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

SERIAL NOS. 901 TO 905, 907 TO 997, 999 TO 1094, 1096 TO 1100, 1103 TO 1122 AND 1142 TO 1152

Ms. Bijal Gogri i/b O. M. Gujar Law Chambers for the Applicant in Sr. No. 914,918,921,922,927,928,938,999,1085,1086,1097 to 1100, 1103 to 1109 and 1112 to 1118.
Ms. Bijal Gogri i/b GNP Legal for the Applicant in Sr. No. 1096.

CORAM : ABHAY AHUJA, J.
DATE : 18th April 2026

PC:-

1. All these matters have been listed 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] where the Hon'ble Supreme Court has observed that unilateral appointment of arbitrator is *void ab initio* and the ineligibility can be raised at any stage and even in execution.

2. Since in all these matters it has been found by the office of the Prothonotary & Senior Master of this Court that the appointment of the sole arbitrator has been unilateral, in view of the above decision of the Hon'ble Supreme Court, the respective arbitral awards stand set aside and the Commercial Execution Applications and the connected Interim

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Applications as well as the Chamber Summons, if any, stand accordingly dismissed / disposed.

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

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

5. Liberty to apply in the event there exists an express agreement in writing in terms of proviso to Section 12(5) of the Arbitration and Conciliation Act, 1996 (the “said Act”) waiving the ineligibility of the sole arbitrator or the right to object under Section 12(5) of the said Act.

(ABHAY AHUJA, J.)

NIKITA YOGESH GADGIL
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