

**THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA**

(Set up by an Act of Parliament)

**BHUBANESWAR BRANCH (EIRC)**



# **e-News Letter**

**MARCH - 2021**

ICAI BHAWAN, PLOT NO- A/122/1  
NAYAPALLI, BHUBANESWAR – 751 012



## From Chairman's Desk

Dear Professional Colleagues,  
Greetings

I thank all the Managing Committee Members, Regional Council Members, Central Council Members, Past Chairman and Professional Colleagues of my city for showing their faith in me.

With the advent of Corona the greatest pandemic the world has seen. Life has taken a new perceptiveness, the way things have evolved. People have turned up to technology to socialize, interact to update themselves in these tough times.

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This time we at branch have always tried virtually to bring fruitful learning sessions with eminent faculties to foster the learning habits of our members. With the passage of time, we at branch would now like to bring more and more interactive events with physical presence along with virtual events for our members. But at the same time we need to be cautious and keep the Covid guidelines of local, state and central authorities in mind.

In the growth of the Indian economy, the Chartered Accountants have continued to play a stellar role. Strong bedrock of professional expertise integrated with professional ethics has kept the brand Indian CA flag high. The alphabet CA is an embodiment of trust and integrity and CA professionals continue to be the navigators for enhanced financial governance of their times.

As regards Branch Activity front, I am glad to see the response of Members during CSR Projects and CPE Seminars in the month of January & February. We had lined up Half Day Seminar, One Day Seminars, Certificate Courses, Peer Review Training Programme etc. We are also planning for Covid Vaccination Camp, Health Check up Camp Eye Screening Camp, Blood Donation Camp etc. in Virtual as well as physical mode.

Our branch is releasing e-News letter every month. To make the e-newsletter effective and informative, I request you to send/share Articles and relevant information for the readers at large.

I would also request all our members to participate, come together and derive maximum benefit out of the programmes conducted by our branch. Any type of suggestions, grievances, participation is always welcome from all our members.

Thank you!

With Warm Regards

CA. Bisworanjan Sutar  
Chairman

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### Editorial Board

**Editor-in-Chief:**

**CA Bisworanjan Sutar**

**Editors:**

**CA Ranjan Kumar Prusty**

**Members:**

**CA Goutam Lenka**

**CA Janhabi Deo**

**CA Pradip Kumar Sahoo**

**CA Bibhu Prasad Mohapatra**

**CA Sugyan Kumar Sahoo**

### **RELEASED BY:**

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Views expressed / advertisement published in the Newsletter are those of the contributors and do not necessarily represent the views of the Institute of Chartered Accountants of India and the Branch is not responsible for the same.



*MANAGING COMMITTEE MEMBERS  
OF BHUBANESWAR BRANCH OF EIRC OF ICAI (2021-22)*



CA. Bisworanjan Sutar  
Chairman



CA. Ranjan Kumar Prusty  
Vice Chairman



CA. Janhabi Deo  
Secretary



CA. Goutam Lenka  
Treasurer



CA. Pradip Kumar Sahoo  
Chairman, EICASA, Bhubaneswar



CA. Bibhu Prasad Mohapatra  
Member



CA. Sugyan Kumar Sahoo  
Member



## RERA – BACKGROUND, JOURNEY, CHANGE IN PRACTICES POST RERA AND PROMINENCE OF CHARTERED ACCOUNTANT UNDER THE ACT

The real estate sector plays a catalytic role in fulfilling the need and demand for housing and infrastructure in the country. While this sector has grown significantly in recent decades, prior to RERA, it has been largely unregulated, with absence of professionalism, accountability, transparency and standardisation apart from lack of adequate consumer protection. Though the Consumer Protection Act, 1986 is available as a forum to the buyers in the real estate market, the recourse is only curative and is not adequate to address all the concerns of buyers and promoters in that sector. The lack of standardisation has been a constraint to the healthy and orderly growth of Real Estate industry. Therefore, the need for regulating the sector has been emphasised in various forums.

The RERA (The Real Estate (Regulation and Development) Act 2016) aims to safeguard and provide effective consumer protection, uniformity and standardization of business practices and transactions in the Real Estate Sector. The Act provides for establishment of Real Estate Regulatory Authority for **regulation and promotion** of real estate sector and to ensure sale of plot, apartment or building, as the case may be, in an efficient and transparent manner and to protect the interest of consumers in real estate sector and establish the Real Estate Appellate Tribunal to hear appeals from the decisions, directions or orders of the Authority.

RERA Act will ensure greater accountability towards consumers, and significantly reduce deviations and delays as also the current high transaction costs. It attempts to balance the interests of consumers and promoters by imposing certain responsibilities on both. It seeks to establish symmetry of information between the promoter and purchaser, transparency of contractual conditions, set minimum standards of accountability and a Fast track dispute resolution mechanism. The Act will induct professionalism and standardisation in the sector, thus ***paving the way for accelerated growth and investments in the long run.***

The bill got approval of the Rajya Sabha on 10 March 2016 and by the Lok Sabha on 15 March 2016 and by Act 16 of 2016 dt: 26/03/2016, The Real Estate (Regulation & Development) Act 2016 came into force with effect from 01/05/2016 and 69 out of 92 sections viz., Section 2, Sections 20 to 39, Sections

41 to 58, Sections 71 to 78 & Sections 81 to 92, came into force from 01/05/2016. The remaining sections have come into force on 01/05/2017.

The Act has an inbuilt mechanism to Regulate and Develop the Real Estate Industry. Under sec 20 of the Act, the state is responsible to appoint the Real Estate Regulatory Authority and overlook the functions as per the Act. The central government closely monitors the implementation and functioning thereon through the Central Advisory Council established under Sec 40 of the Act.

The summary of status of implementation across India is as follows (source – MoUHA)

1. 34 States/UTs have notified rules under RERA; One North Eastern State (Nagaland) is under process to notify the rules. West Bengal has enacted its own legislation, which has been challenged before the Supreme Court and MoHUA has filed its affidavit to annul it.
2. 30 States/UTs have set up Real Estate Regulatory Authorities (Regular - 25, Interim- 05). Jammu & Kashmir, Ladakh, Meghalaya and Sikkim have notified the rules while yet to establish Authority.
3. 26 States/UTs have set up Real Estate Appellate Tribunal (Regular -18, Interim – 08). (Arunachal Pradesh, Assam, Himachal Pradesh, Jammu & Kashmir, Ladakh, Meghalaya, Mizoram and Sikkim are under process to establish).
4. Regulatory Authorities of 26 States/UTs have operationalized their websites under the provisions of RERA. (Arunachal Pradesh, Assam, Manipur, Puducherry are under process to operationalize).



5. 58,795 Real Estate Projects and 45,723 Real Estate Agents have registered under RERA across the country.
6. 59,649 Complaints have been disposed-off by the Real Estate Regulatory Authorities across the country.

Accordingly, Karnataka State government has enacted the Karnataka Real Estate (Regulation and Development) Rules 2017 on 11<sup>th</sup> July 2017 and appointed the Real Estate Regulatory Authority to start functioning as per the Act and Rules.

The RERA Act mandates the registration of every real estate project in accordance with Sec 3. Karnataka state is in 3<sup>rd</sup> position (After Maharashtra and Gujarat) in terms of number of project registrations.

Few notable points under the Act –

1. The Act has a mention of various provisions / regulations in respects of Real Estate Business in terms of launch, advertisement, marketing, registration, financial management, schedule of development, quality, specifications, redressal mechanism, completion and handing over the project to the Association. Aims to bring standardisation in the Industry apart from responsibility and transparency.



2. The Act has an inbuilt mechanism and cast the obligation on promoters (Sec 11) and allottees (Sec 19) in the project.

3. The Authority has a mandate to publish various details of all projects on the website (K Rule 15), which is available for view by allottees and all stakeholders (public, investors, bankers, lenders, statutory departments etc). It is important to know that most of the RERA Authorities have mandatorily implemented online processes of communication, submission of documents, registration, updates, extension etc, eliminating the process of physical interaction and human intervention.
4. The entire lifecycle for the project information is available online. From the registration (inception) of the real estate project, updates during the development, extension, modification, till completion, handing over to association etc.,

Project Registration	Post Registration	Quarterly Updates	Annual Audit	Modification / Amendments (If any)	Extension of registration	Completion, handing over to association
Inception	During the development					Completion

5. The Act has given much importance and involved the professionals like Engineer, Architect and Chartered Accountants to issue certificates to certify the progress of development of work, cost incurred and amount eligible to withdraw from the Project Designated Bank Account.



6. As we are all aware that this industry had a freedom to carry out the business and use of the funds collected from the customers etc without any restrictions etc. Few of the objectives of the Act include financial discipline, timely completion of the development of the project etc.,
7. Chartered Accountants (CA) play a vital role under the Act. Wherein certificate from CA is mandatory to withdraw the money from the project Bank Designated Account and to certify that the money is utilized for the purpose of same project development



8. The Authorities have notified the various circulars, notifications, directions and certificate formats for professionals including for CA's and available at the website of the Authorities.
9. Apart from issuance of Certificate for withdrawal of funds, the promoter shall obtain and file the Audited Accounts annually (for each project) duly certified by a CA holding COP.
10. Under sec 56 of the Act, CA's can appear before the Adjudication officer, RERA Tribunal as a legal representative.
11. The table mentioned below shows the various mandatory practices to be followed POST RERA Implementation.

SI No	Post RERA Practices
1	Prior Registration of Real estate project is mandatory
2	Details of registration granted by RERA – Number/ types of apartments or plots booked, approvals granted, NOC's, the status of the project etc
3	Sanctioned plan, layout plan, stage-wise schedule of completion of the project including the provisions for civic infrastructures like water, sanitation and electricity
4	RERA Registration Number shall be displayed on Project Site
5	Responsible for obtaining leasehold certificate, commencement and completion/ occupancy certificate / completion certificates for all projects
6	Shall provide Estimated Cost of the Project while application for registration
7	Landowner and Developer both are responsible under the Act as Promoter
8	RERA Financial management under the Act is mandatory since inception to completion
9	70 % amount realised from the allottees shall be deposited into RERA Designated Project Bank Account
10	Amount shall be withdrawn based on % of completion of development work.

SI No	Post RERA Practices
11	Withdrawal of money shall be supported by Arc, Engand CA certificates certifying the % of completion of development work
12	RERA Annual Audit Due date is 30th Sep of every year (6 months from the end of financial year) – Applicable to all projects since inception to completion.
13	RERA Audit report shall be uploaded along with quarterly updates
14	Quarterly Updates due date - 15 days from the end of the quarter
15	Any modification in the plan shall require Sec 14 Compliance
16	Change of promoter / transfer of rights requires Sec 15 compliance
17	2/3 <sup>rd</sup> Consent of Allottees required for modification of plan or change of promoter
18	Extension application for End Date for development in case of delay in completion.
19	File application for extension 3 months before End Date
20	All Compliances shall be in place (Quarterly updates, Annual Audit etc to seek for extension)
21	Extension of Registration in accordance with Sec 6
22	Revocation of Registration of Project by authority as per Sec 7
23	Display of defaulter list and inform to all other states about such defaulter
24	Formation of Allottees Association once major bookings are to be done as per Sec 11
25	Responsible for compensation for loss or damage caused due to incorrect/ false statement made in prospectus or notice of advertisement or in relation to the model apartment, plot or building – Sec 12
26	Communication to Allottees from time to time



SI No	Post RERA Practices	SI No	Post RERA Practices
27	Mention of schedule of development of the project	43	Execute a registered conveyance deed of the apartment, plot or building within 3 months from the date of issue of occupancy certificate
28	Mention the Carpet Area in all documents(marketing, offer documents, agreement, sale deedetc)	44	Providing and maintaining essential services until takeover of the maintenance by the Association of allottees
29	Car Park cannot be sold (only exclusive use of private residence of the project)	45	Handing over of the common areas, project land to the Association of Allottees as per Sec 17 of the Act -
30	No Escalation of price once the agreement is entered with the allottees	46	Penalties for noncompliance are based on % of Estimate Cost of the Project Sec 59 to Sec 68 of the Act
31	Defect Liability is for 5 years - consider in Costing of attending such defect as part of the cost of the project.	47	Proper clauses in Joint Development Agreement in terms of roles and responsibilities, mandatory deposit of landowner share of realization of money from the allottees into the project designated bank account, restrictions on withdrawal and utilisation for the development of project and all other compliances under RERA shall be deliberated and mentioned.
32	Title Defect - Lifetime warranty	48	Construction insurance and Title Insurance is mandatory for the Project
33	Appointment of RERA Registered Agent only to promote / market the project	49	Same Rate of interest as compensation (maximum of SBI MCLR + 2%) in case of delay by promoter for completion or delay of payment of installment by allottees.
34	Periodical training of Agents / Channel partners	50	Speedy dispute redressal mechanism and timely disposal of complaints under the Act.
35	Filing of completion application once receipt of OC and all obligations as per AFS is delivered		
36	No change is permitted without prior permission of Authority - 70 % Bank Account etc		
37	promoter cannot collect more than 10 % of Unit value without entering into Agreement of Sale with the allottees		
38	Agreement of Sale shall be registered		
39	Follow Agreement of sale (mandatory) format as notified by RERA – Rule 8A		
40	Cash collection is not permitted as per Agreement for Sale		
41	After executing an agreement for sale, not to mortgage or create a charge on the apartment, plot or building		
42	Cancellation of allotment only in terms of the agreement for sale		

Important for the professionals (Architects, Engineers and Chartered Accountants) to understand the various provisions of the Act, Rules, circular, notification, judicial pronouncements etc before advice the promoters / clients. The certificates issued by these professionals are available online or RTI for the stakeholders to access and make use of the information. Hence appropriate checks and balances to be implemented while issuance of these certificates



## Programme to be held during April, 2021

### a. Members

1. Seminar on Bank Audit (VCM) on 2<sup>nd</sup> April, 2021.
2. SLCC meeting on 23<sup>rd</sup> April, 2021.
3. Seminar on Direct Tax on 28<sup>th</sup> April, 2021.

### b. Students

1. AICITSS- Advanced Information Technology
2. ICITSS- Information Technology.
3. ICITSS- Orientation Course
4. Costing Revision class on 20<sup>th</sup> , 21<sup>st</sup> and 22<sup>nd</sup> April, 2021.
5. EICASA Election on 29<sup>th</sup> April, 2021.





## Glimpses



Seminar on Union Budget 2021-22



Two Days Residential Workshop



Saraswati Puja



Seminar on Direct Taxes



Media Coverage

ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ

ଭୁବନେଶ୍ୱର, ୧୧.୩.୨୧ (ମହାନଗର): ଇଂଲଣ୍ଡରୁ ଫେରି ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହି ସମ୍ମିଳନୀ ଛାତ୍ରମାନଙ୍କୁ ଆଇସିଏଆଇ ପକ୍ଷରୁ ପ୍ରାଥମିକ ସମ୍ବେଦନା ପ୍ରଦାନ କରିବା ପାଇଁ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।



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ଭୁବନେଶ୍ୱର, ୧୧/୩/୨୦୨୧: ଇଂଲଣ୍ଡରୁ ଫେରି ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହି ସମ୍ମିଳନୀ ଛାତ୍ରମାନଙ୍କୁ ଆଇସିଏଆଇ ପକ୍ଷରୁ ପ୍ରାଥମିକ ସମ୍ବେଦନା ପ୍ରଦାନ କରିବା ପାଇଁ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

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ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ



ଭୁବନେଶ୍ୱର (ଦୁଇଭା): ଇଂଲଣ୍ଡରୁ ଫେରି ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହି ସମ୍ମିଳନୀ ଛାତ୍ରମାନଙ୍କୁ ଆଇସିଏଆଇ ପକ୍ଷରୁ ପ୍ରାଥମିକ ସମ୍ବେଦନା ପ୍ରଦାନ କରିବା ପାଇଁ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

2-day CA Students' Conference organised

Two-day CA Students' Conference 2021 was organised on the theme 'Aptitude, Attitude, Altruism' by the Bhubaneswar Branch of The Institute of Chartered Accountants of India. It was inaugurated by Charitration CEO College, Govt of Odisha Alakh Das Nayak.



technical sessions on topics related to Company Law, Income Tax, opportunities abroad, accounting standard, GST and auditing standard. At the valedictory session, State Minister of Electronics & Information Technology Tunbarhanti Behera, State Advisor-cum-Working President, ICAI, and Past Chairman, ICAI, Bhubaneswar Branch Dr Bipin Kumar Sahoo served as guests of honour. The conference was attended by over 200 students from across the State.

ଆଇସିଏଆଇ ପକ୍ଷରୁ 'ଛାତ୍ର ସମ୍ମିଳନୀ'



ଭୁବନେଶ୍ୱର, ୧୧.୩.୨୧: ଇଂଲଣ୍ଡରୁ ଫେରି ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହି ସମ୍ମିଳନୀ ଛାତ୍ରମାନଙ୍କୁ ଆଇସିଏଆଇ ପକ୍ଷରୁ ପ୍ରାଥମିକ ସମ୍ବେଦନା ପ୍ରଦାନ କରିବା ପାଇଁ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

ଆଇସିଏଆଇ ପକ୍ଷରୁ ଛାତ୍ର ସମ୍ମିଳନୀ-୨୦୨୧ ଆୟୋଜନ କରାଯାଇଛି। ଏହାର ଆର୍ଥିକ ସମ୍ପାଦନା ଆଇସିଏଆଇ ପକ୍ଷରୁ ହେବ।

