

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. Jenny Somaiya i/b Ms. Tikshita Modi for the Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 20th APRIL, 2026

PC. :

1. On 17th March, 2026, although it was pointed out to the learned Counsel appearing for the Applicant that the award has been rendered by a sole Arbitrator unilaterally appointed by the Claimant and that in view of the decision of the Hon'ble Supreme Court in the case of *Bhadra International (India) Pvt. Ltd. and ors. Vs. Airport Authority of India*¹, the award would have to be set aside and the execution proceedings would have to be dismissed, however, since time was sought by the learned Counsel appearing for the Applicant, this Court had adjourned the matter.

2. Today when the matter is called out, Ms. Somaiya, learned Counsel appears for the Applicant and submits that since there has

¹ 2026 SCC Online SC 7.

been a unilateral appointment of the Arbitrator, this Court may pass appropriate orders.

3. Accordingly, in view of the decision of the Hon'ble Supreme Court in the case of *Bhadra International (India) Pvt. Ltd. and ors. Vs. Airport Authority of India (supra)*, the award dated 22nd August, 2024 is set aside.

4. The Execution Application as well as the connected Interim application also stand disposed/dismissed.

5. It would be open to the parties to initiate fresh arbitration proceedings in accordance with law.

6. As far as limitation is concerned, the period from the invocation of the arbitration till today be excluded in initiating fresh arbitration proceedings.

7. 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.)

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signed by
NIKITA
YOGESH
GADGIL
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