

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

INTERIM APPLICATION NO. 838 OF 2025
IN
EXECUTION APPLICATION NO. 1967 OF 2025

Infinity Fincorp Solutions Pvt. Ltd. ... Applicant
V/s.
Banshidhar Nathu ... Respondent

AND
INTERIM APPLICATION NO. 7305 OF 2025
IN
EXECUTION APPLICATION NO. 2051 OF 2025

....

Ms. Vedika Pedhambkar i/b. Akhil Modi & Associates, Advocate for the Applicant.

....

CORAM : ABHAY AHUJA, J.

DATE : 16th June, 2026

PC:-

1. When these matters are called out, Ms. Pedhambkar, learned Counsel, appearing for the Applicant submits 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 observed that

¹ 2026 SCC Online SC 7

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 respective awards are therefore 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.

(ABHAY AHUJA, J.)