

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

PC. :-

- 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.)