

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

INTERIM APPLICATION NO. 2605 OF 2025
IN
EXECUTION APPLICATION NO. 2079 OF 2025

MONEYWISE FINANCIAL SERVICES PVT. LTD.)...APPLICANT

V/s.

CIRCLE INFOTECH PRIVATE LIMITED)...RESPONDENT

Mr.Pravin Singh i/by Mr.Ashok Shinde, Advocate for the Applicant.

None for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 9th APRIL 2026

P.C. :

1. Mr.Pravin Singh, learned Counsel, appears for the Applicant and submits that since the appointment of the arbitrator has been unilateral, this Court may pass orders in accordance with 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.

2. 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.

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3. In view of the above decision, the arbitral award stands set aside and the Execution Application and the Interim Application to accordingly stand dismissed.

4. It would be open to the parties 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 today be excluded in initiating fresh arbitration proceedings.

6. 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.)