

## Part III - Conciliation

Use a voluntary, confidential process with settlement authority, precise drafting and enforceability controls; check the Mediation Act transition.

Reviewed through 2026-07-18

Authors: CA Nikhil Gupta and Kajri Singh

India-first professional reference

**Source status:** Current architecture and amendment footnotes are mapped to the official India Code consolidation marked "As on 1 June 2026". This page is a detailed implementation publication, not a substitute for the signed Gazette, event-date law, applicable High Court rules or matter-specific advice. Open official Act PDF.

### Dedicated Finin2min Summary - Chapter in 2 Minutes

- Use a voluntary, confidential process with settlement authority, precise drafting and enforceability controls; check the Mediation Act transition.
- Use the current India Code consolidation as on 1 June 2026 together with amendment footnotes and event-date law.
- Convert every section into an owner, deadline, evidence and remedy control.
- Separate seat, venue, governing law, court and institutional rules.
- Do not treat arbitration as a substitute for proof of contract, performance, authority, loss or limitation.

## Section-by-section provision map

| Provision / gate | Statutory focus                              | Finin2min decode                                                                            | Implementation                                                                                              | Evidence / control                                                                    |
|------------------|----------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Section 61       | Application and scope.                       | Section 61 addresses application and scope.                                                 | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 62       | Commencement of conciliation proceedings.    | Section 62 affects time or procedural status:<br>Commencement of conciliation proceedings.  | Record trigger date, service, suspension/ termination, consequence and next deadline.                       | Chronology, notice, order and limitation sheet.                                       |
| Section 63       | Number of conciliators.                      | Section 63 addresses number of conciliators.                                                | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 64       | Appointment of conciliators.                 | Section 64 governs tribunal/Council constitution or office:<br>Appointment of conciliators. | Map appointing power, eligibility, notice, deadline, disclosure, decision maker and replacement.            | Clause/rule, notices, CV/ disclosure, appointment and challenge record.               |
| Section 65       | Submission of statements.                    | Section 65 controls procedure or proof:<br>Submission of statements.                        | Translate the provision into a procedural order, production/witness plan and auditable service record.      | Pleadings, procedural orders, evidence index, transcript and service proof.           |
| Section 66       | Conciliator not bound by certain enactments. | Section 66 addresses conciliator not bound by certain enactments.                           | Identify actor, trigger, conditions, provisos, exceptions, consequence and                                  | Current source, contract, authority, notices, procedural record                       |

| Provision / gate | Statutory focus             | Finin2min decode                                                            | Implementation                                                                                              | Evidence / control                                                                    |
|------------------|-----------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|                  |                             |                                                                             | linked provisions before acting.                                                                            | and outcome evidence.                                                                 |
| Section 67       | Role of conciliator.        | Section 67 addresses role of conciliator.                                   | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 68       | Administrative assistance.  | Section 68 addresses administrative assistance.                             | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 69       | Communication with parties. | Section 69 controls procedure or proof: Communication with parties.         | Translate the provision into a procedural order, production/witness plan and auditable service record.      | Pleadings, procedural orders, evidence index, transcript and service proof.           |
| Section 70       | Disclosure of information.  | Section 70 controls confidentiality/ disclosure: Disclosure of information. | Classify information, recipients, permitted disclosure, legal hold and enforcement exception.               | Confidentiality protocol, access log and disclosure record.                           |
| Section 71       | Co-operation of parties.    | Section 71 addresses co-operation of parties.                               | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 72       | Suggestions for settlement. | Section 72 addresses suggestions for settlement.                            | Identify actor, trigger, conditions, provisos, exceptions, consequence and                                  | Current source, contract, authority, notices, procedural record                       |

| Provision / gate | Statutory focus                             | Finin2min decode                                                                                              | Implementation                                                                                      | Evidence / control                                                  |
|------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
|                  |                                             |                                                                                                               | linked provisions before acting.                                                                    | and outcome evidence.                                               |
| Section 73       | Settlement agreement.                       | Conciliation settlement agreement is signed by parties after formulation/ authentication and becomes binding. | Verify authority, terms, releases, tax, payment, default, confidentiality and enforcement language. | Signed settlement, authority, payment schedule and closure records. |
| Section 74       | Status and effect of settlement agreement.  | Conciliation settlement has the same status and effect as an arbitral award on agreed terms under section 30. | Draft with award-like certainty and preserve the conciliation provenance.                           | Settlement, conciliator authentication and delivery.                |
| Section 75       | Confidentiality.                            | Section 75 controls confidentiality/ disclosure: Confidentiality.                                             | Classify information, recipients, permitted disclosure, legal hold and enforcement exception.       | Confidentiality protocol, access log and disclosure record.         |
| Section 76       | Termination.                                | Section 76 affects time or procedural status: Termination.                                                    | Record trigger date, service, suspension/ termination, consequence and next deadline.               | Chronology, notice, order and limitation sheet.                     |
| Section 77       | Resort to arbitral or judicial proceedings. | Section 77 governs court/forum intervention: Resort to arbitral or judicial proceedings.                      | Identify permitted application/appeal, competent forum, seat/territory, timing and relief.          | Court history, seat note, pleadings and order.                      |
| Section 78       | Costs.                                      | Section 78 governs award, money or cost consequences: Costs.                                                  | Separate claim, counterclaim, principal, interest, cost, tax, payment and enforceability.           | Quantum model, invoices, award/ order and payment/security records. |

| Provision / gate | Statutory focus                                 | Finin2min decode                                                                        | Implementation                                                                                              | Evidence / control                                                                    |
|------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Section 79       | Deposits.                                       | Section 79 governs award, money or cost consequences: Deposits.                         | Separate claim, counterclaim, principal, interest, cost, tax, payment and enforceability.                   | Quantum model, invoices, award/ order and payment/security records.                   |
| Section 80       | Role of conciliator in other proceedings.       | Section 80 addresses role of conciliator in other proceedings.                          | Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting. | Current source, contract, authority, notices, procedural record and outcome evidence. |
| Section 81       | Admissibility of evidence in other proceedings. | Section 81 controls procedure or proof: Admissibility of evidence in other proceedings. | Translate the provision into a procedural order, production/witness plan and auditable service record.      | Pleadings, procedural orders, evidence index, transcript and service proof.           |

## Finin2min clause-by-clause decode

### Section 61 - Application and scope.

Section 61 addresses application and scope.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### Section 62 - Commencement of conciliation proceedings.

Section 62 affects time or procedural status: Commencement of conciliation proceedings.

**Implementation:** Record trigger date, service, suspension/termination, consequence and next deadline.

**Evidence:** Chronology, notice, order and limitation sheet.

### **Section 63 - Number of conciliators.**

Section 63 addresses number of conciliators.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 64 - Appointment of conciliators.**

Section 64 governs tribunal/Council constitution or office: Appointment of conciliators.

**Implementation:** Map appointing power, eligibility, notice, deadline, disclosure, decision maker and replacement.

**Evidence:** Clause/rule, notices, CV/disclosure, appointment and challenge record.

### **Section 65 - Submission of statements.**

Section 65 controls procedure or proof: Submission of statements.

**Implementation:** Translate the provision into a procedural order, production/witness plan and auditable service record.

**Evidence:** Pleadings, procedural orders, evidence index, transcript and service proof.

### **Section 66 - Conciliator not bound by certain enactments.**

Section 66 addresses conciliator not bound by certain enactments.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 67 - Role of conciliator.**

Section 67 addresses role of conciliator.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 68 - Administrative assistance.**

Section 68 addresses administrative assistance.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 69 - Communication with parties.**

Section 69 controls procedure or proof: Communication with parties.

**Implementation:** Translate the provision into a procedural order, production/witness plan and auditable service record.

**Evidence:** Pleadings, procedural orders, evidence index, transcript and service proof.

### **Section 70 - Disclosure of information.**

Section 70 controls confidentiality/disclosure: Disclosure of information.

**Implementation:** Classify information, recipients, permitted disclosure, legal hold and enforcement exception.

**Evidence:** Confidentiality protocol, access log and disclosure record.

### **Section 71 - Co-operation of parties.**

Section 71 addresses co-operation of parties.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 72 - Suggestions for settlement.**

Section 72 addresses suggestions for settlement.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 73 - Settlement agreement.**

Conciliation settlement agreement is signed by parties after formulation/authentication and becomes binding.

**Implementation:** Verify authority, terms, releases, tax, payment, default, confidentiality and enforcement language.

**Evidence:** Signed settlement, authority, payment schedule and closure records.

### **Section 74 - Status and effect of settlement agreement.**

Conciliation settlement has the same status and effect as an arbitral award on agreed terms under section 30.

**Implementation:** Draft with award-like certainty and preserve the conciliation provenance.

**Evidence:** Settlement, conciliator authentication and delivery.

### **Section 75 - Confidentiality.**

Section 75 controls confidentiality/disclosure: Confidentiality.

**Implementation:** Classify information, recipients, permitted disclosure, legal hold and enforcement exception.

**Evidence:** Confidentiality protocol, access log and disclosure record.

### **Section 76 - Termination.**

Section 76 affects time or procedural status: Termination.

**Implementation:** Record trigger date, service, suspension/termination, consequence and next deadline.

**Evidence:** Chronology, notice, order and limitation sheet.

### **Section 77 - Resort to arbitral or judicial proceedings.**

Section 77 governs court/forum intervention: Resort to arbitral or judicial proceedings.

**Implementation:** Identify permitted application/appeal, competent forum, seat/territory, timing and relief.

**Evidence:** Court history, seat note, pleadings and order.

### **Section 78 - Costs.**

Section 78 governs award, money or cost consequences: Costs.

**Implementation:** Separate claim, counterclaim, principal, interest, cost, tax, payment and enforceability.

**Evidence:** Quantum model, invoices, award/order and payment/security records.

### **Section 79 - Deposits.**

Section 79 governs award, money or cost consequences: Deposits.

**Implementation:** Separate claim, counterclaim, principal, interest, cost, tax, payment and enforceability.

**Evidence:** Quantum model, invoices, award/order and payment/security records.

### **Section 80 - Role of conciliator in other proceedings.**

Section 80 addresses role of conciliator in other proceedings.

**Implementation:** Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

**Evidence:** Current source, contract, authority, notices, procedural record and outcome evidence.

### **Section 81 - Admissibility of evidence in other proceedings.**

Section 81 controls procedure or proof: Admissibility of evidence in other proceedings.

**Implementation:** Translate the provision into a procedural order, production/witness plan and auditable service record.

**Evidence:** Pleadings, procedural orders, evidence index, transcript and service proof.

## **Finin2min implementation explanation**

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Create one matter control sheet containing clause, seat, governing law, institution/rules, tribunal, court, claims, counterclaims, limitation, procedural calendar, budget, evidence, settlement authority and source version. Assign business, legal, finance and document owners.

## Practical examples and calculations

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- **Section 61:** Example control: for section 61, prepare a fact-to-provision matrix for application and scope, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 62:** Example control: for section 62, prepare a fact-to-provision matrix for commencement of conciliation proceedings, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 63:** Example control: for section 63, prepare a fact-to-provision matrix for number of conciliators, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 64:** Example control: for section 64, prepare a fact-to-provision matrix for appointment of conciliators, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 65:** Example control: for section 65, prepare a fact-to-provision matrix for submission of statements, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.

**Quantum framework:** separate principal, admitted amount, disputed amount, set-off/counterclaim, contractual/statutory interest, tax, costs, security, payments and mitigation. Preserve a reproducible spreadsheet and source documents.

## Practical transaction application

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At contract stage, define scope, seat/venue, governing law, institution/rules, tribunal number/appointment, language, notices, interim relief, confidentiality, consolidation/joiner, emergency relief, costs and survival. Link performance, acceptance, price, tax and change-control records to the dispute clause.

## Authority, consent and execution controls

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Verify legal entity, board/partner/delegated authority, power of attorney, notice authority, arbitrator appointment authority, pleading affidavit, settlement limits and payment/security approval. Preserve changes in directors/partners and insolvency status.

## Stamp duty and registration alerts

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The arbitration agreement may be in a stamped instrument. Under current Supreme Court law, stamping defects require a curative statutory process and do not by themselves erase the arbitration agreement; however admissibility, impounding, State rates and the underlying transaction still require current jurisdiction-specific review. Awards and settlements may also attract stamp/registration consequences by subject matter and State law.

## Evidence and document-retention checklist

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Maintain legal hold, originals register, immutable exports, metadata, contract versions, notices/service, procedural orders, pleadings, document production, witness/expert files, transcripts, award, court records, security/payment and source-version hashes. Retention continues through challenge, enforcement and limitation.

- Executed contract and amendments
- Clause/rules version
- Authority and power of attorney
- Notices and service evidence
- Chronology and limitation sheet
- Invoices, delivery and GST records
- Pleadings and procedural orders
- Document production index
- Witness and expert files
- Hearing transcript/record
- Award/settlement and delivery
- Court, security and payment records

## Performance, delivery and payment controls

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Tie obligations to deliverables, acceptance criteria, change orders, certification, invoices, tax documents, payment milestones, retention, liquidated damages and cure notices. Quantify admitted, disputed, set-off and counterclaim amounts separately.

## Breach, loss, mitigation and remedy framework

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Stop avoidable loss, preserve evidence, serve contract/statutory notices, offer cure where required, mitigate, secure assets/evidence, quantify causation/remoteness, choose interim relief and maintain consistent civil/arbitration/insolvency strategy.

## Limitation and forum controls

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Use separate clocks for cause of action, contractual notice/cure, section 21 commencement, section 11 petition, pleadings, award, section 33, section 34, section 37, enforcement, foreign-award objections and insolvency. Confirm exclusion, acknowledgement and court holidays from current law.

## Arbitration and mediation interface

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Arbitration, conciliation and mediation are distinct. Define when negotiation/mediation pauses or does not pause limitation, how settlements are authenticated, and how court/tribunal proceedings are stayed, withdrawn or converted into an award/settlement order.

## Company, partnership, GST and tax overlays

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Companies/LLP/partnership law controls authority and liability; GST/income tax affects invoice evidence, damages, interest, withholding and settlements; FEMA governs cross-border payment/award remittance; IBC may impose moratorium and claim filing; accounting standards govern provisions, contingent liabilities and award recognition.

## Chapter-specific decision flowchart

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### Part III - Conciliation - decision flow



At each gate: verify current law, authority, limitation, evidence, quantum, remedy and cross-law overlays.

## Finin2min Q&A

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### Is venue always the legal seat?

No. The clause, institutional rules and surrounding language must be analysed; the legal seat determines curial law and supervisory court.

### Does filing a section 34 petition automatically stay enforcement?

No. A separate stay application/order is required under section 36, subject to the current statutory provisos.

**Can an interested party unilaterally appoint the sole arbitrator?**

Current Supreme Court neutrality jurisprudence makes such mechanisms high risk or invalid; use a neutral appointment process.

**Does an unstamped contract make the arbitration clause non-existent?**

Current Supreme Court law treats stamping as a curable issue and preserves separability; State stamp procedure and admissibility still require compliance.

**Can a section 34 court re-hear the merits?**

No. The court applies statutory grounds and current Supreme Court law; it is not a regular appeal.

**Does negotiation automatically stop limitation?**

No. Use a written standstill where lawful and calculate limitation under the Act, Limitation Act, acknowledgements and exclusions.

**Can foreign awards be refused because the court disagrees with the facts?**

Ordinarily no. Part II provides limited refusal grounds and excludes a merits review.

**Should settlement authority be assumed from litigation authority?**

No. Obtain specific board/partner/delegated authority and document tax, payment, release and default consequences.