

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

INTERIM APPLICATION NO. 3694 OF 2025
IN
EXECUTION APPLICATION NO. 2411 OF 2025

Aditya Birla Capital Limited)... Applicant

V/S.

Pratapchandra Das)... Respondent

AND
INTERIM APPLICATION NO. 6064 OF 2025
IN
EXECUTION APPLICATION NO. 1446 OF 2025
AND
INTERIM APPLICATION NO. 6848 OF 2025
IN
EXECUTION APPLICATION NO. 2410 OF 2025
AND
INTERIM APPLICATION NO. 6851 OF 2025
IN
EXECUTION APPLICATION NO. 2419 OF 2025
AND
INTERIM APPLICATION NO. 6854 OF 2025
IN
EXECUTION APPLICATION NO. 2413 OF 2025

Ms. Jenny Somaiya a/w. Ms. Vedika Pedhambkar i/b. Akhil Modi &
Associates, Advocate for Applicant.

None for Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 29th April 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 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.)

¹ 2026 SCC Online SC 7