

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

INTERIM APPLICATION NO. 2331 OF 2025
IN
EXECUTION APPLICATION NO. 2450 OF 2025

ANAND
SUDHAKAR
SUDAME

Aditya Birla Finance Ltd.

..Applicant

Versus

Shiba Charan Kandher

..Respondent

Ms. Jenny Somaiya i/b. Ms. Tikshita Modi, Advocates, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 22.01.2026

P. C.

- 1) Learned counsel appearing for the applicant submits that she does not have any instructions in the present proceedings.
- 2) From the proceedings, it can be gathered that the learned arbitrator was appointed unilaterally by the claimants.
- 3) I have taken a view in the judgment of **L & T Finance Ltd. vs. Sangeeta Bhansali & Anr. in Commercial Execution Application (L) No. 5277 of 2022**, considering the latest judgment of the Supreme Court decided on 5 January, 2026, in the matter of *Bhadra International (India) Pvt. Ltd. and others vs. Airport Authority of India*, Civil Appeal No. 37-38 of 2026, wherein it has been held that even at the stage of execution, an arbitral award can be set aside being *void-ab-initio* on

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the ground that the appointment of the arbitrator was unilateral.

4) In view of the aforesaid judgment, the award in the present proceedings dated 14.08.2024 passed by the learned arbitrator is hereby declared to be non-est in law, non-executable and *void-ab-initio*.

5) **Execution Application** stands **dismissed**.

6) In sequel, **the Interim Applications**, if any, also stand **disposed of**.

7) It shall be open for the parties to initiate fresh arbitration proceedings in accordance with law.

8) As far as limitation is concerned, the period from the invocation of the arbitration till today shall stand excluded for the purpose of initiating fresh arbitration proceedings.

(RAJESH S. PATIL, J.)