

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO. 1237 OF 2025

WITH

INTERIM APPLICATION NO. 3701 OF 2024

Tata Captial Financial Services Ltd. ...Applicant

Versus

Chandrashekar Bheemagani ...Respondent

Adv. Bijal Gogri, i/b O M Gujar Law Chambers, for the Applicant.

CORAM : ADVAIT M. SETHNA, J.

DATE : 21st AUGUST 2026

P.C.:

1. Not on board. Taken on board in terms of the praecipe dated 21 August 2026.
2. Heard Ms. Gogri, learned counsel for the Applicant in the proceedings. From the record, it appears that the proceedings are covered by the judgment of the Supreme Court in the case of ***Bhadra International (India) Pvt. Ltd. and Others v. Airport Authority of India***, Civil Appeal Nos. 37-38 of 2026. The Supreme Court has held therein that an arbitral award can be set aside as being void ab initio on the ground that the arbitrator was unilaterally appointed.
3. According to the Supreme Court, a decree passed by a Court without jurisdiction goes to the root of the matter. Any decision passed by a Court lacking jurisdiction would be *coram non judice*, since a Court

cannot confer jurisdiction upon itself. No act of the parties can cure an inherent lack of jurisdiction. In view thereof, all the proceedings, including the execution proceedings, are rendered non est. The issue therefore is no longer *res integra*.

4. In light of the above, learned counsel for the Applicant seeks leave to withdraw the present Applications.

5. Leave is granted accordingly to withdraw the said proceedings.

6. However, it would be open to the parties to initiate fresh arbitration proceedings, if necessary, in accordance with law.

7. As far as the issue of limitation is concerned, the period commencing from the date of invocation of arbitration until the date of this order shall stand excluded, in the event fresh proceedings are initiated by the parties.

8. With the above observations and directions, the Application stand Disposed of as withdrawn.

9. Consequently, the Interim Applications, if any, also stand Disposed of accordingly.

[ADVAIT M. SETHNA, J.]