

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

EXECUTION APPLICATION NO. 1419 OF 2023

Daimler Financial Services India Pvt. Ltd.

Through Authorized Representative

Komal Aggarwal

... Applicant

V/s.

Tushar Ravindra Shah And Anr

... Respondents

WITH
NOTICE NO. 889 OF 2025
IN
EXECUTION APPLICATION NO. 1419 OF 2023

...

Mr. T. R. Yadav i/b. LPJ and Partners LLP, Advocate for the Applicant.
None for the Respondent.

...

CORAM : ABHAY AHUJA, J.

DATE : 8th June, 2026

PC. :

1. When the matter is called out, Mr. Yadav,, learned Counsel, appearing for the Applicant submits that in this matter there has been a unilateral appointment of Arbitrator and this Court may pass appropriate orders in view of the decision in the case of *Bhadra International (India) Pvt. Ltd. and others vs. Airports Authority of India*¹ where the Hon'ble Supreme Court has clearly observed that unilateral appointment of arbitrator is *void ab initio* and the

1 2026 SCC Online SC 7

ineligibility can be raised at any stage and even in execution.

2. In view of the aforesaid, the award dated 5th April, 2018 is therefore set aside and the Execution Application as well as the connected Notice stand dismissed.

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.

(ABHAY AHUJA, J.)