

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

INTERIM APPLICATION NO. 1439 OF 2025  
IN  
EXECUTION APPLICATION NO. 1514 OF 2025

|                      |                |
|----------------------|----------------|
| Tata Capital Limited | ... Applicant  |
| Versus               |                |
| Aakash Agarwal       | ... Respondent |

...

Ms. Bijal Gogri i/b. OM Gujar Law Chambers, Advocate for Applicant.

...

|       |   |                             |
|-------|---|-----------------------------|
| CORAM | : | ABHAY AHUJA, J.             |
| DATE  | : | 21 <sup>st</sup> April 2026 |

PC:-

1. When the matter is called out, Ms. Gogri, learned Counsel, appearing for the Applicant submits that in this matter 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*<sup>1</sup> 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 award dated 30<sup>th</sup> July 2022 is therefore set aside and the Execution Application as well as the

---

<sup>1</sup> 2026 SCC Online SC 7

connected Interim Application stand dismissed.

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.)**