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

SERIAL NOS. 901 TO 996

Mr.Nilkanth Gadge i/by Mr.Narayan Awate, Advocate for the Applicants in Sr.Nos. 901, 910 to 912, 917, 941, 956 to 962, 971, 972, 974, 977 to 980, 983, 984, 988 and 989.

Mr.Suraj Gupta i/by S.G.Legal & Associates, Advocate for the Applicant / Claimant in Sr.Nos. 930, 940, 973, 981, 982 and 985.

Mr.Avanish Bangera h/f. Disha Karambar & Associates, Advocate for the Applicant in Sr.Nos.963, 964, 965 and 966.

None for the Applicants in Sr.Nos.902 to 909, 913 to 916, 918 to 929, 931 to 939, 941 to 955, 967 to 970, 972, 975, 976, 986, 987, 990 to 996.

None for the Respondents in all the matters.

CORAM : ABHAY AHUJA, J.

DATE : 26th MARCH 2026

P.C. :

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.

1 2026 SCC Online SC 7

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, the said applications, in view of the above decision of the Hon'ble Supreme Court, stand dismissed. The respective arbitral awards stand set aside and the Commercial Execution Applications and the connected Interim Applications as well as the Chamber Summons, if any, stand accordingly 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.)

ARTI VILAS KHATATE
Digitally signed by ARTI VILAS KHATATE
Date: 2026.03.27 16:04:41 +0530