
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 46 OF 2026

Kamdar Plastics & Ors. ...Petitioners

Versus

Protium Finance Limited. ...Respondent

Mr. Pratik Barot, i/b Kruti Bhavsar, for the Petitioners.

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : March 6, 2026

ORDER :

1. This is the third occasion and yet again none appears for the Respondent. The order passed in the Section 17 Application had been stayed by this Court by an order dated January 23, 2026 for the reasons set out therein. Despite the earlier order passed by this Court, the Respondent has chosen not to enter appearance so far and there is nothing on record to indicate that *prima facie* observations made in the order dated January 23, 2026 can be countered.

2. Evidently, the order appears to have been passed by a unilaterally appointed arbitrator. The Respondent has not even chosen to enter appearance to defend the order. The law declared by the

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Supreme Court in ***Bhadra International***¹ specifically holds that the actions by the unilaterally appointed arbitrator would be in nullity.

3. In these circumstances, the Petition is ***allowed*** and the impugned order is quashed and set aside.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]

¹ *Bhadra International (India) Pvt. Ltd. And Ors. v. Airports Authority of India* 2026 SCC OnLine SC 7