



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

SERIAL NOS. 32 TO 221

Mr. Suraj Gupta i/b. S.G. Legal & Associates for Applicant/Claimant in
Sr. Nos. 56, 57, 58 , 63, 67, 68, 69, 70, 71, 73, 74, 109, 110, 119, 120,
121, 125, 126, 130, 133, 134, 135, 140, 141, 142, 144, 168, 169, 170,
174, 175, 178.

None present in other matters.

CORAM : ABHAY AHUJA, J.
DATE : 1st APRIL, 2026

P.C. :

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, the said applications, in view of the
above decision of the Hon'ble Supreme Court, stand dismissed. The
respective arbitral awards stand set aside and the Commercial
Execution Applications and the connected Interim Applications as well

¹ 2026 SCC Online SC 7



as the Chamber Summons, if any, stand accordingly 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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