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

SERIAL NOS. 903, 909 TO 977, 979 TO 990, 995 TO 1000, 1004 TO 1008, 1010 TO 1012, 1014 TO 1063, 1065 TO 1077, 1079 TO 1097, 1099 TO 1146, 1153 TO 1158

Ms. Reet Jain i/b S. I. Joshi & Co. for the Applicant in Sr. No. 1005,1008,1011,1063,1009,1135 and 1136.
Ms. Keertana Nair i/b GNP Legal for the Applicant in Sr. No. 903.
Ms. Keertana Nair i/b O.M. Gujar Law Chambers for the Applicant in Sr. Nos. 980,986,1010,1012,1077,1114,1115,1146,1153,1154 to 1156.
Mr. Pawan Kilnake i/b SG Legal & Associates for the Applicant in Sr. Nos. 910 to 916, 920 to 925, 927, 928, 930 to 934, 965, 1104, 1106, 1116, 1117, 1119 to 1127, 1130, 1131, 1142.

CORAM : ABHAY AHUJA, J.
DATE : 30th 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.

NIKITA YOGESH GADGIL
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Date: 2026.04.30 18:30:51 +0530

(ABHAY AHUJA, J.)