

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

INTERIM APPLICATION NO. 2738 OF 2025
IN
EXECUTION APPLICATION NO. 1878 OF 2025

Tata Capital Limited

...Applicant

V/s.

Ramesh Mohazade (Borrower)

...Respondent

Ms. Bijal Gogri i/b O. M. Gujar Law Chambers for the Applicant.

Mr. Amol Wagh, for the Respondents No. 1 and 2.

CORAM : ABHAY AHUJA, J.

DATE : 15th APRIL, 2026

P.C. :

1. Mr. Wagh, learned Counsel appears for the Respondents No. 1 and 2 and 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*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 award dated 14th September, 2022, is therefore, set aside and the Execution Application as well as the connected Interim Application stand dismissed/disposed.

1 2026 SCC Online SC 7

3. Also in view of the aforesaid, the bailable warrant / process issued by this Court under execution, stands cancelled.
4. It would be open to the parties to initiate fresh arbitration proceedings in accordance with law.
5. As far as limitation is concerned, the period from the invocation of the arbitration till today be excluded in initiating fresh arbitration proceedings.
6. Liberty to apply in the event there exists an express agreement in writing in terms of proviso to Section 12(5) of 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.)