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

SERIAL NOS. 902, 904 TO 933, 935 TO 949,951 TO 1108, 1110, 1112 TO 1123, 1128 TO 1141, 1143 TO 1151

Ms. Bijal Gogri i/b O.M. Gujar Law Chambers for the Applicant in Sr. Nos.902, 904, 933, 936, 937, 947, 948, 951, 986, 1019, 1108, 1110, 1112 to 1115, 1129 & 1142.
Ms. Bijal Gogri i/b GNP Legal for the Applicant in Sr. Nos. 939,940 & 942.
Mr. Pawan Kulmakar i/b SG Legal & Associates for the Applicant in Sr. Nos. 945, 952, 975, 976, 977, 983, 984 & 987.
None present in other matters.

CORAM : ABHAY AHUJA, J.
DATE : 24th 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

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and the Commercial Execution Applications / Execution Applications, and the connected Interim Applications as well as the Chamber Summons, if any, accordingly stand 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.)