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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 3965 OF 2025
IN
EXECUTION APPLICATION NO. 1953 OF 2025**

Aditya Birla Capital Limited

...Applicant

V/s.

Mirza Anwar Ali Baig

...Respondent

Ms. Simran K. Raj with Ms. Vedika Pedhambkar i/b Ms. Tikshita Modi for the Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 17th MARCH, 2026

P.C. :

1. When the matter is called out, Ms. Raj, learned Counsel appears for the Applicant and submits that despite orders of this Court no one is coming forward on behalf of the Respondent. That although the order dated 2nd September, 2025 seeking disclosure has been served and although by order dated 10th February, 2026, this Court has debit frozen the bank account mentioned in paragraph B of the Application and that the said order has been executed, none appears on behalf of the Respondent and that this Court may proceed to grant prayer Clause (h), seeking the detention of the Judgment Debtor in Civil Prison as per Order XXI Rule 41 Sub-Rule 3 of the Code of Civil Procedure, 1908 for non compliance of the orders of this Court.

2. However, it is observed that the award has been rendered by a sole Arbitrator unilaterally appointed by the Claimants as can be

gathered from the paragraph 9.m of the award dated 22nd August, 2024. In the decision of the Hon'ble Supreme Court in the case of ***Bhadra International (India) Pvt. Ltd. and Ors. vs. Airport Authority of India¹***, the Hon'ble Supreme Court has clearly observed that unilateral appointment of a Sole Arbitrator is void *ab initio* and an objection to the inherent lack of jurisdiction can be taken up at any stage of proceedings and the award is liable to be set aside, unless there is a waiver in writing of the requirement of Section 12(5) of the Arbitration and Conciliation Act, 1996, leaving it open to the parties to initiate fresh arbitration proceedings in accordance with the law. This Court is of the view that the execution proceedings seeking to execute the award rendered by a Sole Arbitrator unilaterally would also have to be dismissed for want of jurisdiction leaving it open for the parties to initiate arbitration proceedings as per law.

3. However, since Ms. Raj, learned Counsel appearing for the Applicant seeks some time to take instructions, let instructions positively be taken by the next date.

4. List on **20th April, 2026 on the supplementary board.**

(ABHAY AHUJA, J.)

¹ 2006 SCC OnLine SC 7.