

MHST180011582023



ORDER BELOW EXH. NO.1 IN
ARBITRATION REGULAR DARKHAST
No. 315/2023
(Old No. 79/2019)
(Passed on 01.08.2026)

Perused the record. It appears that, the decree holder has filed the present application for execution of arbitral award passed by sole arbitrator. Therefore, on 16.07.2026, order passed below Exh. 1 and directions was given to decree holder to comply the directions given in the cases of **Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India, (2026) 1 SCC 1** and order passed in **L & T Finance Ltd. v. Sangeeta Bansali & Ors. (Commercial Application No. 5277/2022)**.

2. In the case of **Bhadra International (India) Pvt. Ltd. & Ors. v. Airports Authority of India, (2026) 1 SCC 1**, the Hon'ble Apex Court referred the case of **Dharma Prathishthanam Vs. Madhok Construction (P) Ltd., reported in (2005) 9 SCC 686**, wherein it was held that *a unilateral appointment, without the consent of the other party is illegal and alien to law.*

3. In the present case, in spite of directions dated 16.07.2026, none present on behalf of decree holder. There is no any explanation as to whether the appointment of sole arbitrator was unilateral or with the consent of judgment debtor. Therefore,

it appears that, the appointment of sole arbitrator was unilateral. Considering the observations in the afore cited case laws, I proceed to pass the following order.

ORDER

1. The execution petition is dismissed.
2. The D.H. is at liberty to file fresh execution petition, if necessary, subject to limitation.
3. No order as to costs.

Vaduj
Date: 01.08.2026

(D.M.G. Malidwale)
2nd Jt. Civil Judge, Sr. Division, Vaduj.