

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

INTERIM APPLICATION NO. 1758 OF 2023
IN
EXECUTION APPLICATION NO. 1647 OF 2024

Tata Capital Financial Services Limited

...Applicant

V/s.

Digvijay J. Patel

...Respondent

AND

INTERIM APPLICATION NO. 2742 OF 2025
IN
EXECUTION APPLICATION NO. 1968 OF 2025

AND

INTERIM APPLICATION NO. 2743 OF 2025
IN
EXECUTION APPLICATION NO. 1642 OF 2025

AND

INTERIM APPLICATION NO. 2744 OF 2025
IN
EXECUTION APPLICATION NO. 1451 OF 2025

Ms. Bijal Gogri, through VC i/b O. M. Gujar Law Chambers for the
Applicant.

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

PC. :

1. When the matters are called out, Ms. Gogri, 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.)