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

ARBITRATION APPLICATION NO. 148 OF 2024

DSM Infocom Private Limited

... Applicant

Vs

Hitachi System India Private
Limited

...Respondent

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Mr. Karl Shroff and Shriya Mehta i/b Akshay Pawar, for Applicant.

**Mr. Sharan Jagtiani, Senior Advocate a/w. Mr. Debanshu Khettry, Ms
Viloma Shah, Mr. Harshad Vyas and Mr. Viraj Raiyani i/b M/s. AVP
Partners, for Respondent.**

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : July 3, 2025

Order :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”).

2. The matter was heard at some length on the last occasion. An Agreement dated December 2, 2020 that evidently contains an arbitration clause appears to have been executed between the parties with the jurisdiction being indicated as ‘New Delhi’, is part of the record. However, on the last occasion, Learned Counsel for the Applicant had indicated that the signature on this Agreement was being denied and that the arbitration clause is one enclosed with a proposal dated November 24, 2020 and that the

arbitration clause contained therein confers territorial jurisdiction on this Court to entertain this Application.

3. Today, when the matter is called out, Learned Counsel for the Applicant has instructions to submit that the Applicant is not denying the existence of the said Agreement dated December 2, 2020 anymore and he has instructions to withdraw this Application and move the appropriate forum, as advised.

4. In these circumstances, leaving all contentions of the Respondent open, since the Application itself is being withdrawn, this order was dictated as the Application having been disposed of with liberty to the Applicant to initiate such proceedings in such forum, as advised.

5. However, a little while later, before this order was typed and signed, Learned Counsel for the Applicant mentioned the matter afresh with notice to the Respondent to submit that there had been a miscommunication and his instructions were to withdraw the Application and not to make any assertion about not denying the execution of the agreement dated December 2, 2020. This clarification is stoutly opposed on behalf of the Respondent.

6. In these circumstances, a senior officer of the Applicant is directed to file an affidavit precisely stating the position being taken by the Applicant and clarifying what was instructed to the Applicant's advocates, within a week of the upload of this order on this Court's website. Stand over to ***July 24, 2025***.

7. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]