

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.784 OF 2024

United Trading Co. & Ors.	...Petitioners
Versus	
Aditya Birla Finance Limited	...Respondent

Ms. Shyamli Hajela *i/b. M/s. H and M Legal Associates, Advocate for Petitioner.*

Mr. Vishal Maheshwari *a/w. Ms. Shrishty Punjabi & Mr. Mihir Beradia i/b. VM Legal, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 10, 2025

P.C :

1. Learned Counsel for the Petitioners submits that the Award impugned under Section 34 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) is evidently a product of unilateral appointment of Arbitrator. Learned Counsel for the Respondent confirms that the arbitrator had been unilaterally appointed.

2. In this view of the matter and in view of the law declared by the Supreme Court, the Learned Counsel jointly submit that the Impugned Award is not sustainable. Consequently, at the threshold, the Petition is allowed, without meaning to comment on the merits of the matter in connection with the disputes between the parties. The parties are at

liberty to take appropriate steps in view of this outcome as advised. In these circumstances, the Impugned Award is set aside.

3. The Petition is finally disposed of in the aforesaid terms.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]