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

NOTICE NO. 289 OF 2025
IN
EXECUTION APPLICATION NO. 146 OF 2022

ANAND SUDHAKAR SUDAME

Digitally signed by ANAND SUDHAKAR SUDAME
Date: 2026.02.09 17:53:00 +0530

HDB Financial Services Limited ..Claimant

Versus

Raju Kishan Darade ..Respondent

Mr. Shariq Shaikh i/b. SG Legal and Associates, Advocate, for the Claimant

CORAM : RAJESH S. PATIL, J.

DATE : 06.02.2026

P. C.

1) Mr. Shaikh, learned counsel appearing for the claimant submits that the execution proceedings arise out of an Arbitral Award, where the Arbitrator's appointment was unilateral. Hence, he on instructions of his client seeks leave to withdraw the present execution application, with liberty to initiate fresh arbitration proceedings.

2) I have taken a view in the judgment of **L & T Finance Ltd. vs. Sangeeta Bhansali & Anr. in Commercial Execution Application (L) No. 5277 of 2022,** considering the latest judgment of the Supreme Court decided on 5 January, 2026, in the matter of ***Bhadra International (India) Pvt. Ltd. and others vs. Airport Authority of India,*** **Civil Appeal No. 37-38 of 2026,** wherein it has been held that even at the stage of

execution, an arbitral award can be set aside being *void-ab-initio* on the grounds that the appointment of the arbitrator was unilateral.

3) Leave and liberty as prayed for, is granted.

3.1) The Arbitral Award dated 28.10.2017 which is subject matter of the present proceedings is hereby declared to be non-est in law, non-executable and *void-ab-initio*.

4) **Execution Application** along with **Notice** stands **disposed of** as withdrawn.

5) In sequel, **the Interim Applications,** if any, also stand **disposed of.**

6) It shall be open for the parties to initiate fresh arbitration proceedings in accordance with law.

7) As far as limitation is concerned, the period from the invocation of the arbitration till today shall stand excluded for the purpose of initiating fresh arbitration proceedings.

(RAJESH S. PATIL, J.)