

DSM Infocom Private Limited ...Applicant
Versus
Hitachi System India Private Limited ...Respondent

Mr. Ativ Patel *i/b M/s AVP Partners, Advocate for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 24, 2025

PC :

1. Learned Counsel for the Respondent has entered appearance, accepts notice and seeks a short period of time to file a reply since he questions the very existence of the arbitration agreement. According to him, the arbitration agreement relied upon by the Applicant is contained in an offer letter, which had a limited validity period of 45 days and that would never be regarded as an arbitration agreement at all.

2. He would also submit that it is the Applicant's case that a draft agreement forwarded by the Respondent pursuant to the aforesaid offer letter made by the Applicant, remained unexecuted. Such unexecuted draft is also a part of the record and indicates that the seat of arbitration would be in Delhi.

3. Be that as it may, since the limited scope of judicial review in this jurisdiction is the existence of an arbitration agreement, the Respondent is permitted to file a short reply restricting the scope of the reply to the existence of an arbitration agreement. Let such reply be filed no later than April 30, 2025.

4. List on ***May 5, 2025*** on the ***Supplementary Board***

5. 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.]