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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA
APPELLATE SIDE**

NOTIFICATION

No. 1529-G - dated the 8th July, 2021—In exercise of the rule making power under Part X of the Code of Civil Procedure, 1908 (5 of 1908), read with clause (d) of sub-section (2) of Section 89 of the said Code, the High Court at Calcutta hereby makes the following amendments to the existing rule, contained in PART II under the heading 'CIVIL PROCEDURE MEDIATION RULES, 2006' promulgated under Court's notification No. 4679-G dated 06.12.2006 and amended by Court's notification No. 3116-G dated 08.09.2017.

Sl. No.	RULE AMENDED/MODIFIED	AMENDED/MODIFIED PROVISION IN THE SAID RULE
1.	3. (Panel of Mediators)	<p>The following clause to be inserted as under :-</p> <p>3. (aa) The High Court may prepare and publish a separate panel of "Online Mediators" who will be additionally qualified to conduct "Online Mediation" under these rules.</p> <p>3. (b) (ia) The Court of the District and Sessions Judge in each district or the Courts of the Chief Judge of the City Civil Court or courts of equal status may prepare and publish a separate panel of "Online Mediators" who are proficient in computer/smartphone for conducting "Online Mediation" under these rules.</p>
2.	4. (Qualifications of persons to be empanelled under Rule 3.)	<p>The following sentence shall be added in Rule 4.(d) (i) :- These institutions, if empanelled, shall be governed by the provisions of these rules;</p> <p>4. (e). Panel for Online Mediation:- Notwithstanding, anything contained under the provisions laid down hereinabove, the existing</p>

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		empanelled Mediator having expertise and proficiency to conduct "Online Mediation" under these rules, shall be enlisted as "Online Mediators".
3.	6. (Venue for conducting mediation)	<p>The following clauses to be inserted as under :-</p> <p>(v)(i) For the purpose of "Online Mediation" the Mediators/Parties and/or their Advocates/Representatives may participate in the mediation process from any/several places of their choice through online/virtual mode.</p> <p>(v)(ii) Mediation Centres/ADR centres in each of the jurisdiction will however, provide sufficient infrastructural and technical support to conduct "Online Mediation" therefrom;</p> <p>(v)(iii) Software/Application/Website for Online Mediation:- The Mediator(s) will be at liberty to exercise his discretion to choose any Software/Application/Website for conducting " Online Mediation" subject to mutual consent of all the parties to the suit/ proceeding and the same should be informed to the Mediation and Conciliation Committee, High Court, Calcutta and/or the concerned District Legal Services Authority, as the case may be, in order to get "prior approval" for this purpose. However, the Mediation and Conciliation Committee, High Court, Calcutta and/ or the concerned District Legal Services Authority, as the case may be, will be at liberty to refuse permission of using any particular Software/Application/Website for Online Mediation on account of security and/or confidentiality and/or any other technical and/ or legal ground;</p>
4.	11. (Procedure of mediation)	<p>The following lines to be added after the existing clause, as under :-</p> <p>11. (b) (v) Copies of pleading or documents or such other information as may be required by him in connection with the issues to be resolved may also be furnished through online mode;</p> <p>The following clause to be inserted as under :-</p> <p>11. (d) All communications including notice of appearance, notice of adjournment of proceeding, settlement agreement and any other relevant communication, in this regard may be made through approved virtual mode of communication, subject to approval of the competent authority in this regard.</p>
5.	23. (Communication between mediator and the Court)	<p>The following words to be inserted after the word "writing" and before the word "and" to be inserted as under :-</p> <p>23(b) in electronic form.</p>
6.	24. (Settlement agreement)	<p>The following clauses to be inserted as under :-</p> <p>24. (1) (a) In case of online mediation the link shall be shared to the parties by the concerned mediation centre having jurisdiction</p>

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		<p>and the signature of the parties may not be required for participation. However, the parties may give their consent through official E-mail address of the mediation centre.</p> <p>24. (1) (b) Where an agreement is reached between the parties either on all issues or some of the issues the same shall be reduced in writing and the copy thereof shall be forwarded to the mediator and the consent to such agreement can also be simultaneously appended thereto by the respective parties. The aforesaid exercise shall be made to the official E-mail address of the respective mediation centre.</p> <p>24. (1) (c) The mediator shall download the copy of the agreement and the consent appended thereto and send the same to the Central Coordinator of the mediation centre along with his/her report.</p> <p>24. (1) (d) The Central Coordinator of the respective mediation centre shall fix a date and communicate the same to the parties and their respective advocates (if represented) to put their signature by appearing physically within 15 (fifteen) days from the date of the submission to the mediator. However, it is open to the competent authority to extend the time for physical appearance and the signature to be put on the printed agreement depending upon the circumstances.</p> <p>24. (1) (e) The provisions contained in Rule 18 shall not apply to online mediation but shall immediately come into effect once the mediator thinks that there is a possibility of conducting the mediation proceeding physically.</p>
7.	1. (Title)	<p>After Rule 1 (Title), the following rule is to be inserted –</p> <p>1A. Competent authority shall mean the member-secretary of the mediation and the conciliation committee / board in case of mediation held within the territory of Kolkata region and include the chairman of the DLSA and SDLSA in other cases.</p> <p>The mediator shall not close the online mediation process nor shall submit the closure report but shall fix a date for physical interaction of parties and/or representatives if in the opinion of the mediator there exists a possibility of settlement.</p>

Note: They shall apply to all Civil Courts throughout the territories in relation to which, the High Court, Calcutta, exercises its jurisdiction and shall take effect from the date of publication in the Official Gazette.

By the Order of the Honb'le High Court,
Sd/-

[ANANYA BANDYOPADHYAY]
*Registrar General,
High Court, Calcutta.*