

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

INTERIM APPLICATION NO. 2574 OF 2025
IN
EXECUTION APPLICATION NO. 2429 OF 2025

Tata Capital Limited
V/s.

... Applicant

Naidu Earthmovers-Prop-Shriniwas
Naidu And Another

... Respondents

AND
INTERIM APPLICATION NO. 2740 OF 2025
IN
EXECUTION APPLICATION NO. 1522 OF 2025
AND
INTERIM APPLICATION NO. 2801 OF 2025
IN
EXECUTION APPLICATION NO. 1450 OF 2025
AND
INTERIM APPLICATION NO. 3469 OF 2025
IN
EXECUTION APPLICATION NO. 2430 OF 2025

Ms. Bijal Gogri i/b. O M Gujar Law Chambers, Advocate for the
Applicant.
None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 4th May, 2026

PC. :

1. Ms. Gogri, 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.

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.)

¹ 2026 SCC Online SC 7