

AGREEMENT TO MEDIATE

Form No: 107

1. This agreement to mediate is made by the parties hereunder, on the date mentioned below.

Name of Party No.1:

Address:

Tel / Mobile / Email:

Name of Party No. 2:

Address:

Tel / Mobile / Email:

2. The parties to this agreement has a dispute,

arising out of agreement dated

which is non-contractual

and would like to resolve the dispute by mediation under the IIAM Mediation Rules.

3. The parties hereby agree that:

1) The dispute will be mediated by the following Mediator(s), appointed by IIAM/PMC 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 mediation;

Signature of Party No.1

Signature of Party No.2

- 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/ PMC Executive 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.

Date:

Name & Signature of Party No.1

Name & Signature of Party No.2

Accepted

Name & Signature of Mediator(s)