



## **ILSCA Schedule of Fees for Mediation**

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## **Our Philosophy**

We at ILSCA believe that all the things that we do for our users — selecting a mediator, negotiating fees, managing the finances, supervision — can be done more conveniently, more effectively and at less cost, than could the parties themselves. This is where we believe ILSCA adds value to mediation. ILSCA has tried its best to keep the cost of mediation competitive. As a not-for-profit organization, ILSCA seeks to recover, by way of fees, what it costs ILSCA to provide its administrative services. Our fee scales reflect these guiding principles.

## **How the Fees Apply**

The costs of mediation ordinarily include mediator's fee, travel expenses of the mediator, expenses of witnesses including their travel expenses, expenses incurred for services of the stenographer, translation and interpretation charges, if any, and other incidental expenses arising out of or in connection with the mediation proceeding.

In institutional mediation, there is a link created by the institution between the mediators and the parties. ILSCA (IM) Rules have been framed to regulate the mediation proceedings like the procedures for the appointment, challenge and substitution of mediators; ethical rules that specify duties and responsibilities of mediators; clerical and administrative services required for conducting mediation proceedings. ILSCA provides administrative services like receiving written applications by the parties, serve notices, etc. and also provide premises for the hearings. The ILSCA Schedule of Fees - Mediation makes the cost of mediation predictable. In ILSCA-assisted mediations, it is possible for the parties to foresee the total cost of mediations according to their amount of claim.

Costs of mediation incurred during mediation proceedings may be broadly classified into two categories. The first category may be said to include the expenses parties incur, such as costs of legal representation, witnesses, and party-appointed experts.

The second category of costs include the procedural costs of mediation, like institutional administrative fees, mediator's fees and expenses, and other logistical expenses incurred during the proceedings. Thus, the term "costs" includes mainly two types of costs: 1. Party costs and 2. Procedural costs.

Under ILSCA (IM) Rules only the procedural costs are provided which parties will incur for mediations conducted as per ILSCA (IM) Rules.

Where a dispute is administered according to ILSCA (IM) Rules, parties have to pay Non-refundable ILSCA Filing Fee, ILSCA Administrative Fee and the Mediator's fee. These fees vary according to the amount of the claim.

In cases falling outside ILSCA (IM) Rules, where parties merely seek help from ILSCA for appointment of mediators, there is a charge known as Mediator Appointment Fee mentioned in the ILSCA Schedule of Fees – Mediation. The Mediator Appointment Fee, is a flat fee, not dependent on the amount of the Claim.

## **ILSCA SCHEDULE OF FEES – MEDIATION**

ILSCA Schedule of Fees – Mediation is effective from 10<sup>th</sup> January 2021 and is applicable to all mediations commenced on or after such date in accordance with ILSCA (IM) Rules.

This Schedule of Fees may be amended from time to time and any revised Schedule of Fees shall take effect from the date determined by the Appointing Authority, ILSCA in consultation with Advisory Body of ILSCA.

There are broadly four types of charges to be paid for carrying out any mediation proceedings administered by ILSCA under ILSCA (IM) Rules. They are:

- A. Non-Refundable ILSCA Filing Fee
- B. ILSCA Administrative Fee
- C. ILSCA Mediator Fee
- D. Miscellaneous Expenses

#### **A. Non-refundable ILSCA Filing Fee**

The Non-refundable ILSCA Filing Fee is payable by the Requesting Party at the time of filing a Request for Commencement of Mediation with Appointing Authority, ILSCA. It is a flat fee payable on registration of every new case at the ILSCA, to be referred to mediation in accordance with ILSCA (IM) Rules.

#### **B. ILSCA Administrative Fee**

ILSCA Administrative Fee is utilized towards expenses incurred by ILSCA in the day-to-day administration of mediations. ILSCA Administrative fee is calculated according to the sum in dispute. Where the Claim resulting from the dispute is undervalued or not quantified, then in that event the Appointing Authority, ILSCA shall at its discretion proceed to revise or fix a value for such claims and the ILSCA Administrative Fee shall then be revised or computed accordingly.

ILSCA Administrative Fee is to be shared equally between the parties. The parties are jointly and severally liable for the payment of the fee.

The ILSCA Administrative fee does not include the following:

- ☐ Fees of the Mediator;
- ☐ Expenses of the Mediator(s) - Out of pocket expenses (like amount spent by the mediators for their travel, lodging and boarding etc.,)
- ☐ Usage cost of facilities provided by ILSCA mentioned as under:
  - i. Usage cost of the hearing rooms; ii. Usage cost of video/audio conference facilities; iii. Cost of other services like transcription and interpretation services;
  - iv. Any other support services for and in connection with any hearing e.g., lunch and refreshments.

### **C. Mediator's Fee**

Mediator's Fee is payable to the Appointing Authority, ILSCA. The parties shall not directly pay the fees to the mediators.

The Mediator's Fee is to be shared equally by the parties as per Fee Payment Schedule provided below.

The Mediator's Fee is ascertained according to the Sum in Dispute.

Where the Claim resulting from the dispute is undervalued or not quantified, then in that event the Appointing Authority, ILSCA shall at its discretion proceed to revise or fix a value for such claims and the Mediator's Fee shall then be revised or computed accordingly.

### **A. ILSCA Filing Fee (Non-Refundable)**

Non-Refundable ILSCA Filing fee: INR 2500/-

Non-Refundable Consultation Fee (if availed): INR 1500/-

**B. ILSCA Administrative Fee**

**For Commercial Disputes**

<b>Claim Amount (INR)</b>	<b>Fee (INR)</b>
Up to 5,00,000/-	INR 12,500/-
5,00,0001 to 10,00,000/-	INR 12,500 + INR 500 for every lakh or part thereof exceeding INR 5,00,000/-
10,00,001 to 25,00,000/-	INR 15,000 + INR 400 for every lakh or part thereof exceeding INR 10,00,000/-
25,00,001 to 50,00,000/-	INR 21,000 + INR 400 for every lakh or part thereof exceeding INR 25,00,000/-
50,00,001 and/or more	INR 31,000 + INR 300 for every lakh or part thereof exceeding INR 50,00,000/-
Where the dispute cannot be quantified	Fee to be finalized by the Appointing Authority, ILSCA, in consultation with the ILSCA Advisory Body.

**For Family Disputes**

	Fee (INR)
First Session	2000/-
Per Session	1500/-
Total	15000/-

- One session - 2 hours or part thereof
- If the mediation extends to more than 15 sessions, an additional fee of 25% of the total fee is payable.

### C. ILSCA Mediator Fee

<b>Claim Amount (INR)</b>	<b>ILSCA Mediator Fee (INR)</b>
Up to 5,00,000/-	Fee per session: 2000/- Total fee for 10 sessions: 20,000/-
5,00,0001 to 10,00,000/-	Fee per session: 3500/- Total fee for 10 sessions: 35,000/-
10,00,001 to 25,00,000/-	Fee per session: 5000/- Total fee for 10 sessions: 50,000/-
25,00,001 to 50,00,000/-	Fee per session: 6000/- Total fee for 10 sessions: 60,000/-
50,00,001 and/or more	Fee per session: 7000/- Total fee for 10 sessions: 70,000/-
Where the dispute cannot be quantified	Fee per session: 4500/- Total fee for 10 sessions: 45,000/-



- One session – 2 hours or part thereof.
- Note that fee is payable per session, according to the number of sessions held.
- Session includes mediation session as well as pre-mediation conference.
- If the mediation extends to more than 10 sessions, an additional fee of 25% of the total mediator fee is payable.
- If the mediation extends to more than 15 sessions, an additional fee of 50% of the total mediator fee is payable.

#### **For Family Disputes**

	<b>ILSCA Mediator Fee</b>
First Session	7500/-
Per Session	5000/-
Total for 11 sessions	57500/-
<ul style="list-style-type: none"> <li>• One session - 2 hours or part thereof</li> <li>• If the mediation extends to more than 11 sessions, an additional fee of 25% of the total mediator fee is payable.</li> </ul>	

**Mediator Appointment Fee:** INR 10,000/-

#### **D. MISCELLANEOUS EXPENSES**

- **Travelling, Boarding and Lodging for Mediators**

**Local Sitting:** Travelling allowance of INR 1000 per sitting.

**Outstation Sitting:** Actuals by Air, Rail or Car, plus out-of-pocket expenses at actuals for boarding, lodging and local transport subject to maximum of INR 6000 per day in Metropolitan cities and INR 5000 per day in other cities. A mediator

who makes his own arrangements for boarding, lodging, local transport etc. may be paid out of pocket expenses at the rate of INR 3500 per day, without production of vouchers.

- **Rentals of Conference Rooms at the ILSCA**

To be paid to the ILSCA before every mediation session, as per ILSCA Premises Charges.

## **FEE PAYMENT SCHEDULE**

### **ILSCA Filing Fee**

- Non-refundable ILSCA Filing fee is to be paid by the requesting party along with filing of Request for Commencement of Mediation.
- Consultation fee (if availed) is to be paid in advance by the Party before such consultation.

### **ILSCA Administrative Fee**

- The party initiating the mediation proceedings with ILSCA has to deposit 25% of the total ILSCA Administrative Fee with the Appointing Authority, ILSCA before the commencement of the first mediation session.
- If the mediation is abandoned due the absence of the opposite party or due to non-agreement in the first session itself, 10% of the administrative fee deposited by the party will be refunded to the initiating party.
- The remaining 75% of the total ILSCA Administrative Fee shall be deposited by both the parties with the Appointing Authority, ILSCA, after two mediation sessions.

- After the conclusion of the mediation, the accounts shall be settled, and any refund due to the parties shall be made appropriately.
- For family disputes, the initiating party shall make a deposit of two (2) sessions of ILSCA Administrative Fee. After the first session, both parties shall always keep a deposit of administrative fee of 2 sessions in advance. After the conclusion of the mediation, the amount will be settled. If the mediation is abandoned due to the absence of the opposite party or due to non-agreement in the first session itself, the balance amount will be refunded to the initiating party, or to both parties equally, as the case may be.

### **ILSCA Mediator Fee**

- Once the mediator is appointed, the parties shall make a deposit for 2 sessions of mediator fee. If the mediation is abandoned due the absence of the opposite party or due to non-agreement in the first session itself, the balance amount will be refunded to the requesting party.
- After the first session, both parties shall always keep a deposit of mediator fee of 2 sessions in advance. After the conclusion of the mediation, the amount payable to the ILSCA will be settled.

### **FEE PAYMENT TERMS**

- The ILSCA Administrative Fee and the Arbitral Tribunal Fee shall be payable in equal shares by the parties subject to the cost of Arbitration as may be finally determined by the Arbitral Tribunal.
- Where one party fails to pay his share of ILSCA Administrative Fee and the Arbitral Tribunal Fee, the other party may pay that share.
- All Fees to ILSCA shall be paid in Indian Rupee (INR).
- If the amount paid in a domestic arbitration is in a currency other than Indian Rupee (INR), it shall be converted into INR at the current official rate of exchange.

- Taxes are applicable additionally on all the above-mentioned Fees.
- Tax Deductible at Source (TDS) will be deducted as applicable.

## **PREMISES**

The parties shall also pay rentals for the hearing rooms and other miscellaneous charges as fixed by the ILSCA.

### **ILSCA Hearing Rooms Charges**

**Seven Small Hearing Rooms** - (Seats up to 7 around the table (board style) + 4 audience)

- Two small room in Ground Floor (area 165.70 sq. ft.) –
  - ✓ **Samanvaya (समन्वय)**
  - ✓ **Yukti (युक्ती)**
- Two small rooms in First Floor (area 165.70 sq. ft.) –
  - ✓ **Vidhi (विधि)**
  - ✓ **Shruti (श्रुती)**
- Three small Rooms in Second Floor (area 260 sq. ft.)
  - ✓ **Nyay (न्याय)**
  - ✓ **Neeti (नीति)**
  - ✓ **Sudharma (सुधर्म)**

 <p><b>Nyay (न्याय)</b></p>	 <p><b>Neeti (नीति)</b></p>	 <p><b>Sudharma (सुधर्म)</b></p>
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<b>Sr. No.</b>	<b>Duration</b>	<b>Charges (INR)</b>	<b>GST @18% (INR)</b>	<b>Total (INR)</b>
1	2 hours	4,125	743	4,868
2	4 hours (Half day)	8,250	1,485	9,735
4	8 hours (Full day)	16,500	2,970	19,470

**Note - Charges for Extra usage of premises**

- If the premises is used for an extra 30 minutes more than what is booked - the party will have to pay the charge/ rent for one hour - as per the charges mentioned below -depending upon the room type.

For Small Arbitration room **Rs. 2,434/-** (Inc GST@18% )  
(Rs. 2,063/- + Rs. 371/- (GST at 18 %) = Rs. 2,434)

For Big Arbitration room **Rs 4,056/-**-(Inc GST@18%)  
(Rs. 3,438/- + Rs. 619/- (GST at 18 %) = Rs. 4,056/-)

- If the premises is used for an extra 1 hour and 30 minutes more than what was booked - the party will have to pay the rent for two hours - depending upon the type of room.

**Amenities in the Arbitration Hearing Rooms :**

**A] Basic Amenities (not chargeable)**

- Air conditioning
- Computer
- TV Screen
- White Board
- Free dedicated high-speed Wi-Fi
- Standard Stationery
- Shredder facility
- Bottled Water

- Complimentary Tea/Coffee with biscuits

#### **B] Amenities available on request and on additional cost**

- Lunch and Refreshments: Rates on actuals
- Transcription Service
- Printing and Photocopy
  - Printing (Black & White): Rs. 20/page
  - Colour: Rs. 50/page
  - Photocopying: Rs. 20/page
  - Scanning: Rs. 20/page
- Additional Stationery
- Services of Stenographer: Rates on actuals
- Tea Rs. 20/- Coffee Rs. 20/-
- Integrated Audio-Video Conferencing facilities

**Note:** The charges for copies of notices, etc. mentioned under Rule 34.3 of ILSCA (IM) Rules shall be charged according to the costs of Printing and Photocopy, i.e., INR 20.00/page.

#### **C] Video Conference through Google Meet Charges**

<b>Sr. No.</b>	<b>Duration</b>	<b>Charges (INR)</b>	<b>GST @18% (INR)</b>	<b>Total (INR)</b>
1	8 hours (Full Day)	3,125	563	3,688
2	4 hours (Half Day)	1,563	281	1,844
3	Video conference Recording (If required)	-	-	625

- Integrated Audio-Video Conferencing facilities: Rs. 7,500/hour

#### **Payment Information**

All Payments shall be made by a local cheque from an Indian Bank payable to **Indian Law Society's Centre for Arbitration (ILSCA)** or by Bank Transfer.

Payments can also be made by demand draft or pay order in favour of **Indian Law Society's Centre for Arbitration (ILSCA)**.

For Bank Details Please contact any one of the contact persons: Details as provided below.

## **Facilities Booking**

For further enquiries and details about booking of hearing rooms, etc. please contact Ms. Kalpana / Ms. Manjusha Gurjar / Ms. Pooja Kannurkar

### **Contact Details:**

Ms. Sathya Narayan, Director, ILSCA : +91 9822988226

Ms. Kalpana, Assistant Registrar (Admin), ILSCA : +91 9923476026

Ms. Manjusha Gurjar, ILSCA : +91 9422060258

For booking email at: [ilsca@ilslaw.in](mailto:ilsca@ilslaw.in)