

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

INTERIM APPLICATION NO. 3013 OF 2025
IN
EXECUTION APPLICATION NO. 1349 OF 2025

Auxilo Finserve Pvt. Ltd. ... Applicant
V/s.
Karan Parvindar Thakur ... Respondent

AND
INTERIM APPLICATION NO. 5531 OF 2025
IN
EXECUTION APPLICATION NO. 2334 OF 2025

Aditya Birla Finance Limited ... Applicant
V/s.
PGS Exims Private Limited ... Respondent

Ms. Jenny Somaiya i/b. Akhil Modi & Associates, Advocate for the
Applicant.
None for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 4th May, 2026

PC. :

1. Ms. Somaiya, learned Counsel appears for the Applicant and submits that in all these matters the appointment of the sole arbitrator has been unilateral and covered by 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

¹ 2026 SCC Online SC 7

observed that unilateral appointment of arbitrator is *void ab initio* and the ineligibility can be raised at any stage and even in execution.

2. Accordingly, the respective arbitral awards stand set aside and the Commercial Execution Applications/Execution Applications and the connected Interim Applications, if any, to accordingly 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.

(ABHAY AHUJA, J.)