

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

**INTERIM APPLICATION NO. 3255 OF 2024
IN
EXECUTION APPLICATION NO. 404 OF 2025**

**Tata Capital Limited
Versus**

... Applicant

**Krystal Transport Service
Prop. Varsha Borade And Anr.**

... Respondents

**AND
INTERIM APPLICATION NO. 4633 OF 2025
IN
EXECUTION APPLICATION NO. 2554 OF 2025
AND
INTERIM APPLICATION NO. 4976 OF 2025
IN
EXECUTION APPLICATION NO. 2607 OF 2025
AND
INTERIM APPLICATION NO. 5298 OF 2025
IN
EXECUTION APPLICATION NO. 2553 OF 2025
AND
INTERIM APPLICATION NO. 5301 OF 2025
IN
EXECUTION APPLICATION NO. 2573 OF 2025
AND
INTERIM APPLICATION NO. 5327 OF 2025
IN
EXECUTION APPLICATION NO. 2552 OF 2025**

**Ms. Bijal Gogri i/b. OM Gujar Law Chambers, Advocate for the
Applicant.
None for the Respondent.**

CORAM : ABHAY AHUJA, J.

DATE : 28th APRIL, 2026

PC. :

1. When the matters are called out, Ms. Gogri, learned Counsel, appearing for the Applicant submits 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 Application as well as the connected Interim Application 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.

1 2026 SCC Online SC 7

(ABHAY AHUJA, J.)