

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

COMMERCIAL EXECUTION APPLICATION NO. 29 OF 2025

Madhuban Motors Private Limited

...Applicant

Vs.

Manmohan Bhimsain Goyal

...Respondent

WITH
INTERIM APPLICATION (L) NO. 21947 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO. 29 OF 2025

Mr. Chandrajit Das with Mr. P. r. Hariharan i/b Parinam Law Associates for the Applicant.

Mr. Harshavardhan Melanta i/b K. R. Parekh & Co. for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 23rd APRIL, 2026

P.C. :

1. When the matter is called out, Mr. Melanta, learned Counsel appears for the Respondent and submits that since there has been a unilateral appointment of the Arbitrator in this case, 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, this execution proceedings be dismissed.

2. Mr. Das, learned Counsel appearing for the Applicant submits that the award has already been set aside by the Court taking up the matters under Section 34 of the Arbitration and Conciliation Act, 1996

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(the “said Act”) and that this Court may grant leave to withdraw this proceedings with liberty to initiate fresh arbitration proceedings in accordance with law.

3. 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 (supra)* and noting that the award dated 18th March, 2024 has already been set aside by the Court taking up the Petition under Section 34 of the said Act, the Execution Application as well as the connected Interim Application stands disposed as withdrawn.

4. Liberty to initiate fresh arbitration proceedings in accordance with law.

5. As far as limitation is concerned, the period from the invocation of the arbitration till the date the award was set aside by this Court be excluded in initiating the fresh arbitration proceedings.

(ABHAY AHUJA, J.)

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