

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 895 OF 2022**  
[withdrawal of amt.]  
**IN**  
**APPEAL NO. AT006000000010832 OF 2018**

M/s. Epitome Residency Pvt. Ltd.

... Applicant

-VS-

Mr. Bhuvanesh Shriastava & Anr.

... Non-applicants

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*None for Applicant.*

*Mr. Mangesh J. Nalavade, Advocate for Non-applicant Nos.1 and 2.*

*Mr. Tejas S. Mahamuni, Advocate for Non-applicant No.3.*

*None for Non-applicant No.4.*

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**CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 29<sup>th</sup> FEBRUARY, 2024**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Non-applicant Nos.1 and 2 submits that Applicant company/promoter is at present under the liquidation proceeding before the NCLT and vehemently opposed the Misc. Application No.895/2022 for withdrawal of the pre-deposited amount by the developer based on the consent terms dated 31.03.2021.

3] Applicant is absent despite giving several notices.





4] Perused record. Applicant is absent continuously since 24.07.2023, 25.08.2023, 13.10.2023 and 05.01.2024 and is also absent today.

5] Last opportunity was also provided vide order of this tribunal dated 05.01.2024 for the Applicant to present, failing which matter will proceed for an appropriate order.

6] Applicant seems to have no interest to proceed on the matter. Accordingly captioned Misc. Application No.895/2022 stands disposed of as dismissed.

7] No costs.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)