

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

INTERIM APPLICATION NO. 2339 OF 2025

IN

EXECUTION APPLICATION NO. 1449 OF 2025

Tata Capital Limited

... Applicant

Versus

Tejabhai Sgrambhai Bharvand and another

... Respondents

AND

INTERIM APPLICATION NO. 3327 OF 2025

IN

EXECUTION APPLICATION NO. 2032 OF 2025

Aditya Birla Capital Limited

... Applicant

Versus

Chaitanya Sahu

... Respondent

WITH

INTERIM APPLICATION NO. 3325 OF 2025

IN

EXECUTION APPLICATION NO. 1972 OF 2025

WITH

INTERIM APPLICATION NO. 3324 OF 2025

IN

EXECUTION APPLICATION NO. 2264 OF 2025

AND

INTERIM APPLICATION NO. 3550 OF 2025

IN

EXECUTION APPLICATION NO. 406 OF 2025

L and T Finance Limited

... Applicant

Versus

Patel Automobiles

... Respondent

AND
INTERIM APPLICATION NO. 4978 OF 2025
IN
EXECUTION APPLICATION NO. 847 OF 2023

Indusind Bank Ltd. ... Applicant
Versus
Arpan Construction and another ... Respondents

AND
INTERIM APPLICATION NO. 1404 OF 2026
IN
EXECUTION APPLICATION NO. 214 OF 2026

Kotak Mahindra Bank Ltd. ... Applicant
Versus
Chirag Travels Co. ... Respondent

Ms. Jenny Somaiya i/b. Mr. Akhil Modi & Associate, Advocate for Applicant in IA No. 3327 of 2025 and IA No. 1404 of 2026.
Ms. Reet Jain i/b. S.I. Joshi, Advocate for Applicant in IA No. 3550 of 2025.

CORAM : ABHAY AHUJA, J.
DATE : 22nd APRIL, 2026

PC. :

1. When the matters are called out, this Court is informed that in these matters 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

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. In view of the aforesaid, the arbitral awards are set aside and the Execution Applications as well as the connected Interim Applications 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.

5. 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.)