the immediate past. There is a need to accerlare the growth of manufacturing sector as well as that of the service sector to ensure that the growth of economy again picks up. At the same time, there is need that the fruits of economic development percolate down to the lowest segment of the society for achieving social justice. Thus the task of achieving economic growth with social justice is quite onerous and here the professionals like CMAs can play a vital role.

I am sure you will like our theme which is different and will give some serious thoughts about even profession all together. You may call it revisiting or reinventing but it is essential for all good terms which has survived test of time. I appeal to all of you to attend our annual event in large numbers.

WIRC thank CMA Vaibhav Joshi and CMA S G Narsimhan for their contribution in CEPs conducted this month. I also thank members for attending CEPs in large numbers.

MCA has not yet come up with final rules on Cost Audit but we are in constant efforts to get more information about this. On the other hand MCA has recognized CMAs for pre-certification of E Forms under Companies Act 2013. It's a progressive step by MCA and we welcome the same.

Other Institutions: I thank Reserve Bank of India for recognizing Cost and Management Accounts for valuation of LLPs in case of Foreign Direct Investments. A circular issued by RBI in this regard is self explanatory. I thank specially to Dr. Raghuram Rajan, Governor RBI and Deputy Governors Shri H R Khan, Dr. Urjit Patel and Shri R Gandhi.

New Initiatives: Friends, we are celebrating our Foundation Day with inauguration of WIRC's renovated premises on 19th May 2014. I welcome you all on this occasion!

I wish all the members, their families and friends on the occasion on May Day, Rabindra Jayanti and Budha Pornima.

With Warm Regards

CMA Ashish Thatte



THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

(Statutory Body under an Act of Parliament)

WESTERN INDIA REGIONAL COUNCIL



on the auspicious occasion of Foundation Day of our Institute

CMA AshishThatte, Chairman WIRC

on behalf of WIRC extend our warm invitation to attend

SATYANARAYAN MAHAPOOJA & INAUGURATION

of Renovated Premises of WIRC and Celebration of Foundation Day of ICAI on Monday, 19th May 2014

at Rohit Chambers, 4th Floor, JanmabhoomiMarg, Fort, Mumbai 400 001.

"Program Details"

Glimpses of Campus Placement held on 26th April at Shah Institute of Management, Ghatkopar, Mumbai





















CMA Atul Bhatt, Faculty interacting with the members in CEP Program organized by Ahmedabad Chapter on 1-3-2014.



CMA P. D. Modh, Faculty interacting with the members in CEP Program organized by Ahmedabad Chapter on 15-3-2014.



Felicitation of CMA S. C. Mohanty, President ICAI by CMA R. B. Kothari, Chairman, Ahmedabad Chapter during Members Meet held on 24th April 2014.

Glimpses of Service Tax Program organized by Central Excise at Ahmedabad



Speech by CMA S C Mohanty - President, ICAI



Presentation by CMA Chiranjib Das - Jt. Director (Studies, ICAI)



Companies Act 2013: A Dawn or a Dusk for Private Companies

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1. AN OVERVIEW:

The Companies Bill 2012 after receiving the assent of Hon. President of India has been enacted as Companies Act, 2013 and has been published through issue of notification in the Official Gazette so as to replace Companies Act, 1956. Passing of this Bill has been termed as a historic event for India as it will usher in a new era in the Corporate Governance.

This Act is likely to be a modern legislation for growth and regulation of corporate sector because it is full of potential to facilitate business-friendly corporate regulation, improve corporate governance norms, enhance accountability on the part of corporate / auditors, raise levels of transparency and protect interests of investors, particularly small investors.

The Companies Act, 2013 has brought significant changes for private companies as many relevant provisions of the Companies Act, 1956 have been revamped in the Companies Act, 2013. In this article, an attempt has been made to present a comparative study of provisions relating to private companies as provided under The Companies Act 1956 and The Companies Act 2013 with intent to understand impact of The Companies Act, 2013 on private companies.

2. A BIRD'S EYE -VIEW ON APPLICABLE PROVISIONS OF THE COMPANIES ACT:

Till date most of the sections of the Companies Act 2013 have been notified and brought in force. For details one will have to refer to the relevant notifications and circulars issued separately.

However to provide a bird's eye view to various stakeholders of The Companies Act 2013 and corresponding provisions of The Companies Act 1956 following ready reckoner table will be very helpful:-

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 2 Clause (1)	Section 2(1)	Nil
Section 2 Clause (2)	Section 211(3C)	Nil
Section 2 Clause (3)	Section 2(1A)	Nil
Section 2 Clause (4)	Section 2(1B)	Nil
Section 2 Clause (5)	Section 2(2)	Nil
Section 2 Clause (6)	Nil	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 2 Clause (7)	Nil	Nil
Section 2 Clause (8)	Nil	Nil
Section 2 Clause (9)	Section 2(5)	Nil
Section 2 Clause (10)	Section 2(6); 252(3)	Nil
Section 2 Clause (11)	Section 2(7)	Nil
Section 2 Clause (12)	Section 2(8)	Nil
Section 2 Clause (13)	Section 209(1)	Nil
Section 2 Clause (14)	Section 2(9)	Nil
Section 2 Clause (15)	Nil	Nil
Section 2 Clause (16)	Section 124	Nil
Section 2 Clause (17)	Explanation to section 33(2)	Nil
Section 2 Clause (18)	Nil	Nil
Section 2 Clause (19)	Nil	Nil
Section 2 Clause (20)	Section 2(10) and 3	Nil
Section 2 Clause (21)	Section 2(23) and 12(2)(b)	Nil
Section 2 Clause (22)	Section 2(23) and 12(2)(a)	Nil
Section 2 Clause (24)	Section 2(45)	Nil
Section 2 Clause (25)	Section 2(45A)	Nil
Section 2 Clause (26)	Nil	Section 428 The term 'Contributory' shall continue for the purposes winding up.
Section 2 Clause (27)	Nil	Nil
Section 2 Clause (28)	Section 233B(1)	Nil
Section 2 Clause (29) (except sub-clause (iv)	Section2(11), 2(14), 10	Section 622
Section 2 Clause (30)	Section 2(12)	Nil
Section 2 Clause (31)	Explanation to Section 58A (11)	Nil
Section 2 Clause (32)	Section 2(12A)	Nil
Section 2 Clause (33)	Section 2(12B)	Nil
Section 2 Clause (34)	Section 2(13)	Nil
Section 2 Clause (35)	Section 2(14A)	Nil
Section 2 Clause (36)	Section 2(15)	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 2 Clause (37)	Section 2(15A)	Nil
Section 2 Clause (38)	Section 59(2)	Nil
Section 2 Clause (39)	Nil	Nil
Section 2 Clause (40)	Nil	Nil
Section 2 Clause (41) [except first proviso]	Section 2(17)	Nil
Section 2 Clause (42)	Nil	Nil
Section 2 Clause (43)	Explanation to section 2 (29A)	Nil
Section 2 Clause (44)	Nil	Nil
Section 2 Clause (45)	Section 2(18), 617	Nil
Section 2 Clause (46)	Section 2(19), 4	Nil
Section 2 Clause (47)	Nil	Nil
Section 2 Clause (48)	Nil	Nil
Section 2 Clause (49)	Nil	Nil
Section 2 Clause (50)	Nil	Nil
Section 2 Clause (51)	Nil	Nil
Section 2 Clause (52)	Section 2(23A)	Nil
Section 2 Clause (53)	Section 2(24)	Nil
Section 2 Clause (54)	Section 2(26)	Nil
Section 2 Clause (55)	Section 2(27), 41	Nil
Section 2 Clause (56)	Section 2(28)	Nil
Section 2 Clause (57)	Section 2 (29A)	Nil
Section 2 Clause (58)	Nil	Nil
Section 2 Clause (59)	Section 2(30)	Nil
Section 2 Clause (60)	Section 2(31), 5, 7	Nil
Section 2 Clause (61)	Nil	448
Section 2 Clause (62)	Nil	Nil
Section 2 Clause (63)	Nil	Nil
Section 2 Clause (64)	Section 2(32)	Nil
Section 2 Clause (65)	Explanation to Section 192A	Nil
Section 2 Clause (66)	Section 2(33)	Nil
Section 2 Clause (67) [except sub-clause(ix)]	Section 2(34)	Nil
Section 2 Clause (68)	Section 2(35)	Nil
Section 2 Clause (69)	Explanation (a) to section 62(6)	Nil
Section 2 Clause (70)	Section 2(36)	Nil
Section 2 Clause (71)	Section 2(37)	Nil
Section 2 Clause (72)	Section 4A	Nil
Section 2 Clause (73)	Section 2(39)	Nil
Section 2 Clause (74)	Nil	Nil
Section 2 Clause (75)	Section 2(40)	Nil
Section 2 Clause (76)	Nil	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 2 Clause (77)	Section 2(41), 6 and schedule IA	Nil
Section 2 Clause (78)	Explanation to Section 198	Nil
Section 2 Clause (79)	Section 2 (42)	Nil
Section 2 Clause (80)	Section 2(43)	Nil
Section 2 Clause (81)	Section 2(45AA)	Nil
Section 2 Clause (82)	Section 2(45B)	Nil
Section 2 Clause (83)	Section Nil	Nil
Section 2 Clause (84)	Section 2(46)	Nil
Section 2 Clause (85)	Nil	Nil
Section 2 Clause (86)	Nil	Nil
Section 2 Clause (87)	Section 2(47), 4	Nil
Section 2 Clause (88)	Explanation II to Section 79A	Nil
Section 2 Clause (89)	Section 2(48)	Nil
Section 2 Clause (90)	Section 2(49A)	Nil
Section 2 Clause (91)	Nil	Nil
Section 2 Clause (92)	Section 12(2)(c)	Nil
Section 2 Clause (93)	Nil	Nil
Section 2 Clause (94)	Explanation to Section 269	Nil
Section 2 Clause (95)	Section 2(31A), 2A	Nil
Section 3	Section 12	Nil
Section 4	Section 13,14,15,15A, 15B, 20, 37	Nil
Section 5	Section 26,27,28,29,30	Nil
Section 6	Section 9	Nil
Section 7 (except sub-section(7)	Section 33,34(1),35	Nil
Section 8 (except sub-section (9)	Section 25	Nil
Section 9	Section 34(2)	Nil
Section 10	Section 36	Nil
Section 11	Section 149	Nil
Section 12	Section 17A, 146, 147	Nil
Section 13	ection 16,17,18,19,21,2	3 Nil
Section 14 (except	Section 31 (except	Proviso to
second proviso to sub-section (1) and sub-section (2)	proviso to sub-section (1) and Sub-section (2A); 43	sub-section (1) of section 31; Sub-section (2A) of section 31
Section 15	Section 40	Nil
Section 16	Section 22	Nil
Section 17	Section 39	Nil
Section 18	Section 32	Nil
Section 19	Section 42	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 20	Section 51, 52, 53	Nil
Section 21	Section 54	Nil
Section 22	Section 47, 48	Nil
Section 23	Section 67	Nil
Section 24	Section 55A	Nil
Section 25	Section 64	Nil
Section 26	Section 55,56,57,58, 59,60, Sch. II	Nil
Section 27	Section 61	Nil
Section 28	Nil	Nil
Section 29	Section 68B	Nil
Section 30	Section 66	Nil
Section 31	Section 68	Nil
Section 32	Section 60B	Nil
Section 33	Section 56(3)	Nil
Section 34	Section 63	Nil
Section 35	Section 62	Nil
Section 36	Section 68	Nil
Section 37	Nil	Nil
Section 38	Section 68A	Nil
Section 39	Section 69, 75	Nil
Section 40	Section 73, 76	Nil
Section 41	Nil	Nil
Section 42	Section 67	Nil
Section 43	Section 2(46A), 85, 86	Nil
Section 44	Section 82	Nil
Section 45	Section 83	Nil
Section 46	Section 84	Nil
Section 47	Section 87	Nil
Section 49	Section 91	Nil
Section 50	Section 92	Nil
Section 51	Section 93	Nil
Section 52	Section 78	Nil
Section 53	Section 79	Nil
Section 54	Section 79A	Nil
Section 55 except	Section 80 and 80A	Proviso to section
sub-section (3)	(except Proviso to section 80A(1) and section 80A(2))	80A(1) and section 80A(2)
Section 56	Section 108, 108A to 108 I, 109,110,113	Nil
Section 57	Section 116	Nil
Section 58	Section 111	Nil
Section 59	Section 111A	Nil
Section 60	Section 148	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 61 except proviso to clause (b)	Section 94	Nil
of sub-section (1)		
Section 62 except sub-sections (4) to (6)	Section 81 except sub-sections (4) to (7)	sub-sections (4) to (7) of section 81 and section 94A
Section 63	Proviso to 205 (3)	Nil
Section 64	Section 94A(3), 95,97	Nil
Section 65	Section 98	Nil
Section 67	Section 77	Nil
Section 68	Section 77A	Nil
Section 69	Section 77AA	Nil
Section 70	Section 77B	Nil
Section 71 except sub-sections (9) to (11)	Section 117,117A, 117B,117C,118,119, 122 Except 117B(4) and 117C (4) and (5)	Section 117B(4) and 117C (4) and (5)
Section 72	Section 109A,109B	Nil
Section 73	Section 58A, 58AA, 58AAA, 58B, 59	Nil
Sub-section (1) of section 74	Nil	Nil
Section 76	Section 58A	Nil
Section 77	Section 125,128, 129, 132, 133, 145	Nil
Section 78	Section 134	Nil
Section 79	Section 127,135	Nil
Section 80	Section 126	Nil
Section 81	Section 130	Nil
Section 82	Section 138	Nil
Section 83	Section 139,140	Nil
Section 84	Section 137	Nil
Section 85	Section 131, 136, 143,144	Nil
Section 86	Section 142	Nil
Section 87	Section 141	Nil
Section 88	Section 150,151,152, 152A, 153, 153A, 153B, 157, 158	Nil
Section 89	Section 187C	Nil
Section 90	Section 187D	Nil
Section 91	Section 154	Nil
Section 92	Section 159,160,161, 162, Sch V	Nil
Section 93	Nil	Nil
Section 94	Section 163	Nil
Section 95	Section 164	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 96	Section 165,166, 170	Nil
Section 100	Section 169 (9)	Nil
Section 101	Section 171,172	Nil
Section 102	Section 173	Nil
Section 103	Section 174	Nil
Section 104	Section 175	Nil
Section 105	Section 176, Schedule IX	Nil
Section 106	Section 181,182,183	Nil
Section 107	Section 177, 178	Nil
Section 108	Nil	Nil
Section 109	Section 179, 180, 184,185	Nil
Section 110	Section 192A	Nil
Section 111	Section 188	Nil
Section 112	Section 187A, 187B	Nil
Section 113	Section 187	Nil
Section 114	Section 189	Nil
Section 115	Section 190	Nil
Section 116	Section 191	Nil
Section 117	Section 192	Nil
Section 118	Section 193,194, 195,197	Nil
Section 119 (except sub-section (4)0	Section 196	Nil
Section 120	Nil	Nil
Section 121	Nil	Nil
Section 122	Nil	Nil
Section 123	Section 205 Sub-section (3) of section 205A Section 206	Nil
Section 126	Section 206A	Nil
Section 127	Section 207	Nil
Section 128	Section 209 214	Nil
Section 129	Section 210, 211, 212, 213, 221, 222, 223	Nil
Section 133	Section 211 (3C)	Nil
Section 134	Section 215, 216, 217, 218	Nil
Section 135	Nil	Nil
Section 136	Section 219	Nil
Section 137	Section 220	Nil
Section 138	Nil	Nil
Section 139	Section 224,224A,619	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 140 [except	Section 225 except	Proviso to sub-
second proviso to	proviso to sub-	section (3) of
sub-section (4) and sub-section (5)	section (3)	section 225
Section 141	Section 226	Nil
Section 142	Section 224(8)	Nil
Section 143	Section 227, 228, 263A	Nil
Section 144	Nil	Nil
Section 145	Section 229, 230	Nil
Section 146	Section 231	Nil
Section 147	Section 232,233,233A	Nil
Section 148	Section 233B	Nil
Section 149	Section 252, 253, 258, 259	Nil
Section 150	Nil	Nil
Section 151	Proviso to sub-section (1) of section 252	Nil
Section 152	Section 254, 255, 256, 264	Nil
Section 153	Section 266A	Nil
Section 154	Section 266B	Nil
Section 155	Section 266C	Nil
Section 156	Section 266D	Nil
Section 157	Section 266E	Nil
Section 158	Section 266F	Nil
Section 159	Section 266G	Nil
Section 160	Section 257	Nil
Section 161	Section 260, 262, 313	Nil
Section 162	Section 263	Nil
Section 163	Section 265	Nil
Section 164	Section 202, 274	Nil
Section 165	Section 275, 276, 277, 278, 279	Nil
Section 166	Section 312	Nil
Section 167	Section 283	Nil
Section 168	Nil	Nil
Section 169 except sub-section (4)	Section 284 except sub-section (4)	Sub-section (4) of section 284
Section 170	Section 303, 307	Nil
Section 171	Section 304	Nil
Section 172	Nil	Nil
Section 173	Section 285, 286	Nil
Section 174	Section 287, 288	Nil
Section 175	Section 289	Nil
Section 176	290	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 177	292A	Nil
Section 178	Nil	Nil
Section 179	Section 291	
Section 292	Nil	
Section 180	Section 293	Nil
Section 181	Nil	Nil
Section 182	Section 293A	Nil
Section 183	Section 293B	Nil
Section 184	Section 299, 305	Nil
Section 185	Section 295, 296	Nil
Section 186	Section 372A	Nil
Section 187	Section 49	Nil
Section 188	Section 294, 294A, 294AA, 297, 314	Nil
Section 189	Section 301	Nil
Section 190	Section 302	Nil
Section 191	Section 319, 320, 321	Nil
Section 192	Nil	Nil
Section 193	Nil	Nil
Section 194	Nil	Nil
Section 195	Nil	Nil
Section 196	Section 197A,267,311, 317, 384, 385, 388	Nil
Section 197	Section 198, 201, 309, 310, 387	Nil
Section 198	Section 349	Nil
Section 199	Nil	Nil
Section 200	Section 637AA	Nil
Section 201	Section 640B	Nil
Section 202	Section 318	Nil
Section 203	Section 269, 316, 386	Nil
Section 204	Nil	Nil
Section 205	Nil	Nil
Section 206	Section 234 [except sub-section (8)]	Nil
Section 207	Section 209A	Nil
Section 208	Nil	Nil
Section 209	Section 234A	Nil
Section 210	Section 235	Nil
Section 211	Nil	Nil
Section 212 [except	Nil	Nil
sub-section (8)		
to(10)];	Coation 200	NT:1
Section 214	Section 236	Nil
Section 215	Section 238	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 216 [except	Section 247 [except	Sub-section (1A) of
sub-section (2)]	sub-section 1A]	section 247
Section 217	Section 240	Nil
Section 219	Section 239	Nil
Section 220	Section 240A	Nil
Section 223	Section 241, 246	Nil
Section 224[except sub-section (2) and (5)]	Section 242, 244	Section 243
Section 225	Section 245	Nil
Section 228	Sub-section (8) of Section 234	Nil
Section 229	Nil	Nil
Section 366	Section 565	Nil
Section 367	Section 574	Nil
Section 368	Section 575	Nil
Section 369	Section 576	Nil
Section 370 [except proviso]	Section 577 except proviso	Proviso to section 577
Section 371	Section 578	Nil
Section 374	Nil	Nil
Section 379	Nil	Nil
Section 380	Section 592, 593	Nil
Section 381	Section 594	Nil
Section 382	Section 595	Nil
Section 383	Section 596	Nil
Section 384	Section 600	Nil
Section 385	Section 601	Nil
Section 386	Section 602	Section 602
Section 387	Section 603	Nil
Section 388	Section 604	Nil
Section 389	Section 605	Nil
Section 390	Section 605A	Nil
Sub-section (1) Section 391	Section 607	Nil
Section 392	Section 598, 606	Nil
Section 393	Section 599	Nil
Section 394	Section 619A	Nil
Section 395	Nil	Nil
Section 396	Section 609	Nil
Section 397	Section 610A	Nil
Section 398	Section 610B	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 399 except	Section 610	Nil
reference of word Tribunal in		
sub-section(2)		
Section 400	Nil	Nil
Section 401	Section 610D	Nil
Section 402	Section 610E	Nil
Section 403	Section 611, Schedule X	Nil
Section 404	Section 612	Nil
Section 405	Section 615	Nil
Section 406	Section 620A	Nil
Section 407	Section Explanation to 10FD	Nil
Section 408	Section 10FB, 10FC	Nil
Section 409	Section 10FD	Nil
Section 410	Section 10FR	Nil
Section 411	Nil	Nil
Section 412	Section 10FX	Nil
Section 413	Section 10FE, 10FT	Nil
Section 414	Section 10FG, 10FW	Nil
Section 439	Section 621, 624	Nil
Section 442	Nil	Nil
Section 443	Section 624A	Nil
Section 444	Section 624B	Nil
Section 445	Nil	Nil
Section 446	Section 626	Nil
Section 447	Nil	Nil
Section 448	Section 628	Nil
Section 449	Section 629	Nil
Section 450	Section 629A	Nil
451	Nil	Nil
452	Section 630	Nil
453	Section 631	Nil
Section 454	Nil	Nil
Section 455	Nil	Nil
456	Section 635A	Nil
Section 457	Section 635AA	Nil
Section 458	Section 637	Nil
Section 459	Section 637AA	Nil
Section 460	Section 637B	Nil
Section 461	Section 638	Nil

Provisions of Companies Act, 2013 as notified (98+1+183=282 Sections)	Corresponding provisions of Companies Act, 1956	Corresponding provisions of Companies Act, 1956 continue to remain in force
Section 462	Nil	Nil
Section 463	Section 633	Nil
Section 464	Section 11	Nil
Section 467	Section 641	Nil
Section 468	Section 643	Nil
Section 469	Section 642	Nil
Section 470	Nil	Nil
Schedule I	Schedule I	Nil
Schedule II	Schedule XIV	Nil
Schedule III	Schedule VI	Nil
Schedule IV	Nil	Nil
Schedule V	Schedule XIII	Nil
Schedule VI	Nil	Nil
Schedule VII	Nil	Nil

3. A COMPARATIVE STUDY OF PROVISIONS RELATING TO PRIVATE COMPANIES WITH REFERENCE TO THE COMPANIES ACT, 1956 AND THE COMPANIES ACT, 2013:

As displayed in the table herein before there is meticulous impact of sections notified under the Companies Act, 2013 which have rendered several corresponding provisions of the Companies Act, 1956 under repealed status. This has changed the regulatory environment for the private companies also. Here an attempt is made to articulate the comparative study of earlier and existing company law provisions most relevant to the private companies through the below mentioned points:-

- **3.1.** Number of Members: Earlier a private company was allowed to have maximum 50 members but now this limit is enhanced to 200.
- **3.2.** Acceptance of Deposit from Public: Earlier a private company was prohibited to invite or accept deposits from persons other than its members, directors or their relatives but now there is no such express clause.
- **3.3.** Acceptance of Deposit from Relative: Earlier a private company was allowed to accept unsecured deposits/loans from relatives of directors but now it is prohibited to do so.
- **3.4.** Inter Corporate Investment/Loans/Guarantee: Earlier a private company was not subject to provisions regarding Inter Corporate Investments/ Loans/Guarantee are not applicable but now it is required to comply with these provisions.

- **3.5.** Loans to Directors: Earlier a private company was not subject to provisions relating to giving of loans, advances or providing securities, guarantees to directors and other interested entities but now it is also covered under these provisions.
- 3.6. Business Commencement: Earlier a private company was allowed to commence business immediately after incorporation but now before commencing its business it is required to file with Registrar of Companies a statement that "Subscription money and minimum paid up capital has been brought in".
- **3.7.** DVR Shares: Earlier provisions relating to issue of shares with differential voting rights (DVR) were not applicable to a private company but now these are applicable to it.
- **3.8.** Follow-on Issue of Shares: Earlier provisions relating to rights issue and Preferential allotment were not applicable to a private company but now a private company can make further allotment only by means of Rights Issue, ESOP or Private placement/preferential allotment and needs to comply with the all the concerned provisions.
- 3.9. KMP: Earlier a private company was not required to appoint Managing / Whole Time Director/Chief Executive Officer & Chief Finance Officer but now in case of paid up capital of Rs.5 Crores or more it is required to appoint Managing / Whole Time Director/Chief Executive Officer & Chief Finance Officer as Key Managerial Personnel (KMP).
- **3.10.** Resident Director: Earlier a private company was not required to appoint resident director but now it must have at least one director who has stayed in India for a minimum period of 182 days during the previous calendar year.
- **3.11.** Director's Consent: Earlier a private company was not required to file consent to act as director with Registrar of Companies but now it is required to do so.
- **3.12.** Director's Appointment: Earlier a private company was allowed to appoint multiple directors through a single resolution but now it cannot do so unless a proposal to move such a motion has first been agreed to at the meeting without any vote being cast against it.
- **3.13.** Number of Directorship: Earlier a private company was not counted in determining the limit of 15 companies in which a person can act as a director at any given time but now a person can act as director in a maximum of 20 companies (including private companies) at any given point of time out of which not more than 10 should be public companies.
- **3.14.** Number of Auditor-ship: Earlier a private company was not counted in determining the limit of maximum number of companies which an auditor can audit at any given point of time but now a person can act as an auditor in a maximum of 20

- companies (including private companies) at any given point of time.
- **3.15.** Financial Statements: Earlier a private company was not required to prepare cash flow statement and statement of changes in equity but now it is required to do so.
- **3.16.** Consolidation of Accounts: Earlier a private company was not required to prepare consolidated financial statements but now it is required to do so.
- **3.17.** Authentication of Annual Accounts: Earlier two directors (including managing director if appointed) and CS (if appointed) were required to sign annual accounts of a private company but now Chairperson (if authorized by board) or 2 Directors (out of which one shall be Managing Director), the Chief Executive Officer (if he is a Director), the chief financial officer and the company secretary (if they are appointed) are required to sign.
- **3.18.** Authentication of Annual Return: Earlier one director and CS/Manager (if no CS/Manager then Managing Director and if no Managing
 - Director then another Director) were required to sign annual return of a private company but now for small private company CS (If no CS then director) and for other private company director and CS (if no CS then PCS) are required to sign annual return.
- **3.19.** General Meetings: Earlier a private company was not required to follow many provisions relating to modus operandi of general meetings through mentioning in its articles of association but now it is required to follow all such provisions

4. CONCLUSION:

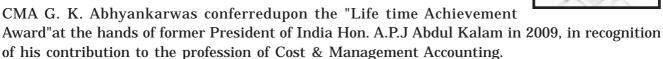
Compared with The Companies Act, 1956, The Companies Act, 2013 has brought in a large number of changes so far as private companies are concerned. Broadly speaking most of these changes are taking away many privileges available to private companies in terms of statutory and corporate governance requirements. This on one hand brings more burdens on the part of management so far as compliance to law is concerned but on the other hand it may also prove a mile stone in enhancing transparency and trustworthiness of this form of business organization. In a nutshell it can be perceived as a dawn by someone who sees the glass half filled or as dusk by someone who sees the glass half empty. However professionals should see it like a glass half filled with water and half with air.

Disclaimer: This article is based on comparative study of Companies Act, 1956 & Companies Act, 2013 and is written purely with knowledge dissemination purpose. The author does not own any responsibility for any error or omission which might have crept in inadvertently.

OBITUARY

Former President of our Institute **CMA Gajanan Kashinath Abhyankar (G. K. Abhyankar)** left for heavenly abode on Saturday, 3rdMay 2014 at Pune. CMA G. K. Abhyankar was the President of the Institute of Cost Accountants of India during Silver Jubilee year of the Institute in 1969-70.

CMA G. K. Abhyankar was with Indian Defense Accounts Service(IDAS)at Delhi, retiring as Financial Advisor. He was a silver medalist at the Institute of Cost Accountants of India, having passed out in 1958.



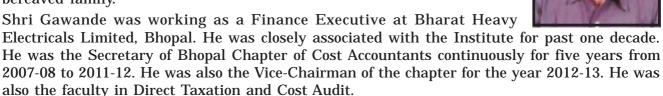
The Council, managing committee members of Regions & Chapters and Members of the Institute of Cost Accountants of India offer their deepest Condolences to Mrs. SheelaPhadke,the bereaved daughter of CMA Abhyankar in this hour of grief.



OBITUARY

CMA Sanjeev Gawande

CMA Sanjeev Gawande, the past Vice-Chairman & the past Secretary of Bhopal Chapter of Cost Accountants passed away on 23.04.2014 due to a heart attack. He was only 44. Shri Gawande was also currently a member of the Management Committee of the Chapter. He is survived by his parents, wife and kid. The untimely demise of Shri Gawande has shocked everybody and the CMA fraternity across the country has deeply condoled to his bereaved family.



CMA Sanjeev Gawande was one of the pillars of Bhopal Chapter and his contribution to the growth of the chapter and the profession as a whole is commendable. His sudden demise is a major setback to the profession and the loss is irreparable.

Condolence Meeting at Bhopal Chapter to offer tributes to CMA Sanjeev Gawande

A condolence meeting was held at Bhopal Chapter on 27.04.2014 to offer tributes to CMA Sanjeev Gawande. The members & students in large number attended in the meeting and offererd floral tributes to Late CMA Gawande. The members also shared the memories about CMA Gawande and few of them were in tears while remembering CMA Gawande. CMA S M Ramanthan remembered his association with Shri Gawande since mid-nineties. He mentioned the selfless service by CMA Gawande for the growth of the Chapter. CMA Biswabandhu Mohapatra briefed about the achievements of CMA Gawande and the efforts to be taken to uphold his memories. The other members who offered their tributes included CMA B L Malaganya, CMA R K Garg, CMA Rakesh Mallik, CMA Ritesh Sharma, CMA Ashish Ray, CMA Smriti Nagar, CMA Omnath Sharma, Shri Ravindra Verma etc.



Are we ready for the challenge thrown open by the CA2013?

CMA Jagdish Ahuja, ahuja.jag@gmail.com

There is mixed reaction from the members of the public when on 28th April 2014, MCA rolled out new e-forms based on the Companies Act, 2013 (CA 2013). One reason to cheer is that most of the new e-forms will continue to be subject to pre-certification by professionals thereby leading to data integrity and accuracy. Although pre-certification of e-forms helps the new practicing professionals with a source of income, one needs to exercise due care and diligence while pre-certifying the e-forms.

Today, the CA 2013 is the most discussed subject amongst professionals as this has affected most of us whether in employment or in practise. We are seriously concerned for certain provisions concerning increase in overall penalties, excessive bureaucratic intervention of Central Government, expectation of more challenging role from professionals for ensuring better corporate governance, etc. The CA 2013 has also introduced certain provisions which are expected to profoundly impact the way the corporate sector was governed and the role played by the professionals so far. Some of these changes with special reference to company secretaries in practise and employment are discussed below along with its impact:

Under the Companies Act, 1956 (Old Act), every company having paid up share capital of RS 10 lacs and above, was required to obtain a secretarial compliance certificate from a practicing company secretary which requirement is not recognized under the CA 2013. As per Section 92(2) of the CA 2013 read with the relevant notified rule, the annual return, filed by a listed company or, by a company having paid-up capital of Rupees 10 Crore and above or turnover of RS 50 Crore and above, shall be certified by acompany secretary in practice in the prescribed form, stating that the annual return discloses the facts correctly and adequately and that the company has complied with all the provisions of the CA 2013.

It can be noticed from the above that the proposed new requirement will be applicable only to a few companies and for majority of the companies; the certification by practising company secretary (PCS) will not be required.

Moreover, as per Section 204(1), 'Every listed company and a company belonging to other class of companiesas may be prescribed shall annex with its Board's report made in terms of sub-section (3) ofsection 134, a secretarial audit report, given by a company secretary in practice, in such form as may be prescribed'.

As per the relevant rule recently published, for the purpose of Section 204(1), the other class of companies

include every public company having a paid up share capital of RS 50 Crore or more or every public company having a turnover of RS 250 Crore or more.

Thus it can be seen from the above that the so called Secretarial Audit is applicable only to certain Big Public Companies which means majority of the companies (being private companies, despite of its bigger size) will stay out of it.

As per the rule relating to appointment of Key Managerial Personnel (KMP), every listed company and every other public company having a paid up share capital of RS 10 Crore or more shall have whole time KMP. As per Section 2(51) of the CA 2013, KMP means

- (i) the Chief Executive Officer or the managing director or the manager;
- (ii) the company secretary;
- (iii) the whole-time director;
- (iv) the Chief Financial Officer; and
- (v) such other officer as may be prescribed

Section 203 of the CA 2013, mandates appointment of the following KMPs: $\,$

- (i) managing director, or Chief Executive Officer or manager and in their absence, a whole-time director;
- (ii) company secretary; and
- (iii) Chief Financial Officer

As per the old Companies Act,1956, every company whether private or public, having a paid up capital of RS 5 Crore and above, was required to employ awhole time Company Secretary, whereas the CA 2013 mandates appointment of Company Secretary only for listed companies and a few public companies. It may be noted that majority of the companies which are private companies will no more be interested in employing Company Secretaries which will further impact corporate governance. Such companies will now be at liberty to abide various applicable compliances of law, which may now go on toss.

The above provisions highlight just a few instances of changes which must be introduced at the earliest. In my opinion, the time only will answer the question if we are ready for the challenge thrown open by the CA 2013.

*Jagdish is a Mumbai based Company Secretary in Practice.

MCA allows CMAs in Practice among others to pre-certify the E-Forms notified under the Companies Act 2013 and Rules thereunder

GOVERNMENT OF INDIA MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

NEW DELHI, 28th April, 2014.

G.S.R.....(E). - In exercise of the powers conferred by sections 396, 398, 399, 403 and section 404, read with sub-sections (1) and (2) of section 469 of the Companies Act 2013 (18 of 2013), the Central Government hereby makes the following rules to amend the Companies (Registration Offices and Fees) Rules, 2014, namely:-

- 1. (1) These rules may be called the Companies (Registration Offices and Fees) Amendment Rules, 2014.
 - (2) They shall come into force with effect from the 28th day of April, 2014,
- 2. In the Companies (Registration Offices and Fees) Rules, 2014 (herein after referred to as the said rules), in rule 8, after sub-rule (II), following sub-rule shall be inserted, namely:
 - "(I2) (a) The following e-forms filed by companies, other than one person companies and small companies, under sub-rule (1) of rule 9, shall be pre-certified by the Chartered Accountant or the Company Secretary or as the case may be the Cost Accountant, in whole-time practice, namely:

INC-21, INC-22, 1NC-28, PAS-3, SH-7, CHG-1, CHG-4, CHG-9, MGT-14, DIR-6, DIR-12, MR-1, MR-2, MSC-1, MSC-3, MSC-4, GNL-3, ADT-1, NDH-1,NDH-2,NDH-3;

- (b) The following e-forms filed by companies, other than one person companies and small companies, under sub-rule (1) of rule 9, shall be prc-certified in the following manner, namely:-
 - (i) GNL-1 optional pre-certification by the Chartered Accountant or the Company Secretary or as the case may be the Cost Accountant, in whole-time practice;
 - (ii) DPT-3 certification by Auditors of the company;
 - (iii) MGT-10 certification by a Company Secretary in whole-time practice;
 - (iv) AOC-4- certification by a Chartered Accountant in whole-time practice;
- (c) E-form DIR-3 shall be filed along with attestation of photograph, identity proof and proof of residence of the applicant by the Chartered Accountant or the Company Secretary or as the ease may be the Cost Accountant, in whole-time practice.'1
- 3. In the said rules, in rule 9, for sub-rule (3), the following sub-rule shall be substituted, namely:
 - "(1) The Central Government shall set up and maintain a secure centralised electronic registry in which all the applications, financial statement, prospectus, return, register, memorandum, articles, particulars of charges, or any particulars or returns or any other documents under the Act shall be filed and stored electronically."

(Renuka Kumar)

Joint Secretary

[F.No.l/5/2014-CL-V]

RBI Circular - Foreign Direct investment in Limited Liability Partnership

As per RBI Circular No. RBI/2013-14/566, A.P. (DIR Series) Circular No.123 dated 16th April 2014, now Practising Cost Accountant can issue a Valuation Certificate under Foreign Direct Investment (FDI) in Limited Liability Partnership (LLP).

CHAPTER NEWS

AHMEDABAD

- 01/03/2014 CEP Techno Economic Viability Study by CMAAtul Bhatt Chapter has organized CEP on Techno Economic Viability Study on 1st March 2014. CMAAtul Bhatt discussed and interacted with the members.
- 10/03/2014 Investor Awareness Program As per the guideline of MCA and WIRC of ICAI, chapter has organized Investor Awareness Program on 10th March 2014 at Chapter office. Faculty CMA Ashish Bhavsar shared his views about Investor's protection and Investment in Mutual Funds.
- 11/03/2014 Students Felicitation Function Chapter felicitated the students of Foundation, Intermediate complete and Final complete, who were successful in Dec'2013 examinations. The felicitation was done at Haribhai Charitable Trust Auditorium on 11th March 2014. The students were felicitated by Chairman of Ahmedabad Chapter CMA R B Kothari, RCM Prof. S S Shah and other Executive Committee Members. The Program was ended with vote of thank proposed by CMA Ashish Bhavsar Hon. Secretary Ahmedabad Chapter.
- 15/03/2014 CEP Strategic Cost Management CMA P D Modh Chapter has organized CEP on Strategic Cost Management on 15th March'2014. CMA P D Modh explained the various techniques of Cost Management to achieve effective Cost Reduction. Large No. of members attended the program.

Brief of Program dated 24/04/2014 organized by Ahmedabad Chapter

Ahmedabad Chapter has organized Members and Final Students Interaction with CMAS. C. Mohanty, President, ICAI on 24th April'2014 at Chapter office. CMA Ashish Bhavsar gave inaugural speech and CMAR. B. Kothari, Chairman, ICAI Ahmedabad Chapter welcoming CMAS. C. Mohanty, President, ICAI and explain among the members about the activities of Ahmedabad Chapter. CMAS. C. Mohanty, President, ICAI interacted with the members present and shared about the activities of Institute. At last, CMAS. C. Mohanty, President ICAI and CMA Chiranjib Das, Jt.Director (Studies, ICAI) interacted with the final pass students.

BHOPAL

Soft skills training & Group Discussion for Inter Students: Soft skills training of the Inter students was held on 02.03.2014 & 09.03.2014 at Bhopal Chapter of Cost Accountants. Ms. Aruna Shrivastava from Image Institute was the trainer for the above programme. She lucidly explained the oral communication skills, written

communication skills, interview skills etc with the help of mock exercises. Group discussions were also held at the Chapter on 07.03.2014 & 08.03.2014 . CMA Shruti Niladwar, CMA Harsha Sahu, CMA Ajay Singh Tomar & CMA Shamim Akhtar Khan were the jury members who evaluated the performance of the participants.

Seminar on Scope for Cost Accountants in Insurance Sector: A Seminar on "Insurance Sector: Scope for Cost Accountants" at Bhopal Chapter of Cost Accountants on 13.03.2014 in the evening. CMA Prabha Sharma was the key speaker at the Seminar. She highlighted the growth of Insurance Sector over the years and the scope for Cost Accountants in this field. She also mentioned the further potential for growth of insurance business in our economy and the consequential opportunities likely to emerge for the professionals. In the beginning, CMA Biswabandhu Mohapatra, the Secretary of the Chapter delivered the welcome address and briefed about the Seminar.

CMA Shruti Niladwarcompered the programme. CMA Omnath Sharma proposed the vote of thanks.

Seminar on Service Tax & Central Excise: A day long seminar comprising two sessions respectively on "Service Tax: Present & Future perspective" and "Central Excise: Recent Changes & Compliance Procedures" was held at Bhopal Chapter of Cost Accountants on 23.03.2014. In the morning session, CA Nandan Narula was the key speaker who explained the nitty-gritties of Service tax with the help of suitable case studies. In the after noon session on Central excise, CA Sanjeev Kumar Mangal was the key speaker. He explained the compliance procedures under Central excise and various records to be maintained by a manufacturing organisation under excise rules. Both the sessions were highly interactive with active participation of the participants.

On this occasion, the successful students of Inter & Final in the recently declared results were felicitated. CMA Biswabandhu Mohapatra, the Secretary of the Chapter delivered the welcome address and CMA Omnath Sharma proposed the vote of thanks.

INDORE-DEWAS

A CEP Programme was organized by Indore–Dewas Chapter of ICAI on "Advance Computing Technique through VBA" on 19th April'2014 at IDCCA Office, Indore. CMA Dr. Niranjan Shastri (Treasurer & Ex Chairman IDCCA) highlighted the theme of the seminar.

Mr. Parmeshwar Patidar was the resource persons for the seminar. CMA Shailendra Jain delivered vote of Thanks.CMA Vijay P. Joshi (Hon. Secretary WIRC) also was present in seminar.

Seminar was well attended by Members & Industry Delegates.

KOLHAPUR-SANGLI

On 18th March 2014, a CEP of four Credit Hours for members was carried out at Kolhapur-Sangli Chapter of Cost Accountants, Kolhapur. CMA Milind Date of Pune conducted the CEP in a lucid & meaningful manner.

CMA V. P. Wadkar, Chairman of the Chapter introduced CMA Date after being welcomed by CMA B. N. Mule, Vice-Chairman. CMA A. A. Katyare emphasized the importance of IFRS for industry & Cost & Management Accountants. CMA Milind Date explained in detail the important aspects of IFRS and the procedure to implement them. He emphasized that the implementation of IFRS is mandatory for the Indian companies, the implementation would normally affect the company's balance sheet and not the profit & loss account and implementation of many a provisions would require qualified accountants. This being the case it would open a very wide field for practice for the qualified Cost & Management Accountants. Implementation of IFRS in India would begin very soon in the near future.

CMA Milind Date felicitated three Final Pass-out students in the December-2013- Examination. Mr. Soham Anil Kavade (2012 Syllabus) was honoured with special felicitation as he secured the 2nd Rank at the All-India level. The two other students were: Mr. Tejas Chavan & Mr. Parasharam Patil.

Twenty CMAs from Kolhapur-Sangli area attended the CEP. Some twelve students also attended the CEP.

PUNE

CEP held on 5th April 2014 on 'Discussion ED on Cost Accounting Standard on Manufacturing Cost-CAS 22'

The Pune Chapter of WIRC of the Institute of CostAccountants of India organized a CEP on 'Discussion ED on Cost Accounting Standard on Manufacturing Cost-CAS 22' at M.P Pandit Hall PCCA.

CMA Harshad Deshpande (Secretary PCCA) introduced and felicitated the Panel members .The discussion was lead by CMA Sanjay Bhargave (CCM)CMA Amit Apte (CCM) and CMA Neeraj Joshi (Vice Chairman WIRC).

The discussion was very thoughtful and members in large numbers were participated in the discussion. PCCA has noted the comments from the members and consolidated the same. All the consolidated comments will be communicated to the HO within time frame.

CEP on "Energy Audit on 26th April 2014

The Pune Chapter of WIRC of the Institute of Cost Accountants of India organised a CEP on 'Energy Audit' M.P Pandit Hall PCCA. CMA Chaitanya Mohrir (Chairman P. D. Committee) introduced and felicitated the speaker CMA Deepak Gokhale.

CMA Deepak Gokhale explained the need of Energy Audit and explained mechanism of Energy Audit. CEP was very interactive and all the members were actively participated.

CEP REPORT

WIRC organized CEP on Discussion on Exposure Draft CAS - 22" at Borivli SMF Centre on 5th April, at M.L. Dahanukar College on 11th April, and at V.N. Bedekar Institute of Management Studies, Thane on 12th April 2014.

CMA Vaibhav Joshi, CMA Ashish Thatte, Chairman WIRC and CMA S.G. Narsimhan lead the discussion respectively for the above centre.

Large number of members participated in the programme.

CAMPUS PLACEMENT

Campus Placement Programme for recently qualified CMAs was held at Mumbai on 26th April 2014, at Shah Institute of Management, Ghatkopar.

WIRC has arranged a Pre Campus Training Programme - to equip students for Campus on 18th, 19th, 24th & 25th April 2014 at Mumbai at Shah Institute of Management & Research, Ghatkopar.

Mr. Gurumeet Singh & Prof. Aparna Rao were the speakers for the sessions. Around 150 students participated in the Training Programme and benefited from the same. CAM Ashish Thatte, Chairman WIRC motivated the students during the training programme and as well as on the day of the Campus.

ITC Ltd., Polygel Industries Ltd and WIPRO were the Companies participated in Campus. ITC Selected 3, WIPRO Selected 22 and Ploygel shortlisted 15 candidates.



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CA Nandan Narula delivering lecture at the Seminar on Service tax at Bhopal on 23 3 2014

CMA Parbha Sharma being welcomed by CMA Sanjay Kasliwal at the Seminar on Insurance held at Bhopal on 13.03.2014.





Prof. Parmeshwar Patida and CMA Dr. Niranjan Shastri (Treasurer& Ex Chairman IDCCA) during CEP organized by Indore Dewas Chapter on 19th April 2014.

CMAs Amit Apte, Sanjay Bhargave, Neeraj Joshi and Harshad Deshpande during CEP organized by Pune Chapter on 5/4/2014





CMA Deepak Gokhale interacting with participants during CEP on Energy Audit organized by Pune Chapter on 26/4/2014.





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