

Karnataka State Legal Services Authority, Bengaluru

STANDARD OPERATING PROCEDURE – For conducting online Pre-institution Mediation and Settlement (PIMS) of cases filed under The Commercial Courts Act, 2015.

1. Initiation of mediation process of new case: - A party to a commercial dispute may make an application to the DLSA as per Form-1 specified in Schedule-I through online for initiation of mediation process under the Act along with a fee of one thousand rupees payable to the DLSA by online to the Bank account of the DLSA (Bank account of the respective DLSAs as shown in district court website).

On receipt of Form No 1, the DLSA shall issue notice in Form No 2 of Schedule I by electronic means to opposite Party to appear through online and give consent to participate in the mediation process within the stipulated period. In the event of opposite party giving consent for mediation, the DLSA shall cause notice by email or electronic means to the petitioner to participate in the mediation process.

2. Initiation of mediation process of Pending PIMS cases: - DLSA shall issue fresh notice in Form No 2 of Schedule I by electronic means to opposite Party to appear through online and give consent to participate in the mediation process within the stipulated period. In the event of opposite party giving consent for mediation, the DLSA shall cause notice by email or electronic means to the petitioner to participate in the mediation process.

3. Consequences of nonappearance of the opposite party: Where the notice issued to the opposite party remains unacknowledged or where the opposite party refuses to participate in the mediation process or fails to

appear in a stipulated time, the DLSA shall treat the mediation process to be a non-starter and make a report as per Form No. 3 specified in the Schedule-I and endorse the same to the Petitioner and the opposite party.

4. Payment of mediation Fee: Before the commencement of the mediation, the parties to the commercial dispute shall pay to the DLSA a one-time mediation fee, to be shared equally, as per the quantum of claim as specified in Schedule-II and same shall be deposited by online to the Bank account of the said DLSA.

5. Where both the parties to the commercial dispute consent: The DLSA shall assign the commercial dispute to a Mediator and fix a date for the appearance of parties before the said Mediator and conduct mediation through video conference

6. Online mediation procedure.

- The mediator shall fix the date and time of mediation sitting in consultation with parties by email or any other electronic mode.
- The Mediator may, during the course of online mediation, hold meetings with the parties jointly or separately, as he thinks fit;
- The Petitioner or opposite party may share their settlement proposals with the Mediator by email
- The parties to the mediation can exchange settlement proposals with each other during mediation by emails or orally in virtual meet.
- Once both the parties reach to a mutually agreed settlement, the same shall be reduced in writing by the Mediator and shall be shared to the parties by email through a non-editable scanned copy.
- On receipt of scanned copy by the petitioner he/she shall affix signature to the same and forward the said signed scanned copy to

the opposite party through email who in turn shall affix his/her signature and scan the same and send it to the DLSA by mail. Then it shall be signed by the mediator and kept it on record of DLSA as a record of settlement.

- Where no settlement is arrived at between the parties the Mediator shall submit a report to the Authority through online as per Form-5 specified in Schedule-I.

7. REQUIRED PROTOCOLS AND GUIDELINES to conduct online PIMS:

- The DLSAs shall facilitate and coordinate in conducting PIMS through video conferencing among the mediator, parties and counsels.
- The parties, counsels and mediator shall ensure better Internet connectivity with good bandwidth.
- The participants should have Smartphone (mobile) / Tablet / Laptop / Desktop Computer having Internet Connection (minimum 2 MBPS), Web camera (internal/external, adequate resolution 1 MP or above), Speaker and Microphone (internal/external).
- The participants shall necessarily download & install the required application like “Zoom” or “Jitsi meet” or “Bluejeans” in their Android/iOS mobile/tab. These apps are available on Google play store/Apple store, free of cost.
- If you are using an Apple product then keep your iCloud username and password ready for entering the same during installation of the Video Conferencing App.

