

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

INTERIM APPLICATION NO. 1102 OF 2026
IN
EXECUTION APPLICATION NO. 298 OF 2026

Auxile Finserve Pvt. Ltd.

...Applicant

Versus

Sri Shirdi Sai Education Society

...Respondent

AND

INTERIM APPLICATION NO. 790 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 41 OF 2025

AND

INTERIM APPLICATION NO. 791 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 57 OF 2025

Ms. Simran K. Raj i/b Ms. Tikshita Modi for the Applicant.

CORAM : ABHAY AHUJA, J.

DATE : 15th JUNE, 2026

PC. :

1. When these matters are called out, Ms. Raj, learned Counsel appearing for the Applicant submits that in these matters 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 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. In view of the aforesaid, the respective awards are, therefore, set aside and the Execution Applications which are not on board and taken on board as well as the connected Interim Applications 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.

(ABHAY AHUJA, J.)