



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

15 EXECUTION APPLICATION NO.2019/2022  
WITH  
CHS NO. 1219/2018  
IN  
EXECUTION APPLICATION NO.2019/2022

HDFC BANK LTD. ..APPLICANT  
VS  
SANJAI KUMAR CHAUDHARI ..RESPONDENT

WITH  
16 EXECUTION APPLICATION NO. 2021/2022  
WITH  
CHS NO.358/2019  
IN  
EXECUTION APPLICATION NO. 2021/2022

HDFC BANK LTD ..APPLICANT  
VS  
DURGANAND SHANKAR RAI ..RESPONDENT

WITH  
17 EXECUTION APPLICATION NO. 2390/2022  
WITH  
CHS/957/2018  
IN  
EXECUTION APPLICATION NO. 2390/2022

L AND T FINANCE LIMITED. ..APPLICANT  
VS  
RAJASHEKAR H R AND ANR. ..RESPONDENTS

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Adv. Bijal Gogri i/b. O M Gujar Law Chambers for the applicant.  
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CORAM : RAJESH S. PATIL, J.

DATE : 6 MAY 2026.

**PC. :**

1) Ms. Gogri, learned counsel appearing for the claimant submits that the execution proceedings arise out of an Arbitral Award, where the Arbitrator's appointment was unilateral. Hence, she on instructions of her client seeks leave to withdraw the present execution applications, with liberty to initiate fresh arbitration proceedings.

2) I have taken a view in the judgment of **L & T Finance Ltd. vs. Sangeeta Bhansali & Anr. in Commercial Execution Application (L) No. 5277 of 2022**, considering the latest judgment of the Supreme Court decided on 5 January, 2026, in the matter of ***Bhadra International (India) Pvt. Ltd. and others vs. Airport Authority of India, Civil Appeal No. 37-38 of 2026***, wherein it has been held that even at the stage of execution, an arbitral award can be set aside being *void-ab-initio* on the grounds that the appointment of the arbitrator was unilateral.

3) Leave and liberty as prayed for, is granted.

3.1) The Arbitral Awards which are subject matter of the present proceedings are hereby declared to be non-est in law, non-executable and *void-ab-initio*.

4) **Execution Applications stand disposed of** as withdrawn.



- 5) In sequel, **the Chamber Summons and the Interim Applications**, if any, also stand **disposed of**.
- 6) It shall be open for the parties to initiate fresh arbitration proceedings in accordance with law.
- 7) As far as limitation is concerned, the period from the invocation of the arbitration till today shall stand excluded for the purpose of initiating fresh arbitration proceedings.

**(Rajesh S. Patil, J.)**