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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 560 OF 2026

IN

EXECUTION APPLICATION NO. 2875 OF 2024

Kshitiz Gas Agency ... Applicant

In the matter between :

Shriram Finance Limited ... Claimant

Versus

Kshitiz Gas Agency and another ... Respondents

.....
Ms. Shahin Sayed instructed by Mr. S.K. Pise, Advocate for the Applicant/Judgment Debtor.

Ms. Sunitha Perumal instructed by Mr. Sachin Masurkar, Advocate for the Judgment Creditor.

.....
CORAM : ABHAY AHUJA, J.

DATE : 2 APRIL 2026

PC. :

1. After this matter is heard briefly, it emerges that 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, since it has been submitted

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by the learned Counsel appearing in the matter that the appointment of the sole arbitrator has been unilateral, the execution proceedings including the said application, in view of the above decision of the Hon'ble Supreme Court, would have to be dismissed. The subject arbitral award dated 20th January 2024 is set aside and the Execution Application and the connected Interim Application accordingly stand disposed after having taken the same on board if not on board.

2. It would be open to the parties to initiate fresh arbitration proceedings in accordance with law.

3. As far as limitation is concerned, the period from the invocation of the arbitration till today be excluded in initiating fresh arbitration proceedings.

4. 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.)