IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 18 OF 2025

IN

EXECUTION APPLICATION NO. 2318 OF 2025

Tata Capital Limited (Formerly
Known as Tata Capital Financial Services Ltd.) … Applicant

V/s.

Shirin Ramgopal Chaurasia … Respondent

………..

Ms. Bijal Gogri i/b. O M Gujar Law Chambers, Advocate for Applicant.

None for Respondent.

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CORAM : ABHAY AHUJA, J.

DATE : 20th APRIL 2026

P.C. :

1. When the matter is called out, Ms. Gogri, learned Counsel, appearing for the Applicant submits that in this matter there has been a unilateral appointment of Arbitrator and 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] where the Hon'ble Supreme Court has clearly observed that

1 2026 SCC Online SC 7

unilateral appointment of arbitrator is *void ab initio* and the ineligibility can be raised at any stage and even in execution.

2. In view of the aforesaid, the award dated 1st July, 2022 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 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.)