

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

**SERIAL NOS. 903, 906, 913, 916, 922, 923, 927, 928, 937, 940, 942
TO 997, 999, 1011 to 1034, 1036 to 1052, 1054 TO 1065, 1068 TO
1070, 1074 TO 1090, 1092 TO 1094, 1098, 1100, 1101, 1103, 1105
TO 1113, 1115 TO 1151**

Ms. Bijal Gogri i/b O. M. Gujar Law Chambers for the Applicant in Sr. Nos. 928, 940, 943, 944, 966, 967, 975, 983, 991, 992, 994, 997, 1003, 1004, 1028, 1037 to 1040, 1042, 1047 to 1051, 1054, 1055, 1062 to 1065, 1069 to 1071, 1074 to 1090, 1106, 1129 to 1132, 1134, 1139 to 1148.

Mr. Merlin Sam i/b. P D. Jain & Co. for the Applicant in Sr. Nos. 1120, 1057 and 1118.

Ms. Reet Jain i/b. S.I. Joshi for the Applicant in Sr. nos. 905 to 907, 913, 916, 929, 931 and 933.

Mr. Narayan R. Awate a/w. Ms. Seema Phadatare for the Applicant in Sr. nos. 937, 938, 950, 968 to 974, 986, 987, 999, 1043, 1058, 1059, 1107 and 1108.

Mr. Pushkal Mishral a/w. Mr. Rakesh Singh i/b. LPJ Partners for the Applicant in Sr. No. 956.

**CORAM : ABHAY AHUJA, J.
DATE : 6th MAY, 2026**

PC:-

1. All these matters have been listed in view of the decision of the Hon'ble Supreme Court in the case of *Bhadra International (India) Pvt. Ltd. and Others vs. Airports Authority of India*¹ where the Hon'ble Supreme Court has observed that unilateral appointment of arbitrator is void ab initio and the ineligibility can be raised at any stage and even in execution.

¹ 2026 SCC Online SC 7

2. Since in all these matters it has been found by the office of the Prothonotary & Senior Master of this Court that the appointment of the sole arbitrator has been unilateral, in view of the above decision of the Hon'ble Supreme Court, the respective arbitral awards stand set aside and the Commercial Execution Applications / Execution Applications, and the connected Interim Applications as well as the Chamber Summons, if any, accordingly stand dismissed / disposed.

3. It would be open to the parties to initiate fresh arbitration proceedings in accordance with law.

4. As far as limitation is concerned, the period from the invocation of the arbitration till today be excluded in initiating fresh arbitration proceedings.

5. Liberty to apply in the event there exists an express agreement in writing in terms of proviso to Section 12(5) of the Arbitration and Conciliation Act, 1996 (the "said Act") waiving the ineligibility of the sole arbitrator or the right to object under Section 12(5) of the said Act.

(ABHAY AHUJA, J.)

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