

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

SERIAL NOS. 901 TO 1086 AND 1090, 1094 AND 1097 TO 1156

Mr. Suraj C. Gupta i/b SG Legal & Associates for the Applicant in Sr. Nos. 992.

Ms. Reet Jain i/b S. I. Joshi & Co. for the Applicant in Sr. No.1016, 1058 to 1062, 1068 and 1070.

Mr. Narayan R. Awate with Ms. Seema Phadatare for the Applicant in Sr. No. 981,1026,1087 to 1089, 1100 and 1101.

Ms. Keertana Nair i/b GNP Legal for the Applicant in Sr. No. 1004, 1005, 1006, ,1011, 1014, , 1063, 1064, 1066, 1067, 1072, 1077, 1078 and 1102.

None present in other matters.

CORAM : ABHAY AHUJA, J.
DATE : 29th 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

¹ 2026 SCC Online SC 7

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.

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.)

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signed by
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