

## **Pre-Litigation Mediation**

Hon'ble Mediation & Conciliation Committee, in its meeting held in October, 2014, launched the concept of Pre-litigation Mediation on the parameters of Delhi High Court Mediation Centre. As per this concept of Mediation, disputes, which arise out of legal relationships, cases/matters of civil nature, money matters, contractual disputes etc., may be received under Pre-litigation in the Mediation & Conciliation Centre, prior to registration of FIR or filling of civil case in any court of law. Further, in terms of section 74 of Arbitration and Conciliation Act, 1996, settlement agreement has the same status and effect as if it is an arbitral award on agreed terms on the substance of the dispute rendered by an arbitral tribunal under section 30.

Under this concept, the applicant has to fill a Pre-Litigation Mediation Information form in which he/she has to submit his/her details, the details of the second party, nature of dispute etc. and give undertaking with regard to compliance of certain conditions of Pre-Litigation Mediation. The proforma of Pre-Litigation Mediation Information form and condition of Pre-Litigation Mediation are at Annexure 'A' and 'B' respectively.

**Pre-litigation Mediation Information Form**

Name of the Applicant(s): \_\_\_\_\_

Address \_\_\_\_\_

Contact No. \_\_\_\_\_ E-mail:- \_\_\_\_\_

**Details of the person(s) with whom pre-litigation Mediation is sought for:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Nature/Details of Dispute:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Undertaking**

I, the above mentioned applicant, do hereby solemnly affirm and declare as under:

1. That the case/dispute mentioned above, has arisen out of legal relationship.
2. That I desire to get my dispute resolved through Mediation in the Mediation & Conciliation Centre, Punjab & Haryana High Court, Chandigarh and would abide by the terms of settlement to be reached between the parties.
3. I also undertake to abide by the terms and conditions of Pre-litigation Mediation annexed herewith.

Dated:

Signature of the Applicant

**Conditions for Pre-Litigation Mediation**

1. *Both parties together or singly shall pay Rs.1,000/- in all as administrative charges of the Mediation Centre;*
2. *The fee of the Mediator i.e. Rs.10,000/- in all, together or singly, shall be paid by the parties at the initial stage on appointment of the Mediator by depositing it with the Mediation Centre.*
3. *Both parties together or singly shall pay Rs.500/- per sitting for the use of the Mediation Centre.*
4. *The above amount/s shall be paid either in cash or through Pay Order/Demand Draft drawn in favour of the Mediation & Conciliation Committee, Punjab & Haryana High Court, Chandigarh.*
5. *Both parties together or singly shall pay additional fee of the Mediators, depending upon the nature of the dispute, which would be decided by Hon'ble Chairman.*
6. *That in terms of section 74 of Arbitration and Conciliation Act, 1996, settlement agreement would have the same status and effect as if it is an arbitral award on agreed terms on the substance of the dispute rendered by an arbitral tribunal under section 30 of the Act.*
7. *It would not be treated as Court Litigation.*
8. *That the settlement reached between the parties would be in the shape of decree and can be enforced.*

**Director,  
Mediation & Conciliation Centre.**

AFFIDAVIT

I, \_\_\_\_\_ D/W/S/o \_\_\_\_\_

R/o \_\_\_\_\_

do hereby solemnly affirm and declare as under:-

1. That I am the resident of the above said address. A copy of \_\_\_\_\_ is enclosed herewith as proof of my residence/Identity.
2. That no case has been filed by the undersigned in any Court of Law and no FIR has been registered. If FIR has been registered, then final report under Section 173 Cr.P.C. has not been submitted and trial in the concerned court is yet to commence.

Chandigarh

Dated \_\_\_\_\_

Deponent

VERIFICATION

Verified that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and noting material has been kept concealed therein.

Dated \_\_\_\_\_

Deponent