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

SERIAL NOS. 902 TO 909, 911 TO 924, 926 TO 938, 941 TO 981, 983 TO 988, 993 TO 1002, 1005, 1007 TO 1021, 1023 TO 1026, 1032 TO 1047, 1049 TO 1073, 1075 TO 1110, 1113 TO 1135, 1137 TO 1148

None appears for the parties.

CORAM : ABHAY AHUJA, J.
DATE : 5th MAY, 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 / Execution Applications, and the connected Interim Applications as well as the Chamber Summons, if any, accordingly stand dismissed / disposed.

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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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