IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

73 N/638/2025
In
EXA/2176/2022

KOTAK MAHINDRA PRIME LTD.
VS
SANTOSH KARUNAKARAN NAIR

WITH

74 N/640/2025
In
EXA/2177/2022

KOTAK MAHINDRA PRIME LTD.
VS
ASHRAF KHAN

WITH

75 N/656/2025
In
EXA/1337/2022

AU SMALL FINANCE BANK LTD.
VS
PRASHANT TOURS AND TRAVELS PRO-PRASHANT SHEJWAL AND 2 ORS.

WITH

76 N/667/2025
In
EXA/1271/2022

INDIA INFOLINE FINANCE LTD.
VS
SUWARATH VISHWANATH RAJBHAR (BORROWER) AND 2 ORS

None Present.

CORAM : RAJESH S. PATIL, J.

DATE : 5th FEBRUARY, 2026

P.C. :-

1) These Notices are filed under the provisions of Order XXI, Rule 22 of the Code of Civil Procedure, in the year 2025.

2) None appears for the applicant when the matters are called out.

3) From the proceedings, it can be gathered that the appointment of the sole arbitrator was unilateral.

4) 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.

5) In view of the aforesaid judgment, the arbitral award in the present proceeding passed by the sole arbitrator is hereby declared to be non-est in law, non-executable and *void-ab-initio*.

6) **Execution Applications** stand **dismissed**.

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

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

9) 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.)