

CNR No.MHST180016142023

ORDER BELOW EXH.1 IN ARBITRATION R.D. NO.543/ 2023

1. The Decree Holder has filed this Execution Application for the enforcement of an Arbitral Award dated 27.08.2016.

2. The Decree Holder has not filed any document such as a nomination letter, acceptance, or correspondence in support of the contention that the Arbitrator was validly appointed through mutual consent or a judicial process.

3. In view of the law laid down by the Hon'ble Supreme Court in ***Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India, (2026) 1 SCC 1***, an Award passed by a unilaterally appointed Arbitrator is void ab initio and non-est in law. Such an ineligibility goes to the root of the matter and renders award non-executable even at the stage of execution.

4. Today, the learned counsel for the decree holder has filed a pursis seeking to withdraw the present application at Exh.10. It is stated in the pursis that the applicant desires to withdraw the application reserving the right to take appropriate action in light of the judgments delivered in ***L & T Finance Ltd. v. Sangeeta Bansali & Ors. (Commercial Application No. 5277/2022)*** before the Hon'ble High Court, Mumbai and ***Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India (Civil Appeal No. 3738/2026)*** before the Hon'ble Supreme Court of India.

5. In view of the law laid down by the Hon'ble Supreme Court in *Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India, (2026) 1 SCC 1*, an award passed by a unilaterally appointed Arbitrator is void ab initio and non-est in law. Such ineligibility goes to the root of the matter and renders the award non-executable even at the stage of execution.

6. The decree holder instead of satisfying this Court regarding the valid constitution of the Arbitral Tribunal, seeks to withdraw the execution petition. The pursis is taken on record. Hence, I pass following order:

ORDER

1. The execution petition is dismissed as withdrawn with liberty to the applicant to initiate fresh arbitration proceedings in accordance with law.
2. As far as limitation is concerned, the period from the date of invocation of arbitration till today shall stand excluded while initiating fresh arbitration proceedings.
3. No order as to costs.

Vaduj
Date :-22/07/2026

(F. B. Baig)
Jt. Civil Judge, Senior Division,Vaduj.