

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

INTERIM APPLICATION NO. 2557 OF 2025
IN
EXECUTION APPLICATION (L) NO. 12327 OF 2025

Kotak Mahindra Bank Limited	... Applicant
Versus	
Danco Enterprises India Private Limited	... Respondent

WITH
EXECUTION APPLICATION NO. 1990 OF 2018
AND
INTERIM APPLICATION NO. 5361 OF 2025
IN
EXECUTION APPLICATION NO. 2417 OF 2025

Aditya Birla Capital Limited	... Applicant
Versus	
Khyati Enterprises	... Respondent

AND
INTERIM APPLICATION NO. 8235 OF 2025
IN
EXECUTION APPLICATION NO. 4 OF 2026

Aditya Birla Capital Limited	... Applicant
Versus	
Saumya Raveendran	... Respondent

AND
EXECUTION APPLICATION NO. 2271 OF 2025
WITH
INTERIM APPLICATION NO. 4682 OF 2025
IN
EXECUTION APPLICATION NO. 2271 OF 2025

Aditya Birla Capital Limited	... Applicant
Versus	
Santosh Kumar Biswal	... Respondent

Ms. Simran K. Raj i/b. Tikshta Modi, Advocate for the Applicant.

None for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 5th May, 2026

PC. :

1. Ms. Raj, learned Counsel appears for the Applicant and submits that in all these matters the appointment of the sole arbitrator has been unilateral and covered by 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. Accordingly, the respective arbitral awards stand set aside and the Commercial Execution Applications/Execution Applications and the connected Interim Applications, if any, to accordingly stand dismissed/disposed.

¹ 2026 SCC Online SC 7

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.

(ABHAY AHUJA, J.)