

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

**INTERIM APPLICATION NO. 1955 OF 2022
IN
COMMERCIAL EXECUTION APPLICATION NO. 152 OF 2025**

L AND T FINANCE LTD.)... APPLICANT

V/s.

PRANAV SHRIGOPAL KABRA AND ANOTHER)... RESPONDENTS

**WITH
SHOW CAUSE NOTICE (L) NO. 28049 OF 2024**

**IN
INTERIM APPLICATION NO. 1955 OF 2022**

AND

**INTERIM APPLICATION (L) NO. 12460 OF 2026
IN
COMMERCIAL EXECUTION APPLICATION NO. 152 OF 2025**

Ms.Disha Karambar, Advocate for the Applicant.

Mr.Kuldeep Patil a/w. Mr.Kiran Shetty i/by Quad Legal India, Advocate
for the Respondents no.1 and 2.

Mr.Pranav G. Kabra, Respondent No.1 and Mrs.Gulshan P. Kabra,
Respondent no.2, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 27th APRIL 2026

PC. :

1. This matter was kept back in the morning session as the learned
Counsel appearing for the Respondents had sought some time to verify
whether the appointment of arbitrator in respect of the award under

execution was unilateral or not as it could not be found out from the award dated 12th March 2019, which is part of the execution proceedings.

2. When the matter is called out in the afternoon session, Ms.Disha Karambar, learned Counsel, appears for the Execution Applicant and fairly submits that the appointment of the arbitrator in the proceedings related to the award under execution was indeed unilateral and that 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, this Court may pass appropriate orders.

3. Mr.Kuldeep Patil, learned Counsel appearing for the Respondents had submitted in the morning session that the Interim Application seeking cancellation of the non-bailable warrant issued against the Respondents has been filed and that this Court may 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 (supra)* not only set aside the award but also dismiss the arbitration proceedings thereby cancelling the non-bailable warrant issued against the Respondents.

1 2026 SCC Online SC 7

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the decision of the Hon'ble Supreme Court in the case of *Bhadra International (India) Pvt. Ltd. and Others vs. Airports Authority of India (supra)* where it has been clearly observed that unilateral appointment of arbitrator is *void ab initio* and the ineligibility can be raised at any stage and even in execution, the award dated 12th March 2019 is set aside and the Execution Application as well as the connected Interim Application stand dismissed.

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

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

7. In view of the aforesaid, the non-bailable warrant issued by this Court stands cancelled.

8. The Interim Application (L) No.12460 of 2026 stands disposed as above.

(ABHAY AHUJA, J.)