

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

NOTICE NO. 329 OF 2025  
IN  
EXECUTION APPLICATION NO. 525 OF 2022

ANAND  
SUDHAKAR  
SUDAME

Neo Growth Credit Pvt. Ltd.

..Claimant

Versus

KLB Marketing (Merchant) & anr.

..Respondents

Mr. Mohan Raut i/b. Mr. Vishal Narkar, Advocates, for the Applicant

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME

CORAM : RAJESH S. PATIL, J.

DATE : 03.02.2026

Date:  
2026.02.04  
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- 1) Mr. Raut, 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 06.06.2018 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4) **Execution Application** along with **Notice** stand **disposed of** as withdrawn.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.)