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

SERIAL NOS.13 TO 266 AND 277 TO 294

Ms.Bijal Gogri i/by O M Gujar Law Chambers, Advocate for the Applicants in Serial Nos.13 to 16, 21, 22, 62, 63, 69, 192 to 206, 208 to 223, 228, 262 and 263.

Mr.Balasaheb Deshmukh, Advocate for the Applicants in Serial Nos.17 to 20.

Mr.Sumedh Gaikwad i/by Mr.Vishal Narkar, Advocate for the Applicants in Serial Nos.29 to 32, 61, 65, 93, 94, 96, 172 to 191, 239, 237 to 240, 244, 250 to 258.

Ms.Tarinee P. Siddhaye i/by Mr.Sangram Suryavanshi, Advocate for the Applicant in Serial Nos.46, 47 and 59.

Ms.Bijal Gogri i/by GNP Legal, Advocate for the Applicant in Serial No.207.

Mr.Jay Zaveri a/w. Ms.Rhea Parkash i/by Crawford Bayley & Co., Advocate for the Respondent No.2 in Serial No.209.

Mr.Pawan Kinake i/by S.G.Legal and Associates, Advocate for the Applicants in Serial Nos.77, 78, 103 to 105, 108 to 110.

Dr.Dhruti Kapadia, AGP for the Respondent - State in Serial Nos.223, 224, 243 and 273.

Smt.Ashwini Purav, AGP for the Respondent – State in Serial Nos.254, 255 and 284.

None present in other matters.

CORAM : ABHAY AHUJA, J.

DATE : 6th APRIL 2026

ARTI VILAS KHATATE

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Date: 2026.04.07 11:17:14 +0530

P.C. :

1. All these matters have been listed in view of 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] where 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.

2. Since in all these matters it has been found by the office of the Prothonotary & Senior Master of this Court that the appointment of the sole arbitrator has been unilateral, the said applications, in view of the above decision of the Hon'ble Supreme Court, stand dismissed. The respective arbitral awards stand set aside and the Commercial Execution Applications and the connected Interim Applications as well as the Chamber Summons, if any, stand accordingly 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.

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5. 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.)