



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

26 N/393/2025

In

EXA/613/2022

HDB FINANCIAL SERVICES LIMITED

VS

AJAY ENTERPRISES AND 3 ORS

27 N/394/2025

In

EXA/615/2022

HDB FINACIAL SERVICES LTD.

VS

ORANGE FAMILY SALOON AND SPA AND 2 ORS.

28 N/397/2025

In

EXA/617/2022

HDB FINANCIAL SERVICE LIMITED

VS

K. K. LUGGAGE AND 2 ORS

WITH

29 N/398/2025

In

EXA/616/2022

HDB FINANCIAL SERVICES LIMITED

VS

KRISHNA KALA AND 2 ORS

WITH

30 N/399/2025

In

EXA/618/2022

**HDB FINANCIAL SERVICES LTD.
VS
S M CARGO SOLUTION PVT. LTD. AND 3 ORS**

Adv. Shariq Shaikh i/b. S G Legal and Associates for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 13 FEBRUARY 2026.

P.C. :

1) Learned counsel appearing for the applicant submits that he does not have any instructions in the present proceedings.

2) From the proceedings, it can be gathered that the learned arbitrator was appointed unilaterally by the claimants.

3) 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 ground that the appointment of the arbitrator was unilateral.

4) In view of the aforesaid judgment, the awards in the

present proceedings passed by the learned arbitrator are hereby declared to be non-est in law, non-executable and *void-ab-initio*.

5) **Execution Applications** stand **dismissed**.

6) In sequel, the **Notices** and **the Interim Applications**, if any, also stand **disposed of**.

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

8) 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.)