

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

INTERIM APPLICATION NO. 1639 OF 2026
IN
EXECUTION APPLICATION (L) NO. 5548 OF 2026

Aditya Birla Capital Limited ...Applicant
Vs.
Avartis Associates And Ors ...Respondent

AND
INTERIM APPLICATION NO. 1640 OF 2026
IN
EXECUTION APPLICATION (L) NO. 5545 OF 2026

Aditya Birla Capital Limited ...Applicant
Vs.
Krishna Traders And Ors ...Respondents

AND
INTERIM APPLICATION NO. 1644 OF 2026
IN
EXECUTION APPLICATION NO. 242 OF 2026

Aditya Birla Capital Limited ...Applicant
Vs.
Ayti Traders And Ors. ...Respondents

None present.

CORAM : ABHAY AHUJA, J.
DATE : 22nd APRIL, 2026

PC. :

1. When the matters are called out, learned Court Associate points out that the appointment of the Arbitrator in these matters has been unilateral appointment 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 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 arbitral awards are 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.

5. Liberty to apply in the event there exists an express agreement in writing in terms of proviso to Section 12(5) of the Arbitration and Conciliation Act, 1996 (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.)

¹ 2026 SCC OnLine SC 7.