INDIALAW

Mediation And Conciliation

Commercial Mediation and Conciliation Law Firm in India and Cross-Border Matters

PRACTICE PROFILE • OCTOBER 2026

Overview

Our Mediation and Conciliation practice helps clients resolve disputes through structured, confidential negotiation rather than prolonged adversarial proceedings. With the Mediation Act, 2023 reshaping India's dispute landscape and pre-litigation mediation now mandatory for most commercial matters under Section 12A of the Commercial Courts Act, 2015, mediation is the first procedural gate and often the most efficient route to outcome. We guide corporations, public sector undertakings, partnership firms, family enterprises, and individual clients from the framing of the dispute to the drafting of an enforceable settlement.

Our approach is interest-based and preparation-led. We assess the client's BATNA, the counterparty's likely position, and the regulatory or board approvals a settlement will need, before representing the client in caucus and joint sessions. We also conduct conciliation under Part III of the Arbitration and Conciliation Act, 1996, and pre-institution mediation under the applicable notified rules. Once a settlement is reached, we draft consent terms, settlement agreements, and applications for recording the settlement under Section 49 of the Mediation Act, 2023, so the outcome holds up commercially and on enforcement.

Our Services

- Representing clients in court-annexed mediation, private mediation, and online dispute resolution proceedings across commercial, civil, and family disputes
- Enabling structured, interest-based negotiation that focuses on the parties' underlying commercial drivers rather than positional bargaining
- Acting in conciliation proceedings under Part III of the Arbitration and Conciliation Act, 1996, and statutory conciliation under sector-specific frameworks
- Preparing focused mediation strategies, position statements, and settlement parameters, with realistic BATNA and WATNA analysis built in
- Managing private caucus discussions, joint sessions, and consensus-building exchanges, including handling sensitive disclosures and confidentiality limits
- Drafting and reviewing settlement agreements, consent terms, and standstill arrangements that are clear, complete, and enforceable
- Advising on the enforceability of mediated settlements under the Mediation Act, 2023, the Code of Civil Procedure, 1908, and the Singapore Convention on Mediation where applicable
- Conducting pre-litigation and pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, including timely filing of non-starter reports where required
- Coordinating multi-party mediation in shareholder, joint venture, construction, and group enterprise disputes, including stakeholder mapping and sequencing
- Representing clients in court-mandated mediation referrals under Section 89 of the Code of Civil Procedure, 1908, and parallel court timelines
- Handling cross-cultural and international mediation, including translation, time-zone management, and coordination with foreign counsel
- Acting as neutral mediators in commercial, contractual, employment, and inter-corporate disputes, where the parties seek an independent facilitator

Key Professionals



K.P. Sreejith
Founder



Vinod P.V.
Senior Partner



Rahul Sundaram
Partner



G.P. Yash Vardhan
Associate Partner



Pranava Charan MG
Associate Partner



Supriya Bhosale
Associate Partner



Asav Rajan Arora
Associate Partner



Tannya Baranwal
Associate Partner

Frequently Asked Questions

Q1 **What does a mediation and conciliation practice actually cover?**

It covers representing clients in structured, confidential negotiations to resolve disputes without full litigation. This includes court-annexed mediation, private mediation, conciliation under Part III of the Arbitration and Conciliation Act, 1996, and drafting enforceable settlement agreements.

Q2 **When should a business consider mediation instead of going to court?**

Pre-litigation mediation is now mandatory for most commercial suits under Section 12A of the Commercial Courts Act, 2015. Beyond compliance, mediation is worth considering when preserving a business relationship matters, timelines are tight, or the dispute turns on commercial terms rather than pure legal rights.

Q3 **Which Indian statutes govern mediation and conciliation proceedings?**

The Mediation Act, 2023 is the primary statute for mediation. Conciliation is governed by Part III of the Arbitration and Conciliation Act, 1996. Section 89 of the CPC enables court referrals, and Section 12A of the Commercial Courts Act mandates pre-institution mediation for commercial disputes.

Q4 **How long does a typical mediation process take in India?**

Under the Mediation Act, 2023, mediation must be completed within 120 days, extendable by 60 days with party consent. Court-annexed mediations often conclude in two to four sessions. Preparation time, including BATNA analysis and position statements, usually adds one to two weeks before the first session.

Q5 **What documents should a client prepare before starting mediation?**

Clients should gather the underlying contract or agreement, relevant correspondence, a timeline of the dispute, any prior legal notices, and board or authority approvals needed to settle. A clear summary of commercial interests and acceptable settlement parameters helps the mediator and counsel work efficiently.

Q6 **What common mistakes do parties make in mediation that weaken their position?**

The most frequent mistake is treating mediation as a formality rather than a genuine settlement opportunity. Parties often attend without decision-makers, skip BATNA preparation, or disclose sensitive information outside caucus sessions. Poorly drafted settlement agreements can also create enforcement problems under Section 49 of the Mediation Act, 2023.

Related Practice Areas

- Alternative Dispute Resolution (ADR)
- Construction, Development and Infrastructure Disputes
- ADR Clauses and Contractual Advice
- Arbitration