

INDIA ADR WEEK 2026 – 10 SEP 2026

**OPENING REMARKS BY HON'BLE JUSTICE SANDEEP MEHTA JUDGE,
SUPREME COURT OF INDIA**

ALISHA SHARMA: Good morning. We are just waiting the arrival of Justice Sandeep Mehta. We will be commencing in the next five minutes. Thank you. May I please request everyone to kindly put your phones on silent and be seated. We will begin the conference shortly. Good morning, ladies and gentlemen. A very warm welcome to all of you to the 6th Edition of India ADR Week 2026. As MCIA marks its 10th year since inception. It is a privilege to have you with us today as we come together to exchange ideas, perspectives and experience through discussions that continue to shape the future of dispute resolution in India. India ADR week has always been about bringing together some of the finest minds from across the arbitration and dispute resolution community, may it be practitioners, Arbitrators, in-house Counsels, academicians or professionals from India or around the world. Day-1 brings a series of panel discussions curated to spark curiosity and fresh perspective hosted by both domestic and international law firms, as well as international organizations. The day will also feature a distinct, one of a kind India-MENA corridor event which we which we look forward to telling you more about shortly.

With this it is now my privilege to introduce our guest of honour, the Honourable Justice Sandeep Mehta, Judge Supreme Court of India who will deliver our opening remarks. Justice Mehta enrolled as an advocate with the Bar Counsel of Rajasthan on 8th August 1986, and practiced before the Trial Court and the High Court principally in criminal and constitutional matters. During his years at the bar, he also served as Counsel for Commission in three judicial inquiry commissions, each headed by retired or sitting judges for the Rajasthan High Court. He was a member of the Bar Counsel of Rajasthan from 2003 to 2009, its Vice Chairman from 2004 to 2005 and went on to become its Chairman in 2010. Justice Mehta was appointed an Additional Judge of the Rajasthan High Court on 20th May in 2011, and was elevated to permanent judge in 2013. On 15th February 2023 he was appointed as Chief Justice of the Guwahati High Court. Later that year, on 16th November 2023, the Supreme Court Collegium recommended his elevation as a judge of the Supreme Court of India and he took oath on 9th November 2023 Ladies and gentlemen, please join me in welcoming Honourable Justice Sandeep Mehta on stage.

JUSTICE SANDEEP MEHTA: A very good morning to all of you. It's a very fortuitously circumstance that I'm in the midst of this August gathering, I must say. My cousin, who specialises in arbitration, he called me up and said that you have to be there in the inaugural session of this ADR Week being organised by MCIA. I'll candidly confess that so far as

TERES

arbitration goes, it's a totally alien subject for me. You see, in High Courts when I was doing my law, arbitration was not even considered as an option in the legal fraternity. Then in the High Courts you hardly have any arbitration matters assigned except for the arbitration bench, and which fortuitously, I never got to do. And even in the Supreme Court, it comes mostly as an option. So frankly speaking, it would have been a great pleasure if I had the opportunity to be amongst the audience and to listen to all the domain experts, because the subject is definitely fascinating.

So friends, it's indeed I would say a privilege for me to be here today amongst you for the Delhi leg of the India ADR Week 2026. This week is very significant. The programme brings together the arbitration and wider dispute resolution professionals across Bangalore, Mumbai and Delhi, commencing from 7th September and coinciding with the 10th anniversary of the Mumbai Centre for International Arbitration. A decade provides an opportunity to reflect on what has been achieved, and more importantly, to consider the direction in which the dispute resolution in India should move over the next decade. The growth of India as a dispute resolution destination has been a collective endeavour. The bench, the bar, the arbitral institutions, the practitioners, the academics, and most importantly, the users of the dispute resolution mechanisms have all contributed to this process.

When we speak of ADR today, it is worth mentioning that the idea itself is not new. The Indian tradition has long recognised the concept of *madhyastha* one who stands in the middle, *panchayats* and other community-based mechanisms provided avenues for disputes to be resolved without requiring every disagreement to travel through formal court processes. Trade guilds also had their own mechanisms for resolving disputes. So, what has changed is not the underlying idea, but the complexity and the scale of disputes which we now deal. That makes it particularly important to recognise that ADR is not synonymous with arbitration. Arbitration, mediation, conciliation and *Lok Adalat* are not competing mechanisms which seek to attract the same disputes; they are different instruments suited to different circumstances. There will be disputes where the Parties require a binding adjudicatory determination, and there, arbitration is the appropriate course. There will be others where preserving a commercial relationship, maintaining confidentiality or finding a mutually acceptable solution, makes mediation more appropriate. There are still other situations where conciliation, negotiation or a *Lok Adalat* mechanism may offer the more suitable and acceptable path. The question therefore, should always not be "Why arbitration?" It should first be: what is the appropriate way of resolving this particular dispute?

Choosing the right process is only one part of the equation. That process must also remain accessible to those who need it. ADR should not become a privilege available only to those who

TERES

can afford the cost of sophisticated dispute resolution. Its success cannot be measured only by speed, efficiency or the number of institutions we establish. Cost and accessibility are equally important. If the expense of a dispute resolution process becomes prohibitive, it can itself become the barrier that the ADR was intended to overcome. We are experiencing the effects of the cost on the new regime or the new change in the government contracts, which are moving away from arbitration. A mature dispute resolution ecosystem must therefore aspire to be sophisticated, without becoming unnecessarily expensive, and professional without losing sight of the Litigant or the business it ultimately exists to serve.

This is also why the choice of the process should be made as early as possible. ADR should not be something that Parties turn to only after litigation has become prolonged or expensive. The greater value lies in identifying, at the outset, the process that is best suited to the nature of the dispute and the interests of the Parties. For that to happen, the Parties must have confidence that the available processes will be administered with professionalism, consistency and fairness. It is in this context that the development of institutions such as MCIA becomes important. Strong institutions give Parties a reliable framework within which their choice of arbitration can be made with greater confidence. I have gathered information supported by empirical data that over the past decade, the MCIA has developed as an independent institution providing professionally administered arbitration in accordance with international best practices. This institutional progress is reflected in some important indicators. In 2025, MCIA recorded a 79.5% increase in new filings, with 181 matters administered. The average time for delivery of an award stood at 16 months and 25 days. Significantly as per available information, no award administered by MCIA has been set aside by any court till date. That is indeed a significant achievement. The institution has also made progress in gender equality, with 38% of the Arbitrators appointed in 2025 being women. These figures are important not simply as statistics, they indicate increasing confidence in institutional arbitration and the emergence of the institutions capable of providing Parties with a structured, professional and predictable process.

But growth also brings with it a responsibility to continuously examine the functioning of arbitration and ask whether the process is delivering on the promise with which it began. Conversations are already taking place within the Indian arbitration community, including through recent judicial observations on the strengths as well as the challenges facing arbitration. Arbitration was conceived, among other things, as a means of providing a more efficient and flexible alternative to conventional litigation. If arbitral proceedings begin to replicate the procedural complexity, the delays and the technicality of the court proceedings, the very purpose of arbitration would be frustrated. Therefore, it is a continuing need for everyone involved in this process to focus on procedural discipline, efficiency and finality.

TERES

Judicial restraint is an important part of that process. Courts must remain available to protect the integrity of the arbitral process and to exercise the limited supervisory jurisdiction contemplated by law. At the same time, arbitral proceedings must be allowed to reach their logical conclusion without unnecessary intervention. The quality of the arbitral awards is equally important. An award should not merely arrive at a conclusion, it should provide a clear and intelligible basis for that conclusion. The better the quality of the arbitral process and the award, the greater the possibility of finality and the lesser need for prolonged post-award litigation.

There is also a need to broaden the Arbitrator pool. Complex disputes increasingly involve specialised questions of engineering, finance, technology, construction, energy and other sectors. The Arbitration Committee should therefore continue to draw upon domain expertise and diverse professional backgrounds, while ensuring that competence and independence remain the central considerations. The challenge, in short, is not merely to make arbitration faster, the challenge is to make it efficient, credible and final.

If arbitration represents one important part of the ADR landscape, the growing importance of mediation represents another. We saw in the Supreme Court the hugely successful *Samadhan Samaroh* 2026, wherein pre-settlement efforts which commenced from April 2026, culminated in the special *Lok Adalat* held from 21st to 23rd August, 2026. From the 3,285 cases listed before different benches, 1,712 were settled or disposed of, including 1,664 through *Lok Adalat*, 48 through mediation with approximately a sum of Rs. 240 crores being dispersed. And I'll tell you in this process, the most complex partition suits were a major part of the settled disputes. That is very important because there are cases pending in the courts, meaning beginning from 1970s, and the partition claims are still pending. So that settlement is really remarkable. The importance of such an exercise, my friends, lies beyond the numbers. A settlement does something that an adjudicated dispute often cannot; it allows the Parties themselves to participate in determining the terms on which their dispute will end. In appropriate cases, it can preserve relationship, reduce uncertainty and provide finality without requiring years of adversarial proceedings. In addition, it saves hours and hours of judicial time and efforts consumed in long hearings and writing judgments with reasoning.

I'll give an example of a small experience I had in the Rajasthan High Court, wherein a family dispute came up before me. The spouses were litigating for about nine years. There were about 13 cases instituted *inter se* between the Parties. Three efforts for mediation had failed. I didn't have any formal training in mediation, but since I had worked in the trial courts, I knew about, a little about human psychology. So I called the Parties in the court and took a stock of their disputes. The lady asked... I asked the lady that what was her expectation from this litigation?

TERES

1 She said that I belong to a section of society wherein remarriage is out of question. So, if a
 2 divorce is granted, I'll have nowhere to go, no future at all. She was staying in the joint, shared
 3 household owned by the husband and the building was worth crores of rupees. She was asking
 4 only for a small flat where she could live, and for a sum of money which could carry her through
 5 in future. Then I asked the husband, why do you not agree to these terms? He said that, "no, I
 6 can't part with the flat." So, I gave him a picture of what was going to come in the future. I told
 7 him that this litigation is not going to end in next 10 years. You come back to me after seven
 8 days or 10 days having calculated the amount of lawyers' fees you have paid, and the time
 9 which you have wasted in this litigation, and then make a comparative assessment of what you
 10 would be losing and what you would be gaining. When this discussion took place, the ladies
 11 from both sides were in the court. They were wearing dark coloured clothes, very depressing.
 12 On the next date the Parties came with a settlement. The husband agreed to pay the amount
 13 to the wife, the divorce was finalized, the flat was given. 13 cases involving cases of assault on
 14 each other were settled with a single stroke of mediated settlement. So, that is the power of
 15 this exercise. So, the lesson which we can learn from this experience is, that mediation should
 16 not be regarded merely as a tool for reducing the number of cases on court dockets; its success
 17 should also be measured by whether we are institutionalizing a culture of consensual
 18 resolution as a continuous and permanent part of the justice delivery system.

19 Now I'll refer to the sessions which have been scheduled for today's discussions. These
 20 sessions, as I could go through from the material provided to me, are reflective of how rapidly
 21 the commercial landscape is changing. The August gathering will be discussing construction
 22 and infrastructure disputes, the emerging India-MENA commercial corridor, technologically
 23 driven mergers and acquisitions, the impact of geopolitics on commercial disputes and the
 24 procedural issues, including Guerrilla tactics and Tribunal inertia. These are not merely new
 25 subjects of arbitration, they demonstrate that arbitration itself has to evolve with the
 26 underlying transactions and the businesses that generate disputes. A modern Arbitrator may
 27 be required to understand not only arbitration law, but also complex financial arrangements,
 28 technological systems, infrastructure projects, cross-border transactions and specialized
 29 industries. This makes the diversity and depth of expertise within the arbitration community
 30 increasingly important.

31 One of the discussions centres around artificial intelligence, and it has to. No discussion about
 32 the future of the dispute resolutions can avoid the reference to artificial intelligence. AI is
 33 already capable of assisting with document review, case analysis, evidence management and
 34 the organisation of large volumes of material. In complex commercial arbitrations, these tools
 35 may substantially improve efficiency. But efficiency cannot be the only consideration.
 36 Questions of confidentiality, data security, transparency, reliability and accountability will

TERES

become increasingly important. Parties and Tribunals will need to understand not only what an AI tool possesses, but also the limits of relying upon it. There must remain a clear line between technological assistance and the exercise of adjudicatory judgement. AI may assist the Tribunal, or as it does the court, in understanding its material; it cannot assume responsibility for the judgment that follows from that material. Institutions therefore have an important role in developing clear and responsible protocols for the use of technology, while preserving confidentiality and integrity of arbitral proceedings.

As MCIA completes its first decade, the larger question is where India's dispute resolution system should go from here. India's aspiration to become a leading global dispute resolution destination cannot rest upon its existing ecosystem; it requires three interconnected elements. First, strong, credible and professionally administered institutions. Second, a supportive but appropriately restrained judiciary which protects the integrity of the process, while respecting the autonomy that arbitration requires. And third, a professional community committed to quality, diversity, ethical practice and continuous improvement. The ultimate test is not simply how many institutions India has or how many disputes they administer. The real test is whether an Indian or international Party can look at the Indian dispute resolution system and say, I trust this system to resolve my dispute fairly, efficiently and finally. That confidence, my friends, will come from the cumulative strength of the entire ecosystem, from arbitration and mediation, to conciliation and *Lok Adalat*, from arbitral institutions to the courts that supervise them, and from legislation to the lawyers, the Arbitrators, the mediators and the professionals who make the system work. The next decade should therefore be about more than competing with the established arbitral seats; it should be about enhancing the indigenous dispute resolution ecosystem that combines the efficiency of arbitration, the consensual strength of mediation, the accessibility of community-based mechanisms and the constitutional assurance of judicial oversight. I hope that the discussions today will be rigorous, practical and forward-looking, and that they contribute not only to the development of arbitration, but also to the larger objective of making India a jurisdiction where Parties can confidently choose the right process, the right institution and the right forum for resolving their disputes.

With that aspiration and with my best wishes for a productive and meaningful ADR Week, I have great pleasure in declaring open the Delhi Chapter of India ADR Week 2026. Thank you.

ALISHA SHARMA: I would now like to invite Mr. Nakul Dewan, MCIA, Counsel Member and a Senior Advocate on stage to propose the vote of thanks.

NAKUL DEWAN: The Honourable Mr. Justice Sandeep Mehta, all my friends who are seated here, I must confess that this task was given to me all of 7 minutes ago, which is why I

TERES

1 was furiously taking notes when Justice Mehta was speaking. But let me begin with something
2 which is a little personal, and I'll take you back to maybe a couple of years ago, which is during
3 COVID, and to tell you a background on the basis of which I got to know of Justice Sandeep
4 Mehta.

5 There was a petition which had been filed in the Rajasthan High Court. It was effectively an
6 anti-arbitration suit. The arbitration clause provided for arbitration in Singapore; I was asked
7 to appear for an Australian company related to a massive mining investment which had been
8 done. And we were just checking around saying where is this case going to come up? And I was
9 very candidly told by the lawyers there, that if it comes up before justice, a Justice Honourable
10 Mr. Justice Sandeep Mehta, I can tell you that the chances of any anti-arbitration injunction
11 being granted are very slim. And that is precisely what happened. I don't think he will
12 remember the case because they were handling so many cases, but certainly, no anti-
13 arbitration injunction was granted, and eventually, that led to a settlement for the simple
14 reason that the Indian Party did not want to go and arbitrate in Singapore, it found it easier to
15 settle the matter.

16 So sir, I mean, one, I think for you to have downplayed your experience in commercial law, I
17 don't think was probably the best thing from the perspective, because you haven't really told
18 people and shared your experiences that you have had as a Judge of both, the Rajasthan High
19 Court, as Chief justice, as well as now a judge of the Supreme Court. You certainly bring with
20 you a level of judicial astuteness, which I think augurs extremely well for the system.

21 But now, picking up on four points which you have raised during your opening address, I think
22 let me begin by how you started off telling us where India needs to move towards the next
23 decade, and I think that's extremely important because India has certainly made a lot of strides
24 over the last decade, but certainly, things don't stop at this point. And in many ways this
25 conference and 10 years of MCIA is about reimagining the Indian arbitration and mediation
26 landscape, and the reason for that very simply is, in order to be able to ensure that we provide
27 two people who want to arbitrate or mediate a trustworthy system. You made a very relevant
28 point in your opening about new change in government contracts and some kind of move away
29 from arbitration, and I think that's really a point for the arbitration community to also reflect
30 on, because as a community, it is important for us to try and bring those contracts back in.
31 Certainly, there is a lot of endeavour to increase the credibility of arbitration. We may be at
32 times critical of those decisions that may have been taken to move government contracts away.
33 But as a community, we certainly have an equally shared responsibility to try and bring those
34 back. The third point that you really made, which where you spoke about mediation, I think is
35 again reflective of the entire change that you now see in the Indian ADR system. For people

TERES

who may have come from overseas, the *Samadhan* system doesn't simply cater to commercial arbitration.... I would say commercial mediation. It in fact caters to a whole host of cases which come up, where Parties have the ability of being able to mediate their disputes. And the reason why the Supreme Court has been at the forefront of this, and it's encouraged a lot of High Courts to also be at the forefront of this is effectively to echo the point with Justice Mehta made: Let's bring down acrimony and let's get to a situation where you can actually have a mediated settlement. And that actually augurs well for India as a society, because if you can reduce acrimony amongst its people, it certainly augurs well for us to be able to take our society forward. So again, that's part of reimagining India, sir, that you did speak about a short while ago.

The last point that I do want to pick up on, is the point you spoke about and you mentioned "strong institutions". I think that's really where it's extremely important over the next 10 years for India to have strong institutions. And we absolutely agree with you, it's not the number of institutions that India needs to have, it's really more about the fact that you have credible institutions which bring about a level of trust. And we absolutely agree with you that it has to be a cumulative effort; you've got to have institutions at the forefront to be able to arbitrate disputes, but then you also need to have a supportive judiciary which, in fact, supports the disputes which have been adjudicated through arbitration.

So with all of this, four things, I think we've certainly taken all of this into consideration. I think all of this makes very well for the opening of the Delhi chapter of the India ADR Week, and for the fact that MCIA in 10 years has really gotten itself to a position where it is today recognized as a credible dispute resolution system. But that is not to suggest that we stop where we are here, we've got to continue to look at evolving and doing better. So thank you very much, sir, for coming on Thursday. We know it's a miscellaneous day and you've got a long cause list today of cases that you need to dispose of, but we would certainly on behalf of the Governing Counsel, I would thank you for coming. Thank you.

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