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

INTERIM APPLICATION NO. 498 OF 2026
IN
EXECUTION APPLICATION (L) NO. 24468 OF 2023

Kotak Mahindra Bank Ltd. ...Applicant
V/s.
Matrubhoomi Dairy Pvt. Ltd. ...Respondent

WITH
INTERIM APPLICATION NO. 2556 OF 2025
WITH
INTERIM APPLICATION (L) NO. 24813 OF 2023
AND
INTERIM APPLICATION NO. 2326 OF 2025
IN
EXECUTION APPLICATION NO. 1185 OF 2025
AND
INTERIM APPLICATION NO. 2329 OF 2025
IN
EXECUTION APPLICATION NO. 504 OF 2025
AND
INTERIM APPLICATION NO. 5315 OF 2025
IN
EXECUTION APPLICATION NO. 1620 OF 2025
AND
INTERIM APPLICATION NO. 5359 OF 2025
IN
EXECUTION APPLICATION NO. 1623 OF 2025

Ms. Jenny Somaiya with Ms. Simran K. Raj i/b Tikshta Modi for the Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 15th APRIL, 2026

P.C. :

1. When these matters are called out, Ms. Somaiya, learned Counsel, appearing for the Applicant confirms 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.

2. In view of the aforesaid, the respective awards are therefore set aside and the Execution Applications 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.

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.)**

1 2026 SCC Online SC 7

NIKITA YOGESH GADGIL
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Date: 2026.04.17 12:00:02 +0530