

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

INTERIM APPLICATION NO. 3130 OF 2024
IN
EXECUTION APPLICATION NO. 800 OF 2019

ANAND
SUDHAKAR
SUDAME

Kotak Mahindra Bank ..Applicant

IN THE MATTER BETWEEN

Kotak Mahindra Bank ..Applicant

Versus

New Compare Services Ltd. & ors. ..Respondents

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

CORAM : RAJESH S. PATIL, J.

DATE : 19.01.2026

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1. Ms. Gogri, learned Counsel for the Applicant seeks leave and liberty to withdraw the Execution Application on the ground that the Award passed in the Arbitration proceeding where Arbitration Agreement which is produced at page No. 15 states that the Arbitrator to be appointed accordingly by the Claimant. It can be seen that appointment of the Arbitrator is unilateral.

2. I have taken a view in the judgment of **L & T Finance Ltd. vs. Sangeeta Bhansali & Anr. in Commercial Execution Application (L) No.**

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5277 of 2022, considering the latest judgment of the Supreme Court decided on 5 January, 2026, in the matter of ***Bhadra International (India) Pvt. Ltd. and others vs. Airport Authority of India***, Civil Appeal **No. 37-38 of 2026**, wherein it has been held that even at the stage of execution, an arbitral award can be set aside being *void-ab-initio* on the grounds that the appointment of the arbitrator was unilateral.

3. Leave and liberty as prayed for, is granted.

3.1 The Arbitral Award dated 25 January, 2019 which is subject matter of the present proceedings is hereby declared to be non-est in law, non-executable and *void-ab-initio*.

4. **Execution Application along with Chamber Summons stand disposed of** as withdrawn.

5. In sequel, **the Interim Applications**, if any, also stand **disposed of**.

6. It shall be open for the parties to initiate fresh arbitration proceedings in accordance with law.

7. As far as limitation is concerned, the period from the invocation of the arbitration till today shall stand excluded for the purpose of initiating fresh arbitration proceedings.

(RAJESH S. PATIL, J.)