

R.D.3109/2023

**(Shreemata Co-op society ltd. Vs. Shri.
Wagmare Bhimabai Santaji and ors.)**

The Hon'ble Supreme Court in the case of **Bhadra International (India) Pvt. Ltd. and ors. Vs. Airport Authority of India (2026)1 SCC-1**, and the Hon'ble Bombay High Court in case of **L and T Finance Ltd. Vs. Sangeeta Bhansali 2026: BHC-OS:1344 (Bom.)** held that unilateral appointment of sole arbitrator is void-ab-initio and the sole arbitrator so appointed is ineligible to act as an arbitrator in terms of Section 12(5) read with Schedule VII of the Act 1996 and the award passed by the sole arbitrator so appointed is non est and non executable. Further, the said aspect can be examined at the stage of execution also.

2. Accordingly, by passing order below Exh.01, the D.H. was called upon to satisfy maintainability of the present execution petition. However, no such compliance is made by D.H. Copy of written waiver, if any, of Section 12(5) read with Schedule VII of the Act, given by J.D./s before appointment of Arbitrator who passed the award and subsequent to raising of dispute, is not placed on record. Consequently, at this stage, appointment of the Arbitrator seems to be unilateral.

3. In this view of the matter and in view of ratio laid down in the case of Bhadra International (Supra) and L & T Finance (Supra), award passed by Sole Arbitrator is void-ab-initio, non-est and non-executable. Petition, thus, will have to be dismissed. Hence, order-

ORDER

1. Petition stands dismissed for want of necessary compliance.
2. DH is at liberty to initiate fresh arbitration proceedings in accordance with law subject to limitation.

(Mrugendra M. Bavare)

Date –21.07.2026.

7th Joint Civil Judge Senior Division,
Satara.