



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

17 EXA/1579/2022
WITH
IA/2446/2023
IN
EXA/1579/2022

AU SMALL FINANCE BANK LTD. ..APPLICANT
VS
MAYANK TOURS AND TRAVELS AND 2 ORS ..RESPONDENTS

WITH
18 EXA/1795/2022
IN
IA/2724/2023
IN
EXA/1795/2022

AU SMALL FINANCE BANK LTD. ..APPLICANT
VS
PANDURANG DHONDIRAM KHARAT AND ANR. ..RESPONDENTS

WITH
20 EXA/2292/2022
WITH
N/720/2025
IN
EXA/2292/2022

SHRIRAM TRANSPORT FINANCE CO. LTD. ..APPLICANT
VS
ABDUL BASHIR ATTAR AND ANR ..RESPONDENTS

WITH
21 EXA/2301/2022
WITH
IA/4936/2022
IN
EXA/2301/2022

APHELION FINANCE PRIVATE LIMITED ..APPLICANT
VS
DHANIRAM RAMAYAN DUBEY ..RESPONDENT

WITH
23 EXA/2462/2022
WITH
IA/4919/2022
IN
EXA/2462/2022

APHELION FINANCE PVT.LTD. ..APPLICANT
VS
ROSHAN VASANT BHOJANE AND 2 ORS. ..RESPONDENTS

WITH
24 EXA/2463/2022
WITH
IA/4918/2022
IN
EXA/2463/2022

APHELION FINANCE PVT. LTD. ..APPLICANT
VS
PRAVIN BABURAO NAIK ..RESPONDENT

None present.

CORAM : RAJESH S. PATIL, J.

DATE : 10 APRIL 2026.

PC. :

- 1) None appears for the applicants, when these matters are called out.
- 2) From the proceedings, it can be gathered that the appointment of the sole arbitrator was unilateral.
- 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 grounds that the appointment of the arbitrator was unilateral.

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

5) **Execution Applications** 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.)