

MEDIATION CENTRE OF TDSAT

The Mediation Centre of TDSAT has been established to facilitate parties to arrive at a mutually agreed resolution of their differences with the help of trained Mediators. The Centre presently has a panel of eight qualified and experienced Mediators. So far, a total number of 266 cases have been referred to the Mediation Centre. Out of this, a total number of 101 cases have been settled and 125 number of cases were referred back to the Tribunal as unsettled. The remaining 40 cases are currently under Mediation. **The Mediation Centre is also mediating a batch of 4 pre-litigation Mediation cases** which have recently been filed.

Recently, TDSAT has notified the Procedures for the Mediation Centre whereby, **pre-litigation Mediation has been started by TDSAT.** Pre-litigation Mediation is very beneficial for amicable resolution of issues between parties. In cable and broadcasting industry various kinds of issues like outstanding payment, disconnection of signals, threat of disconnection, execution of inter-connect or subscription agreements, renewal of such agreements, piracy etc. can be amicably resolved between the parties through the process of Mediation. **Pre-litigation Mediation means an attempt to resolve the disputes through the process of Mediation before filing a case in the Court/Tribunal for adjudication of disputes.** It is an alternate method for resolution of disputes which saves time, money and relationship besides protecting business confidentiality.

Mediation saves time because in a few sittings only the parties can resolve their differences in the presence of a neutral, qualified and

experienced Mediator. It saves money as a nominal fee of Rs. 1,000/- is payable to the TDSAT Registry. The fees of Mediator and office expenses are borne by the TDSAT. The parties are at liberty to represent their case themselves or through an authorized person or an Advocate. Therefore, hiring the services of an Advocate is optional and not compulsory. It saves relationship between the parties **as going through the process of Mediation is voluntary and the settlement is as per the consent of both the parties.** The Mediator can't impose his will upon the parties but only facilitates them to arrive at a settlement. **It protects the confidential information of business as the process is not subject to public eye.** The Mediation sessions are conducted in close door premises where outsiders are not permitted.

Pre-litigation Mediation does not take away right of the party to approach Court/Tribunal for redressal of its grievance in case the Mediation does not result in resolution of dispute. Secondly, any information disclosed by a party during the Mediation process, can't be used against the party in the Court/Tribunal.

Another benefit of Mediation process over the adjudication process at the court is that the order/judgment of court is subject to execution and appeal before higher forum whereas Mediation settlement defuses the issues between the parties to their satisfaction.

Any party may approach the TDSAT office by filing an application and giving information as per the prescribed proforma as attached herewith. Such application can also be moved online at tdsat@nic.in. The Registry of TDSAT will inform the opposite party at the

given email/postal address and in case the other party agrees to settle the dispute through pre-litigation Mediation, then the matter would be registered upon payment of fee of Rs. 1,000/- by the applicant and the matter would be listed before a Mediator.

Therefore, if a party approaches TDSAT Registry for pre-litigation Mediation of its dispute with the opposite party and in case the opposite party agrees to enter into the process of such Mediation, then the financial burden on the party would only be Rs. 1,000/- and the chances of resolution of the dispute are considerable. The normal time taken for completion of such process is around 60 days.

APPLICATION FOR PRE-LITIGATION MEDIATION

1. **Name of the Firm/Party –**
2. **Contact details of the Firm/Party –**
 - a. Postal Address
 - b. Email Id
 - c. Telephone Number
3. **Name of the Opposite Party/Firm-**
4. **Contact details of the Opposite Party/ Firm –**
 - a. Postal Address
 - b. Email Id
 - c. Telephone Number
5. **Nature of Grievance (Please tick mark)-**
 - (i) **Telecom**
 - (ii) **Cable and Broadcasting**
In case of cable whether
 - a. Signing of subscription agreement
 - b. Renewal of subscription agreement
 - c. Reduction of monthly subscription fee
 - d. Disconnection Notice
 - e. Recovery of outstanding dues
 - f. Any other grievance
6. **Brief facts of the case (not more than 100 words)-**

Dated:
At:

(SIGNATURE)
Name