

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

NOTICE NO. 715 OF 2025

IN

EXECUTION APPLICATION NO. 2436 OF 2022

ANAND
SUDHAKAR
SUDAME

HDB Financial Services Limited

..Claimant

Versus

New Western Highway Tyre & anr.

..Respondents

Digitally signed by
ANAND
SUDHAKAR
SUDAME

Mr. Shariq Shaikh i/b. SG Legal and Associates, Advocate, for the
Claimant

Date: 2026.02.09
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CORAM : RAJESH S. PATIL, J.

DATE : 06.02.2026

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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 award in the present proceedings dated 20.12.2016 passed by the learned arbitrator is hereby declared to be non-est in law, non-executable and *void-ab-initio*.

5) **Execution Application** along with **Notice** stand **dismissed**.

6) In sequel, **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.)