

EXECUTION APPLICATION NO. 1431 OF 2025

J S Tractors ... Respondent

CORAM : ABHAY AHUJA, J.
DATE : 7 APRIL 2026

1. When the matter is called out, Ms. Mane, learned Counsel, appears for the Applicant and fairly submits that the arbitrator has been appointed unilaterally and that 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. The Hon'ble Supreme Court has clearly 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 it has been submitted that the arbitrator who has passed the award dated 1st February 2017 has been appointed unilaterally by the Applicant, the Award dated 1st February 2017 is therefore set aside and the Execution Application as well as the connected Interim Application 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.

5. Liberty to apply in the event there exists an express agreement in writing in terms of proviso to Section 12(5) of 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.)