SNEHA JAYPRAKASH BANG
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Date: 2026.06.18 11:06:56 +0530

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

EXECUTION APPLICATION NO. 2296 OF 2015
WITH
CHAMBER SUMMONS NO. 682 OF 2015
IN
EXECUTION APPLICATION NO. 2296 OF 2015

L & T Finance Ltd. …. Applicant

Versus

Bhawar Lal Jat & Anr. …. Respondents

Rahila Memon a/w Reet Jain i/b. S.I. Joshi & Co. for the Applicant.

CORAM : JITENDRA JAIN, J.
DATED : 17 JUNE, 2026

P. C. :

1. This matter has 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 this matter 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 and the Commercial Execution Applications / Execution Applications, and connected Interim Applications as well as the Chamber Summons, if any, accordingly stand dismissed / disposed.

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1 2026 SCC Online SC 7

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.

[JITENDRA JAIN, J.]