

permitted to be deposited, without prejudice to the rights, liabilities and contentions of the parties. Mr. Sutaria further submitted that the balance amount of about Rs.3,83,00,000/- was deposited by the appellant directly in the account of the builder i.e. Neminath Developers. He relied on the details of payments made, which are from pages 9 to 11 of the appeal. He further submits that an amount of Rs.9,00,000/- in addition to Rs.4,83,00,000/- was paid by cheque to Neminath Developers, by the appellant at the time of the agreement.

3. The said amount of Rs.9,00,000/- is disputed by the learned counsel for the respondent No.3 – Jayesh Ramniklal Dedhia. As far as the amount of Rs.4,83,00,000/- is concerned, the learned counsel for the respondent No.3 submits that the said amount was paid by the appellant directly in the respondent No.3's account, without his knowledge. He further submits that when the respondent No.3 learnt of the said deposit, he immediately pointed out the same to the Court, pursuant to which, the said amounts were transferred to the corpus of the Economic Offence Wing, Mumbai ('E.O.W').

Learned Counsel for the respondent No.3 has tendered a short affidavit-in-reply on behalf of the said respondent. The same is taken on record.

4. Learned APP, on instructions of API – Ramesh Andher, Economic Offence Wing, Unit – 8, Mumbai, who is present in Court, does not dispute the fact, that a total amount of Rs.4,83,00,000/- is presently in the corpus of E.O.W.

5. The aforesaid appeal has been filed by the appellant seeking for quashing and setting aside of the impugned order dated 11th April 2022, passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Mumbai, below Miscellaneous Application No.1447 of 2021 in MPID Special Case No.1227 of 2021, by which, the learned Judge was pleased to dismiss the appellant's application seeking permission to deposit the balance sale consideration of the properties, pursuant to the Deed of Conveyance dated 18th February 2021 and for setting aside the order of attachment of the said

properties. Since we were not inclined to entertain the appeal, learned counsel for the appellant sought leave to withdraw the appeal. He, however, seeks liberty to file an appropriate application before the learned Judge for withdrawal of the amount deposited by him in the account of Neminath Developers, which was subsequently transferred to the corpus of the E.O.W i.e. State Bank of India, Mandvi, Mumbai, Account No.40010755521.

6. Considering the aforesaid, the appeal is accordingly dismissed as withdrawn with liberty as prayed.

7. If an application for withdrawal of an amount of Rs.4,83,00,000/- is filed, the learned Judge to consider the said application, expeditiously, on its own merits, in accordance with law.

8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.

Corrected Vide Order dated 29th August 2022