



Form: 104

AGREEMENT TO MEDIATE

1. This mediation agreement is made under the Rules of the Indian Institute of Arbitration & Mediation (IIAM Mediation Rules), by and between the following parties, viz.,
 - (1) _____, residing at _____ (First Party)
 - (2) _____, residing at _____ (Second Party)

2. The dispute basically relates to: _____
(Brief description)

3. The parties to the dispute, signing this agreement, agree that:
 - (1) The dispute will be mediated by the Mediator(s), _____, appointed by IIAM by consent of parties;
 - (2) The mediation will be confidential;
 - (3) The mediation is being conducted with the purpose of arriving at an acceptable resolution by settling the dispute by consensus;
 - (4) The IIAM Mediation rules and procedures and the Arbitration & Conciliation Act, 1996 shall apply for the mediation;
 - (5) The mediator(s) shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute;
 - (6) In executing this agreement, the parties expressly agree to mediate in good faith and to either attend said mediation in person or to have a representative having final and binding settlement authority,
 - (7) The entire process is a voluntary process and until the parties reach settlement and sign the agreement, any party is free to opt out of the process,
 - (8) The parties shall pay the Mediator(s) fee and the IIAM administrative charges as intimated by the IIAM Administrator and as per the current IIAM Rules and Fee schedule,
 - (9) The mediator shall not be presented by the parties as a witness in any arbitral or judicial proceedings.
 - (10) The mediation proceedings shall be terminated--
 - (a) By the signing of the settlement agreement by the parties on the date of the agreement; or
 - (b) By a written declaration of the mediator(s), after consultation with the parties, to the effect that further efforts at mediation are no longer justified, on the date of the declaration; or
 - (c) By a written declaration of the parties addressed to the mediator(s) to the effect that the mediation proceedings are terminated, on the date of the declaration; or
 - (d) By a written declaration of a party to the other party and the mediator(s), if appointed, to the effect that the mediation proceedings are terminated, on the date of the declaration.

So Agreed and Certified:

This ____ day of _____, 200____ .

First Party

Second Party