Mumbai Grahak Panchayat's

SAMET
Conciliation & Mediation Centre

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**What is SAMET?**

**SAMET** (meaning "amicable resolution") is a Conciliation & Mediation Centre (CMC) set up by Mumbai Grahak Panchayat (MGP), a leading registered voluntary consumer organization. The Centre will offer Conciliation and Mediation services to parties having legal disputes. The dispute resolution will be through Conciliation or Mediation.

**Vision**

To promote and encourage healthy relationship between consumers and producers, manufacturers, traders, service providers by providing party-centric, congenial and harmonious dispute resolution mechanism.

**Mission**

- **SAMET** aims to provide affordable, simple, speedy and transparent disputes resolution through Conciliation or Mediation.
- **SAMET** Conciliators & Mediators are trained and experienced persons of integrity and ability.
WHAT IS CONCILIATION / MEDIATION?

- Conciliation and Mediation are legally recognized modes of disputes resolution through the help of Conciliators or Mediators.
- Conciliation/Mediation are an informal yet legally recognized alternate disputes resolution mechanisms.
- Conciliation/Mediation are the processes where independent, neutral Conciliator/Mediator intervenes to assist and facilitate the disputing parties to resolve and settle their dispute mutually by coming face-to-face and without getting unduly influenced by technicalities of law.
- Any civil dispute pending before any court/authority can be referred for Conciliation or Mediation.
- Even before approaching any court/authority, the parties can seek dispute resolution through Conciliation or Mediation.
- Settlements arrived at through Conciliation or Mediation are reduced in writing by way of Consent Terms, which are binding on the parties and enforceable in law.
- Since settlements are arrived at by mutual consent, there is no appeal against such settlements with very limited scope for appeal in very exceptional circumstances.
WHY GO FOR CONCILIATION/MEDIATION?

- Saves time
- Shortens litigation journey
- Affordable and inexpensive
- Party-centric proceedings
- Simple procedures, not bound by legal technicalities
- Congenial and informal atmosphere
- Parties come face to face and negotiate settlements amicably
- Parties have freedom and say to take their own decisions
- Out-of-box solutions possible
- No appeals
- Settlements are binding and enforceable

Are Mediation/Conciliation settlements binding?

Settlement agreements arrived at during the Mediation/Conciliation in the Centre shall be binding and enforceable, inter alia, under the following Acts:

- Code of Civil Procedure, 1908 - Section 89
- Arbitration and Conciliation Act, 1996 - Sections 73(3) and 74
- Legal Services Authorities Act, 1987- Section 22© and 22(E)
- Real Estate (Regulation and Development) Act, 2016 - Section 32(g)
- Consumer Protection Act, 2019 - Sections 37 and 81
- MSMED Act, 2006 - Section 18
Types of disputes to be handled by MGP CMC:

- All consumer disputes
- Real estate disputes including re-development projects
- Disputes pertaining to Cooperative societies
- Medical negligence matters
- Insurance claims
- E-commerce complaints
- Banking and finance
- Loan recoveries
- Disputes under MSMED Act, 2006
- Disputes pertaining to False / Misleading / Deceptive advertisements

Types of disputes which will not to be handled

- Family disputes
- Labour disputes
- Service matters
- Criminal matters
How to apply for Mediation / Conciliation?

Party/parties seeking Mediation / Conciliation should make an application in Form 'A'. (Available on SAMET website: www.mgpsamet.org)

Form 'A' should be submitted to the Registrar of the Centre along with the prescribed application fees.

Procedure

- **Application:** On the receipt of Form 'A', the Registrar of the Centre shall send a communication to the other party with a copy to the applicant, inviting both/all parties for a preliminary session specifying date, time and venue. The session may be on-line or off-line.

- **Preliminary session:** The Registrar will explain the parties the process of Conciliation / Mediation and the benefits thereof in a preliminary session.

- **Appointment of Conciliator/Mediator:** The Center shall appoint Conciliator/Mediator considering the type of dispute. The Centre may consider a request for a specific Conciliator/Mediator if the same is made by all parties to the dispute.

- **Fees:** The Registrar shall inform the parties about the fees payable (including administrative and professional fees of the Conciliator/Mediator). Parties shall pay the fees and on receipt thereof, the matter will be referred to the concerned Conciliator/Mediator by the Registrar.

- **Sessions:** Registrar shall coordinate with the parties and the concerned Mediator/Conciliator about the dates/timings and venue for the sessions.

- **Mode of conducting sessions (on-line, off-line or hybrid):** Mode of conducting sessions shall be decided mutually by all parties, including the Registrar and the concerned Mediator/Conciliator.

- **Manner of conducting sessions:** Concerned Mediator/Conciliator shall decide the manner of conducting the sessions as he may deem fit.

- **Fee structure:** As per the Rules

Conciliation or Mediation?

All matters shall be referred for Conciliation except where:

- Mediation is mandated or required under any Act or,
- Specifically requested for Mediation by the parties or,
- Agreement provides for Mediation clause.
Mumbai Grahak Panchayat (MGP) is a voluntary consumer organization registered under Bombay Public Charitable Trusts Act and Societies Registration Act. MGP is actively engaged in the field of consumer education, consumer protection and consumer advocacy since 1975. MGP, with more than 32000 members, is the largest voluntary consumer organization in Asia.

MGP was instrumental in introducing Conciliation in MahaRERA under RERA, 2016. The unique Conciliation model proposed by MGP under the umbrella of MahaRERA has emerged as a role model of alternate dispute resolution (ADR) in India and is being replicated in other states too. MahaRERA Conciliation Forum has also been praised by International bodies like ICPEN, CI and UNCTAD.

MGP has its own Grahak Bhavan building of 5000 sq.ft. located in Juhu-Vileparle Development Scheme, Mumbai. MGP has a team of qualified, well-trained, experienced and devoted Conciliators and Mediators, who have handled more than 2000 cases till date with an enviable success rate.

Speedy, simple and inexpensive dispute resolution is something that not only consumers but even the businesses and industries have been looking forward to. Traditional judicial system with heavy backlog of pending cases is virtually crumbling and hence, even the Apex court is seen actively promoting and advocating Alternative Disputes Resolution (ADR), including Mediation and Conciliation in India.

MGP, with its objective of “Grahak Hitaay, Grahak Sukhay” has therefore set up MGP's own Conciliation & Mediation Centre known as “SAMET” which will assist disputing parties to settle their disputes amicably and speedily thereby avoiding or bringing to end long-drawn expensive legal battles.