

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.658 OF 2025

Kamdar Plastics Private Limited & Ors.Petitioners
Versus
Yes Bank LimitedRespondent

Ms. Kruti Bhavsar *a/w. Pratik Barot & Angel Pandey, for the Petitioners.*

Mr. Vishal Tambat, *for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 6, 2026

ORDER :

1. It is submitted by the Learned Counsel for the Petitioner that the final Arbitral Award has been passed by a unilaterally appointed arbitrator. On the earlier occasion, protection had been granted under Section 37 of the Act, but purely given the scale of the disputed amount, the parties were encouraged to proceed to mediation. However, evidently, the mediation has not yielded any results so far.
2. In any case, this is a Petition filed solely under Section 37 of the Act and this Court cannot comment upon the final Arbitral Award without having any records before it. The Petition is allowed, the

Impugned Order is set aside and the arbitration agreement would now subsist.

3. Learned Advocate for the Petitioner took time on a couple of occasions to have the matter resolved and this morning sought time to take instructions on the identity of a new arbitrator before whom the parties would proceed. However, in the evening, when the matter was called out afresh, she submits that she has no instructions to proceed to arbitration afresh. Now she contends that unless she is able to see the documents which are not with her, she would not be able to consent even to proceeding to arbitration, although she has no dispute about whether the amounts borrowed had actually been taken from the Respondent.

4. In these circumstances, liberty is granted to the Respondent to file an appropriate application under Section 11 of the Arbitration and Conciliation Act, 1996 (*“the Act”*) in view of the law declared by the Supreme Court in *Bhadra International¹* on unilaterally appointed arbitrators. The Respondent is in no manner of doubt about the subject matter of the dispute.

5. With the aforesaid directions, this Petition is hereby ***finally disposed of.***

1 Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India – 2026 SCC Online SC 7

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]