



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

SERIAL NOS. 912 TO 934, 936 TO 939, 941 TO 945, 947 TO 950, 953 TO 959, 961 TO 969, 972 TO 995, 997 TO 1035
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Ms. Bijal Gogri i/b O.M. Gujar Law Chambers for the Applicant in Sr. Nos. 974,975,976,977,985,1008,1010,1012,1013,1015 to 1023, 1032 and 1033.

Ms. Bijal Gogri i/b GNP Legal for the Applicant in Sr. No. 1007.

Ms. Shrutika Mane with Ms. Reet Jain i/b S. I. Joshi & Co. for the Applicant in Sr. No. 972 and 1003.

Ms. Jenny Somaiya i/b Akhil Modi & Associates for the Applicant in Sr. No. 1005.

CORAM : ABHAY AHUJA, J.
DATE : 8th MAY, 2026

PC:-

1. All these matters have been listed in view of the decision of the Hon'ble Supreme Court in the case of *Bhadra International (India) Pvt. Ltd. and Others vs. Airports Authority of India*¹ where the Hon'ble Supreme Court has observed that unilateral appointment of arbitrator is void ab initio and the ineligibility can be raised at any stage and even in execution.

2. Since in all these matters it has been found by the office of the Prothonotary & Senior Master of this Court that the appointment of the sole arbitrator has been unilateral, in view of the above decision of the Hon'ble Supreme Court, the respective arbitral awards stand set aside

¹ 2026 SCC Online SC 7



and the Commercial Execution Applications / Execution Applications, and the connected Interim Applications as well as the Chamber Summons, if any, accordingly 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.)

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signed by
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GADGIL
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