

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1641 OF 2026
IN
EXECUTION APPLICATION NO. 255 OF 2026

Aditya Birla Capital Limited ...Applicant
V/s.
Mahore Cement and Material Supplier and Anr. ...Respondents

AND
INTERIM APPLICATION NO. 1645 OF 2026
IN
EXECUTION APPLICATION (L) NO. 5569 OF 2026
AND
INTERIM APPLICATION (L) NO. 5662 OF 2026
IN
EXECUTION APPLICATION NO. 257 OF 2026
AND
INTERIM APPLICATION (L) NO. 5689 OF 2026
WITH
EXECUTION APPLICATION NO. 240 OF 2026

Ms. Vedika Pedhambkar with Ms. Simran K. Raj i/b Akhil Modi and Associates for the Applicants.

CORAM : ABHAY AHUJA, J.
DATE : 21st APRIL, 2026

PC. :

1. Ms. Pedhambkar, learned Counsel appears for the Applicant in these matters and 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*

India¹, 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 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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