

Paper on ‘Mediation as a mechanism for dispute resolution under Insolvency and Bankruptcy Code, 2016’.

3.3.1 The Governing Board considered the Board Note.

3.3.2 Dr. (Ms.) Mukulita Vijayawargiya briefly stated the salient features of Mediation and its existence as a dispute resolution mechanism in various existing statutes and other jurisdictions. Some Members raised concern with respect to integration of Mediation mechanism within the resolution process as laid down under the IBC and also regarding settlement of claim dispute of some creditors through Mediation and its impact on claims settlement of other creditors, especially financial creditors, under the IBC. Dr. Rajiv Mani participating in the discussion informed the Governing Board that the Mediation Bill, 2021 has been introduced in the Rajya Sabha on 20th December, 2021. The Bill proposes to promote mediation especially institutional mediation and provides for pre-litigation mediation in matters of civil or commercial dispute before parties approach a court or a tribunal. This Bill has been referred for further examination and report to the Parliamentary Standing Committee on Law and Justice. The Members after discussion opined that given the provisions of the Mediation Bill, 2021 and the fact that the Bill does not provide for any consequential amendment in the IBC, a linkage between the IBC and Mediation Bill, 2021 needs to be drawn for incorporating Mediation within the IBC structure.



Quorum: 5 out of 8 Board Members attended the meeting.