

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

INTERIM APPLICATION NO. 2848 OF 2025
IN
EXECUTION APPLICATION NO. 1234 OF 2025

Kotak Mahindra Bank Limited ... Applicant
Versus
Libra Business Pvt. Ltd. ... Respondent

None Present.

CORAM : ABHAY AHUJA, J.

DATE : 5th May, 2026

PC. :

1. In this matter, it has been found by the learned Associate of this Court that the appointment of the sole arbitrator has been unilateral.
2. Accordingly, 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, the arbitral award dated 8th August, 2024 stands set aside. The Execution Application is not on board. It is taken on board and the Execution

1 2026 SCC Online SC 7

Application and the connected Interim Application 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.)