

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

INTERIM APPLICATION NO. 1103 OF 2026
IN
EXECUTION APPLICATION NO. 36 OF 2026

Kotak Mahindra Bank Ltd.

...Applicant

Vs.

Medanta Hospital

...Respondent

Ms. Vedika Pedhambkar with Ms. Simran K. Raj i/b Ms. Tikshta Modi
for the Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 16th APRIL, 2026

P.C. :

1. When the matter is called out, Ms. Pedhambkar, learned Counsel, appearing for the Applicant confirms 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 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 27th April, 2018 is set aside and the Execution Application as well as the connected Interim Application stand dismissed/disposed.

1 2026 SCC Online SC 7

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.)

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signed by
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YOGESH
GADGIL
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