



# Arbitrations Administered on Presolv360's ODR Platform

An Empirical Study

A Joint Initiative of  
Presolv360 and ArbDossier



ARB  
DOSSIER



# TABLE OF CONTENTS

---

**F**OREWORD

---

**P**REFACE

---

**01** A BACKGROUND  
TO ONLINE DISPUTE  
RESOLUTION AND  
ONLINE ARBITRATION

---

**05** AN INTRODUCTION TO  
PRESOLV360

---

**08** METHODOLOGY

---

**09** ANALYSIS

---

**10** BREAKUP OF  
CASES BY SUBJECT  
MATTER

---

**11** CLAIM  
VALUE

---

**12** GEOGRAPHICAL  
DIVERSITY OF  
RESPONDENTS

---

**13** PROFILE OF  
ARBITRATORS

---

**14** NUMBER OF OPPORTUNITIES PROVIDED TO THE RESPONDENT(S)

---

**16** TIMELINES: DATE OF REGISTRATION TO DATE OF NOTIFICATION OF ADMINISTRATIVE APPROVAL

---

**17** TIMELINES: ADMINISTRATIVE APPROVAL TO DISCLOSURES CIRCULATED BY THE ARBITRATOR

---

**19** TIMELINES: DATA OF REGISTRATION TO DATE OF AWARD

---

**21** DIGITAL CHANNELS TO EFFECT SERVICE ON THE RESPONDENT(S)

---

**24** PARTICIPATION BY RESPONDENT(S)

---

**26** FILING OF SECTION 17 APPLICATION FOR INTERIM MEASURES

---

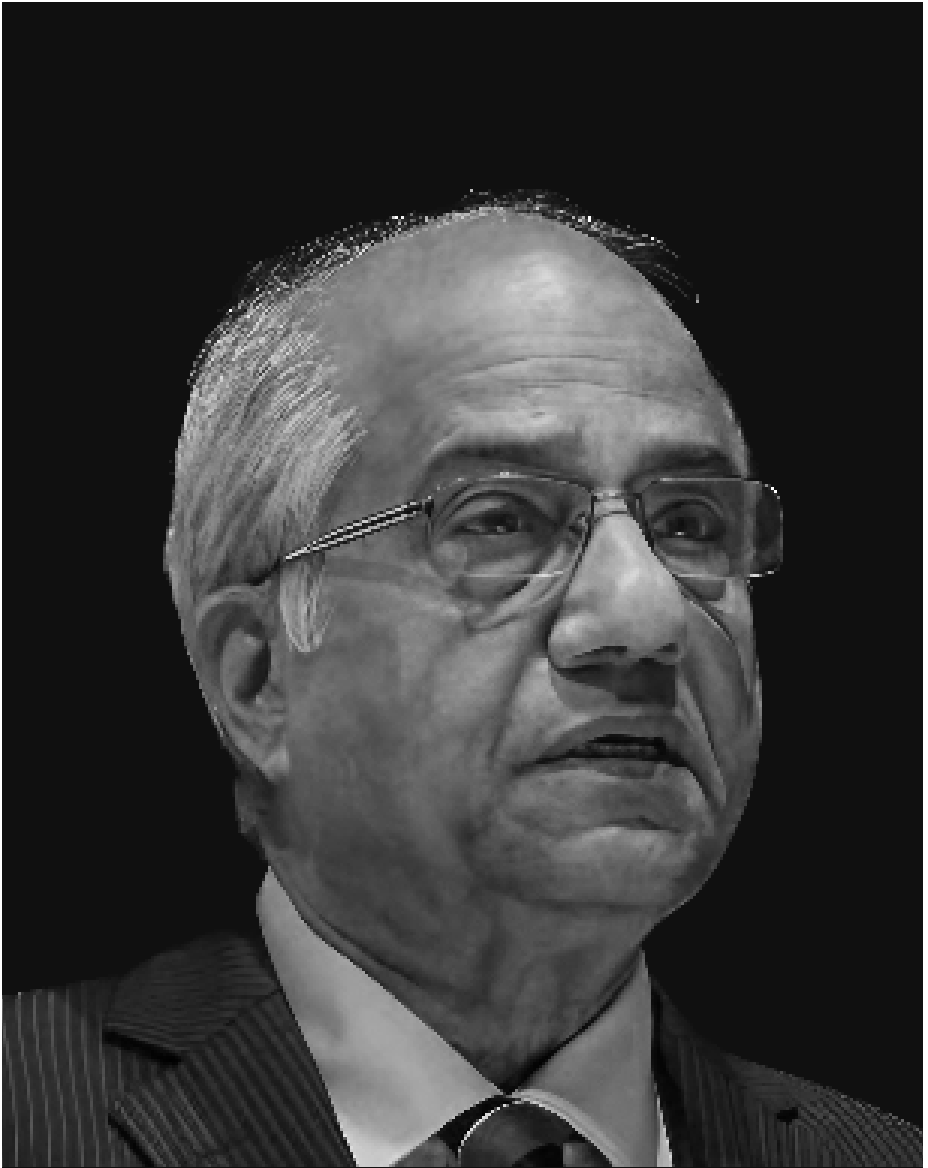
**27** STATUS OF THE ARBITRATIONS

---

**28** CONFIDENTIALITY & DATA PRIVACY

---

**30** CONCLUSION



**Justice (Retd.) B. N. Srikrishna**

*Former Judge, Supreme Court of India*

# FOREWORD

---

I am pleased to provide this foreword for the report titled 'Arbitrations Administered on Presolv360's Online Dispute Resolution Platform: An Empirical Study', a joint initiative of ArbDossier and Presolv360.

In recent years, technology has played a significant role in transforming the way we approach problem solving. ODR is one such solution that offers an efficient and effective means of resolving disputes without the need to litigate. 'Designing the Future of Dispute Resolution: The ODR Policy Plan for India' – published by the NITI Aayog, recognizes the importance of technology-enabled dispute resolution mechanisms in improving access to justice in order to level the playing field where there exists power asymmetry.

The present report provides valuable information into an emerging mode of dispute resolution by analyzing data of actual arbitrations administered on Presolv360's ODR platform. Key parameters include subject matter of disputes, disputed value, location of parties, qualification of arbitrators, opportunities for participation, timelines, efficacy of digital tools and outcome of the cases. The study presented in this report contributes to the growing body of knowledge on ODR and provides actionable insights to policymakers, practitioners and disputing parties.

I commend ArbDossier and Presolv360 for their joint effort and commitment to promote the use of technology in dispute resolution.

# PREFACE

---

At the outset, it is with great excitement that this report is presented, outlining the empirical data pertaining to online arbitrations administered by a leading ODR platform. The authors aim to provide valuable insights into the new frontier of online arbitrations and highlight the innovative work being done in this space. The authors extend their heartfelt gratitude to all those who have contributed to the success of this report.

This report holds significant relevance in the current scenario, especially in the context of India. The country has been at the forefront of the movement towards ADR mechanisms and the adoption and quick implementation of ODR has been a crucial step in this direction. The need for efficient and cost-effective dispute resolution mechanisms has never been more pressing and ODR presents a viable solution.

This will serve as a valuable resource for anyone interested in the growth and development of ODR and the potential it holds to transform the field of ADR. This report will provide a better understanding of the advantages and modalities of online arbitration and be of great benefit to the legal community in India.

**Tejas Raghav**

*Deputy Editor & Co-Head*  
[ARBDossier EMPIRICAL]

**Viraj Puri**

*Deputy Editor & Co-Head*  
[ARBDossier EMPIRICAL]

A black and white photograph of a person's hands using a laptop on a desk. The person is wearing a light-colored shirt. One hand is on the laptop trackpad, and the other is resting on a document. The desk is dark, and there is a pen in the foreground. The background is blurred.

# **A BACKGROUND TO ONLINE DISPUTE RESOLUTION AND ONLINE ARBITRATION**

---



With the advent of the 4.0 Revolution and the onset of the COVID-19 pandemic, the legal industry has undergone a systemic change. The industry which previously required work to be conducted on-site has now shifted gears and begun the conduct of proceedings on-line.<sup>1</sup> The pandemic has now seemingly raised a consensus amongst practitioners to integrate the use of technology in dispute resolution, particularly in alternative dispute resolution (“ADR”). Thus, the world witnessed the emergence of online dispute resolution (“ODR”).

---

## The UNCITRAL Technical Notes on Online Dispute Resolution defined ODR as “a mechanism for resolving disputes through the use of electronic communications and other information and communication technology.”<sup>2</sup>


---

In its most basic sense, ODR is the use of technology to ‘resolve’ disputes. It is not just merely a form of technology integration (such as electronically scheduling a session), but its active use to help resolve the dispute. Though derived from ADR, ODR’s benefit extends beyond just e-ADR or ADR that is enabled through technology.

---

<sup>1</sup>Ji Yoon Park, Jae Hoon Choi, The Issue of Seat of Arbitration in ODR, KLUWER ARBITRATION BLOG, (Aug 5, 2020), <http://arbitrationblog.kluwerarbitration.com/2020/08/05/the-issue-of-the-seat-of-arbitration-in-odr-arbitration/>.

<sup>2</sup> UNCITRAL Technical Notes on Online Dispute Resolution (2017), [https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382\\_english\\_technical\\_notes\\_on\\_odr.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382_english_technical_notes_on_odr.pdf)



ODR can use technology tools that are powered by AI/ML in the form of automated dispute resolution, script-based solution and curated platforms that cater to specific categories of disputes.<sup>3</sup>

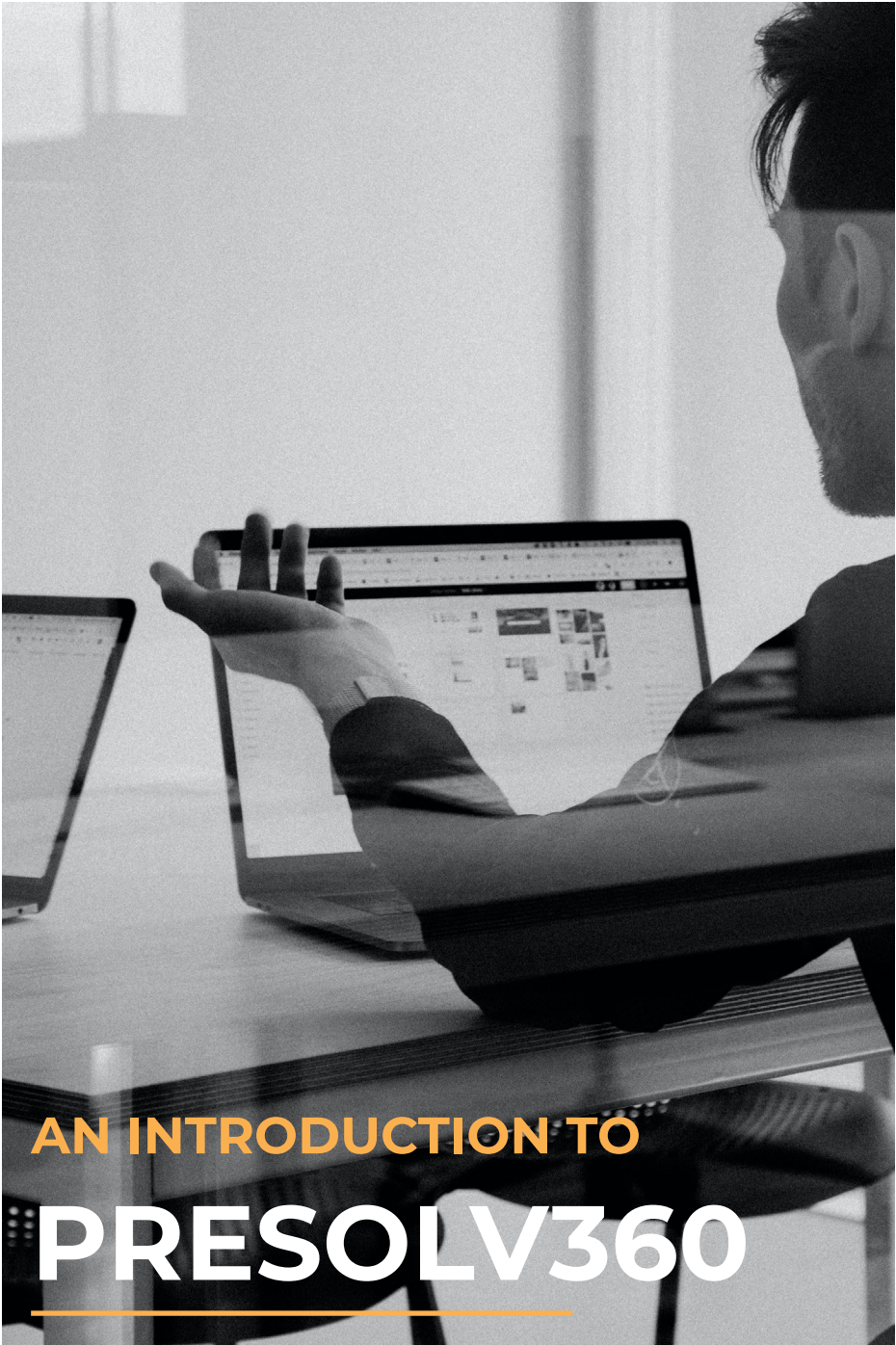
Online arbitration, which was seen as a necessity during the pandemic, is now seen as a de facto alternative to conventional arbitral proceedings. In essence, online arbitration remains similar to ordinary offline arbitration. It is a mode of dispute settlement based on the intervention of a neutral third party who renders a binding, enforceable decision, with the primary difference being that in online arbitration, parties submit their documents, evidence, and arguments electronically via emails, teleconferences, instant messages, etc.<sup>4</sup>

In order to empirically ascertain the extent of this phenomenon and form a preliminary view as to the likeliness of its permanence post-pandemic, it becomes necessary to analyze the trends in ODR and the nature of disputes resolved using ODR. Empirical reports are therefore necessary to build trust, catalyze adoption and serve as a reference point to determine which mode of dispute resolution is suitable giving regard to costs, time and other necessities.

---

<sup>3</sup> NITI Aayog Expert Committee on ODR: Designing the Future of Dispute Resolution - The ODR Policy Plan for India, (October 2021), <https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>

<sup>4</sup> Sami Kallel, Online Arbitration, 25, JOURNAL OF INTERNATIONAL ARBITRATION, 345-353 (2008)



**AN INTRODUCTION TO**  
**PRESOLV360**

---

**Presolv360 is an ODR platform that harnesses the power of technology to enable the participation of disputing parties from remote locations and diverse socio-economic backgrounds, there by creating a level-playing field.**

---

It facilitates quick and effective out-of-court resolution of disputes while reducing the costs and resources involved in resolving them. It is important to understand that Presolv360 is an independent and neutral ODR platform and administers disputes by leveraging its institutional structure through mechanisms like negotiation, conciliation, mediation, arbitration, or a combination thereof, on its virtual platform available at <https://presolv360.com/>.

Presolv360's role is limited to providing technical and administrative support to the parties and the neutrals for conducting the proceedings virtually on its platform and has no interest in the outcome of the dispute or any conflict of interest. It plays no role whatsoever in determination of any dispute and does not undertake any adjudicatory functions but only provides a virtual intelligent platform along with all support services where disputing parties can resolve their disputes quickly, economically, and conveniently from the comforts of their homes or offices, thereby reducing the burden on court infrastructure on one hand and on the other, providing parties with a full and fair chance of participating in their matter without any hassle.

## **PRESOLV360's VISION : Digital Access to Justice for All**

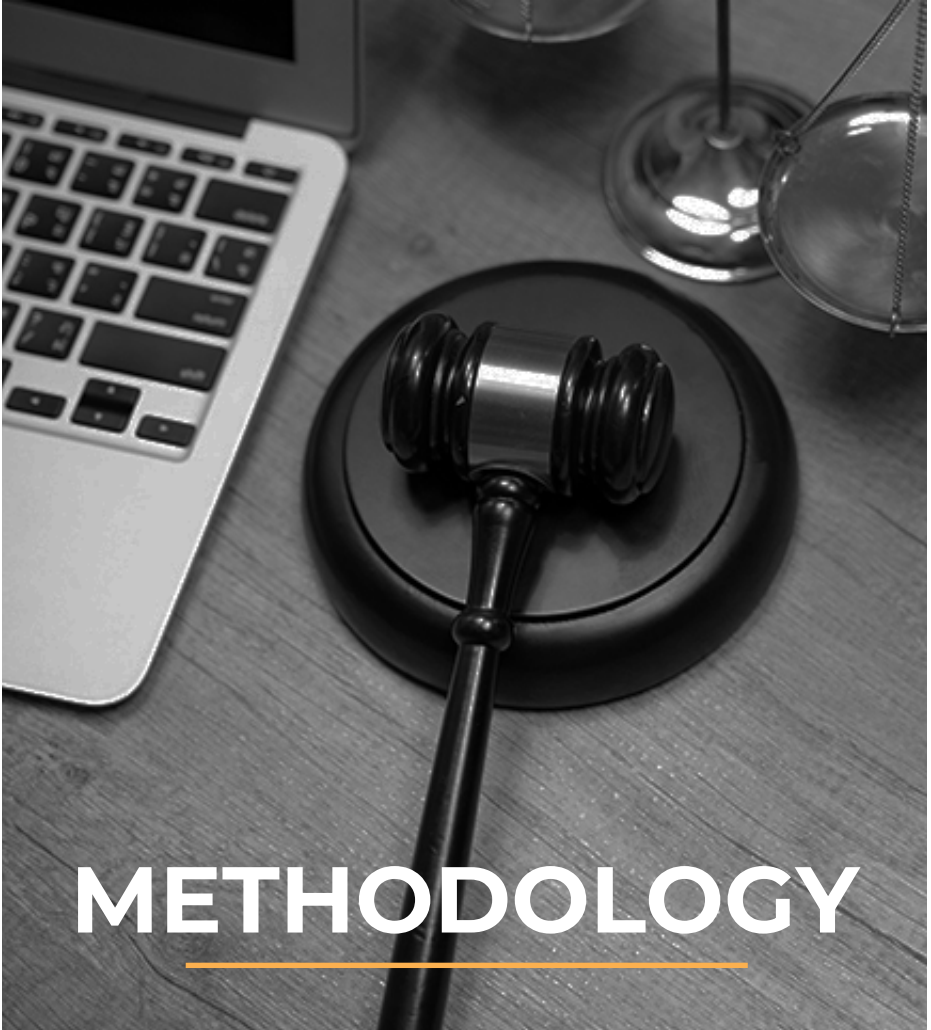
To solve for disputes at scale, the cloud ODR platform is accessible in multiple languages round the clock. Features include smart case management systems, integrated multichannel communication (email, WhatsApp, SMS, post, IVR) with real-time tracking, settlement builders, pre-formatted templates, automated document workflow, blockchain-based audit trails, digital signature and stamping and reports on dispute trends. For ensuring data security, privacy and confidentiality, Presolv360 has adopted global ODR standards and best practices and has undergone rigorous audits for ISO certifications and is also GDPR compliant.

Presolv360 is included in the list of institutions offering ADR services including through ODR on the website of Department of Legal Affairs. It has additionally been empaneled as a Mediation Institute for court-annexed and pre-institution mediation by the Main Mediation Committee, Hon'ble Bombay High Court and the Mediation Centre of the District Legal Services Authority, Mumbai.

Presolv360 is guided and advised by Justice Pradeep Nandrajog, Chief Justice (Retd.), Bombay High Court; Justice K. Kannan, Judge (Retd.), Madras and Punjab & Haryana High Court; Late Ms. Rajani Iyer, Senior Counsel; Ms. Tanu Mehta, Counsel & Mediator; Mr. Ashok Barat, Former MD & CEO of Forbes & Company Ltd.; Mr. Srinath Sridharan, Visiting Faculty, College of Supervisors, Reserve Bank of India; and Mr. Raman Aggarwal, Director at FIDC & ST Consultant at The World Bank. Justice B. N. Srikrishna, Judge (Retd.), Supreme Court of India, offered his encouraging support and penned his learned opinion on various aspects of ODR with Presolv360 as the querist. It is backed by marquee investors such as Omidyar Network, MGA Ventures, and others and has been incubated by India's leading law firm – Cyril Amarchand Mangaldas.

Till the date specified in the Methodology section, Presolv360 has facilitated resolutions in financial, commercial, consumer, insurance, real estate and MSME disputes. Over 4,50,000 disputing parties saved an aggregate of INR 362 million and 7.8 million days by choosing to resolve their dispute online. Additionally, Presolv360 was able to serve citizens in 7,257 pin codes in the country and helped increase access and participation in dispute resolution proceedings by 30% as compared to in-person mechanisms. Resultantly, nearly 18% of the disputes registered were amicably settled at the pre-proceedings stage.

**Presolv360 also serves those belonging to low-income groups free of cost in its 'Presolv for All' program. It has successfully sensitized over half a million people to the concept of ADR and ODR through workshops, seminars, and webinars.**



# METHODOLOGY

This report showcases data from an empirical study of a sample of 451 arbitrations registered on Presolv360's ODR platform. All the cases analyzed by ArbDossier can be said to fall within the larger realm of Debt and Financing. The initial dataset for all 451 cases was provided by Presolv360 to ArbDossier on 18 October 2022.

The data provided was non-personal, non-identifiable data. This data was then subject to an extensive and thorough examination to present a holistic analysis on statistical parameters.

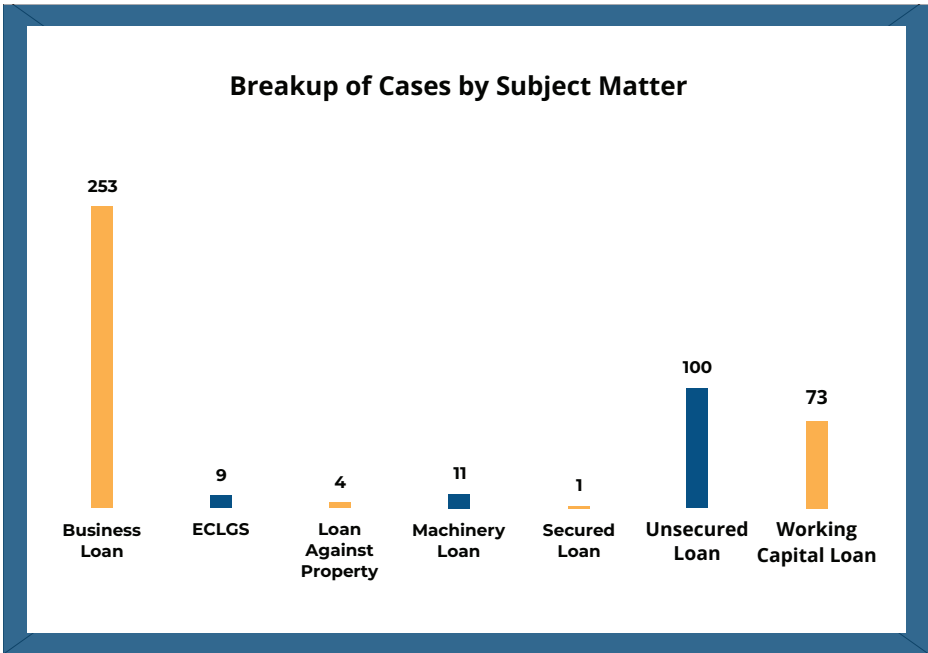


# ANALYSIS

---

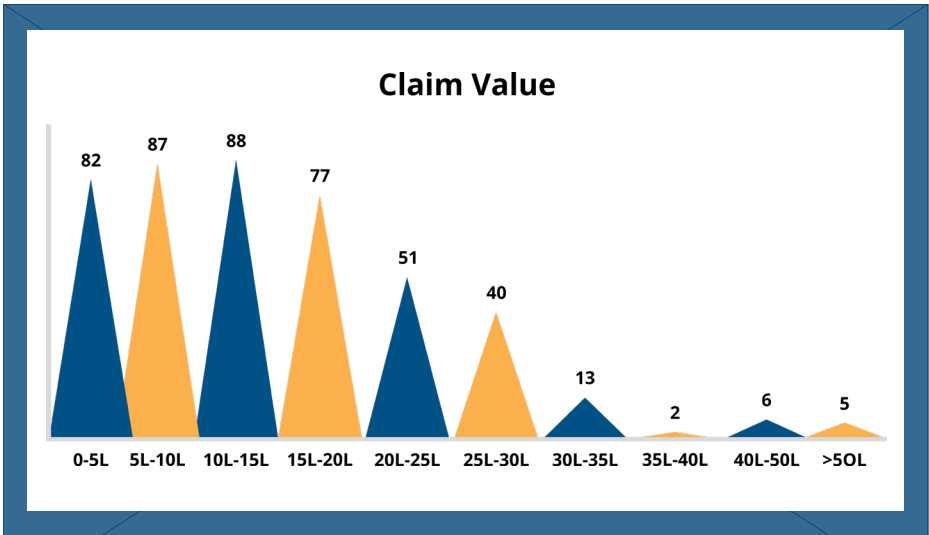


## BREAKUP OF CASES BY SUBJECT MATTER



From the above graph, it can be observed that business loans make up the bulk of the cases analyzed and constitute nearly 56% of the total cases of the sample dataset. This is followed by unsecured loans and working capital loans, which make up approximately 22% and 16% of the total cases, respectively.

Cases pertaining to machinery loans, Emergency Credit Line Guarantee System (ECLGS), loan against property and secured loan constitute 6% of the total cases analyzed.

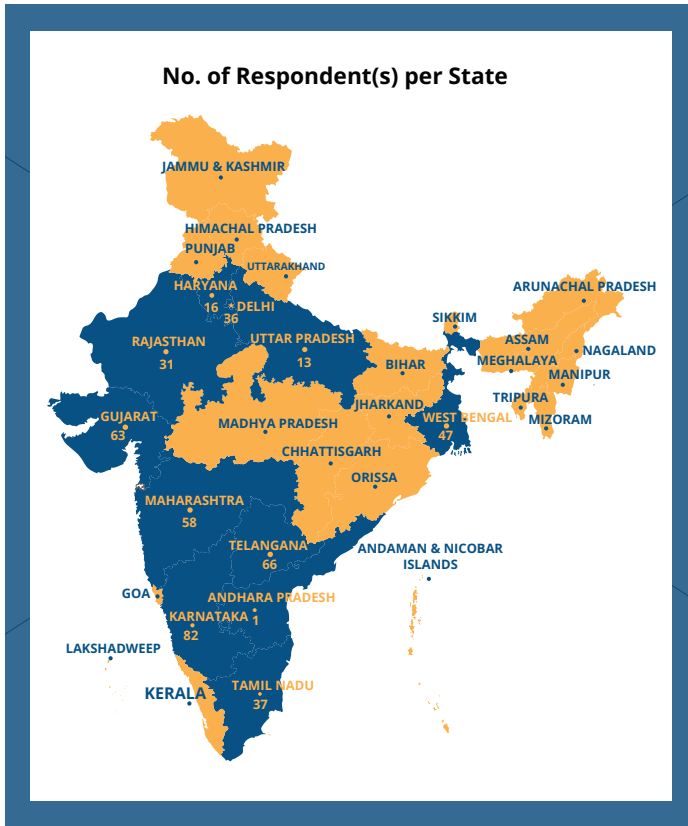


All figures in the above graph are represented in Indian Rupees (“INR”) and the term ‘L’ refers to lakhs. Further, the claim value refers to the disputed amount between the parties and does not take legal costs or other expenses into account.

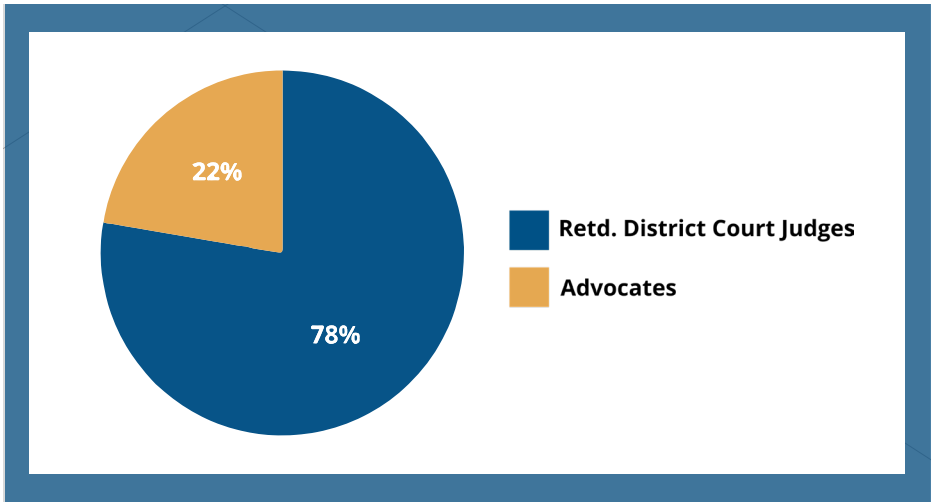
Presolv360 administered INR 66,60,01,376 worth of disputes with respect to this sample dataset. On average, the value of a dispute administered by Presolv360 amounted to INR 14,76,721. The largest dispute administered in terms of disputed value was INR 1,06,44,342, while the smallest amounted to INR 1,46,607.

As can be observed, the broad range of disputes Presolv360 effectively administered are reflective of its commitments towards ensuring digital access to justice for the populace.

## GEOGRAPHICAL DIVERSITY OF RESPONDENTS



The data reveals that the adoption of ODR is spread across the country and controverts the common notion that technology solutions inspire acceptance only in certain states. A closer examination of the 451 cases analyzed reveals that Respondents in the states of Karnataka, Telangana, and Gujarat constituted a significant 46% of the total cases. Maharashtra and West Bengal follow closely behind, with a cumulative 23% of the Respondents belonging to these states.

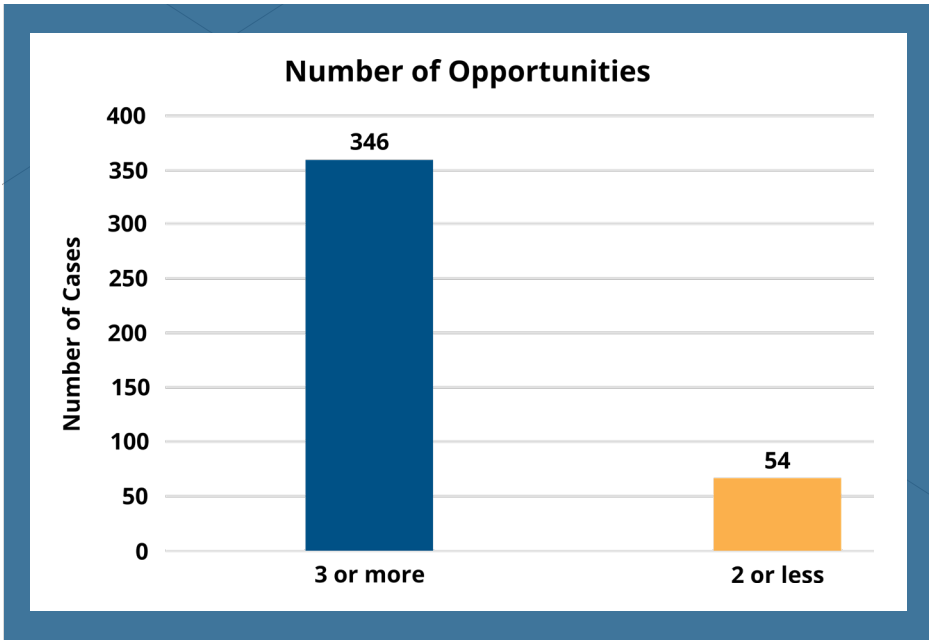


From the above graph, it can be observed that retired judges of district courts in India presided as the arbitrator in majority of the cases (amounting to nearly 78% of the total cases of the sample dataset). Further, in 22% of the cases, an advocate with the requisite experience presided as the arbitrator. A detailed description of the process of empanelment and assignment of an arbitrator, which is followed by Presolv360, has been provided below:

Presolv360 empanels independent, qualified arbitrators with the required competence, knowledge, and varied expertise on its panel of arbitrators. The panel is broad-based and consists of retired judges and other professionals like lawyers, engineers, accountants, etc.

It may be relevant to note that parties always have the option to seek the list of arbitrators on the panel for the purpose of choosing another arbitrator to resolve the dispute. Further, the parties are also provided with a simplified procedure to challenge the assignment of the matter to the arbitrator, as per the law.

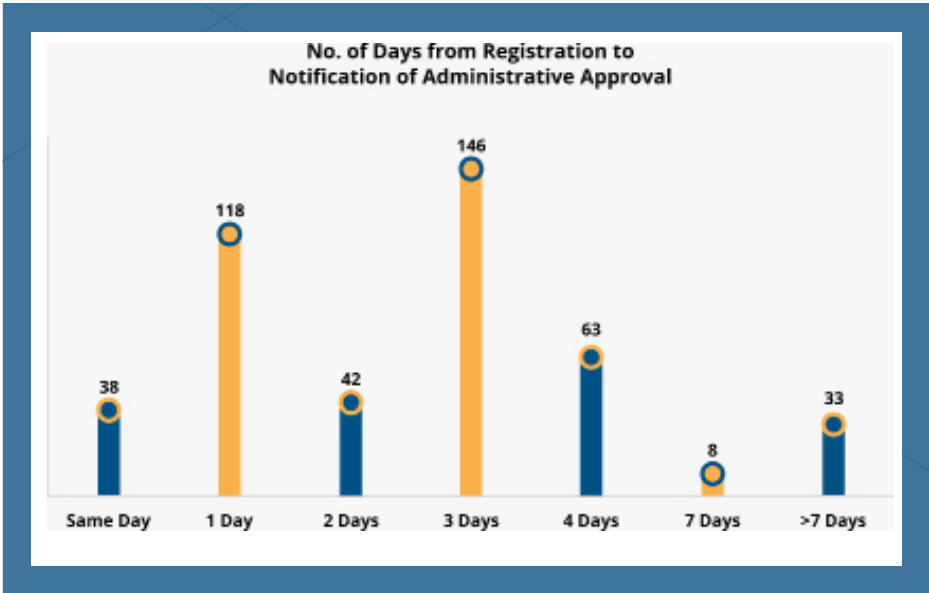
## NUMBER OF OPPORTUNITIES PROVIDED TO THE RESPONDENT(S)



For the above graph, the term 'Number of Opportunities' refers to the opportunities provided by the arbitrator to the Respondent(s) to participate in the proceedings by way of recording a response or filing a defence statement or attending the hearings. It must also be noted that participation of Respondent(s) is covered subsequently in the report (Section 10: Participation by Respondent(s)).

From the above graph, it can be observed that in nearly 87% of the cases, 3 or more opportunities were provided to the Respondent(s) for recording their say in the arbitration proceedings. In the remaining cases, less than 3 opportunities were provided primarily because either the Respondent(s)' response / defence / appearance was recorded within the said number of opportunities, or cases were settled at a preliminary stage, or matters were closed due to ineffective service of notice or material defect at the time of registration of arbitration.

It can be established that online arbitration enables efficient and speedy resolution of disputes, across sizes and subject matter, while ensuring fair chance of participation to all parties of the dispute.

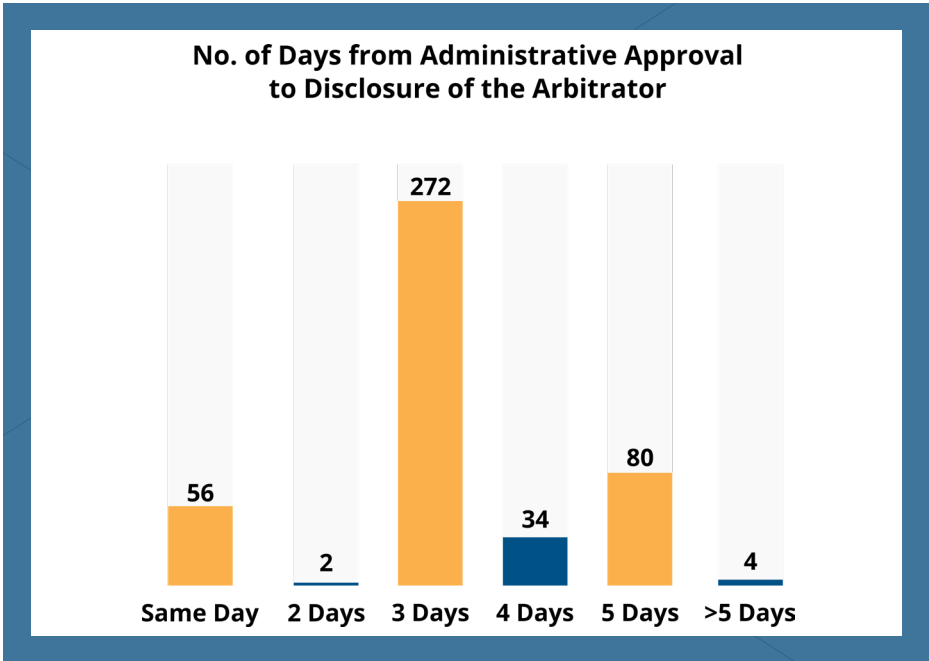


With respect to the above graph, the total number of cases analyzed stands at 448 since it excludes the following:

- 2 cases which were withdrawn due to ineffective service;
- 1 case which was rejected due to material defect at the time of registration.

On an average, a case registered with Presolv360 took only around 4 days for completion of administrative verification and for the notification of registration of arbitration to be circulated to the parties. It was only in 7% of the total cases analyzed under this parameter, wherein verification took longer than 7 days to come through.

From the foregoing analysis, the efficacy of ODR for ensuring quick and effective resolution of a broad range of disputes can be established.



With respect to the above graph, the total number of cases analyzed stands at 448 since it excludes the following:

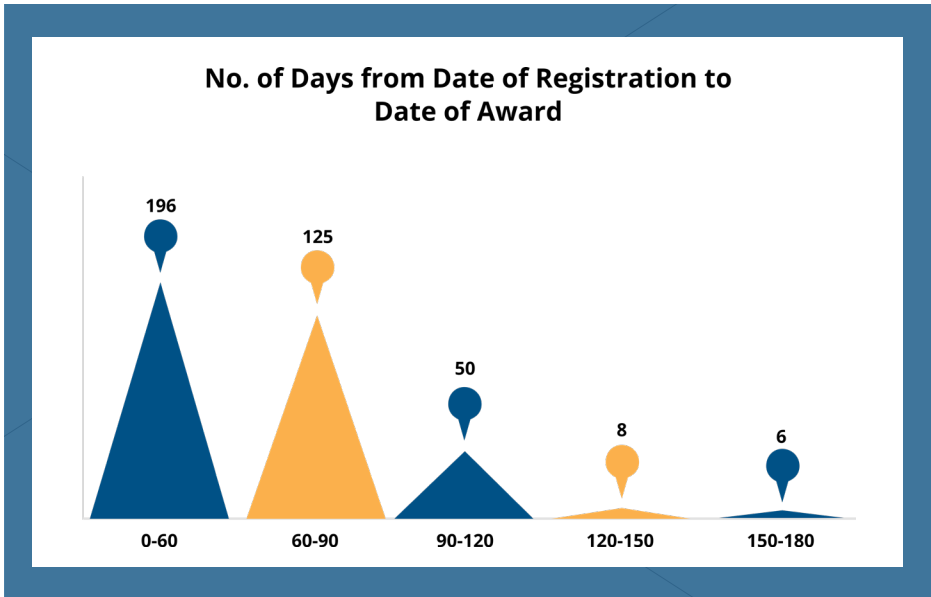
- 2 cases which were withdrawn due to ineffective service;
- 1 case which was rejected due to material defect at the time of registration.

Section 12 of the Arbitration and Conciliation Act, 1996 (“the Act”) govern the disclosure requirements of arbitrators. Such disclosure is required to be made in the form specified in the Sixth Schedule to the Act.

Consent was obtained and disclosures made by the arbitrators were circulated to the parties within 3 days from the date of notification of registration of arbitration in nearly 74% of the total cases analyzed while in 99% of the cases, the same was achieved within 5 days.



From the above graph, it can be inferred that by streamlining the process of obtaining consent and prompt circulation of disclosures made by the arbitrators, the time spent in administrative tasks is greatly condensed leading to avoidance of unwarranted delays and latches.

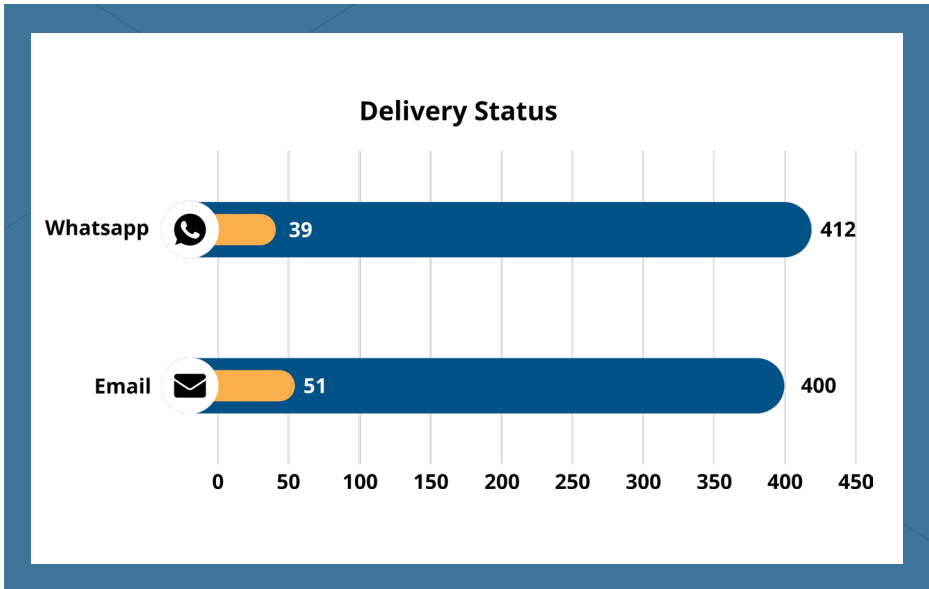


- 6 cases which were settled before the award;
- 1 case which was rejected;
- 3 cases which were withdrawn.

In over 83% of the cases, the award was published in less than 3 months from the date of registration. Further, nearly 45% of the matters saw an award being rendered before the expiry of 2 months from the date of registration. It must be noted that, while the outcome was rendered in a timely manner, as discussed in Graph No. 5, ample opportunities were provided to the parties to present their case. Awards in 17% of the matters were rendered in 3 to 6 months' time owing to time being sought to settle the dispute amicably or them being contested.

The above timelines include the time taken to complete administrative tasks as well as the time taken by the tribunal to determine the dispute.

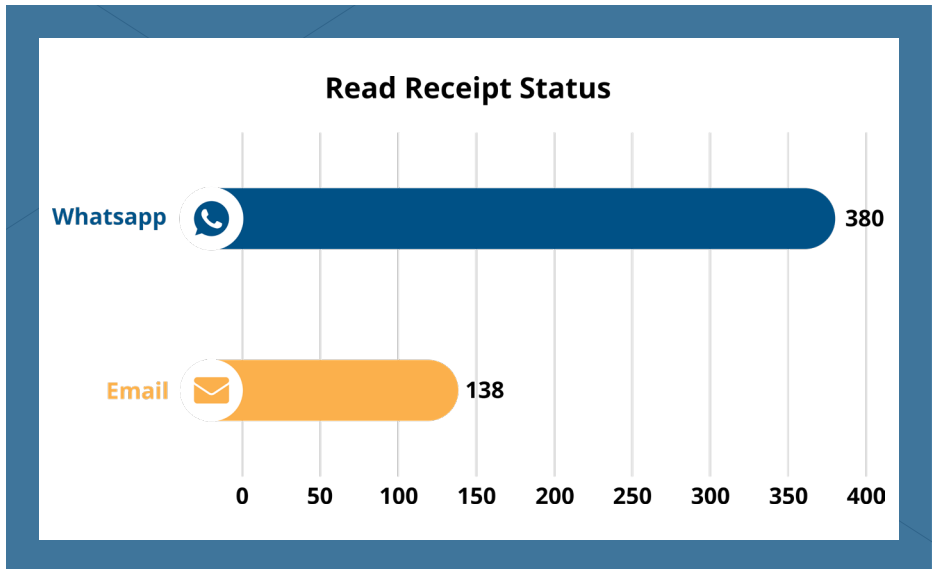
While speed can be attributed to smart case management tools, automated document workflow, pre-formatted templates and other features like digital signature and stamping, equal treatment of parties is fostered by integrating tools like multichannel communication, settlement builders, blockchain-based audit trails and by adopting best practices around data security, privacy and confidentiality.



A major reason for prolonged arbitration proceedings, apart from judicial intervention, is service of notice and case papers on the Respondent(s). The use of integrated multichannel digital infrastructure which uses modern channels like email, WhatsApp, SMS, and IVR apart from registered post has substantially reduced the time lost in routine ministerial tasks. This not only enables timely intervention in the matter but also empowers Respondent(s) to participate effectively in the proceedings. With respect to service through digital means, it has been settled by various courts that the purpose of service is to put the other party to notice and where an alternative mode (email / WhatsApp) is used and service is shown to be effected of the notice, then surely it cannot be suggested that there was 'no notice'.<sup>6</sup>

<sup>6</sup>Shah B, "Online Dispute Resolution: Validity of 'Service' through Emails, Whatsapp and Messaging Applications" (Live Law March 31, 2020) <<https://www.livelaw.in/law-firms/articles/online-disputeresolution- validity-of-service-through-emails-whatsapp-andmessaging- applica-tions-154596>>; accessed January 4, 2023

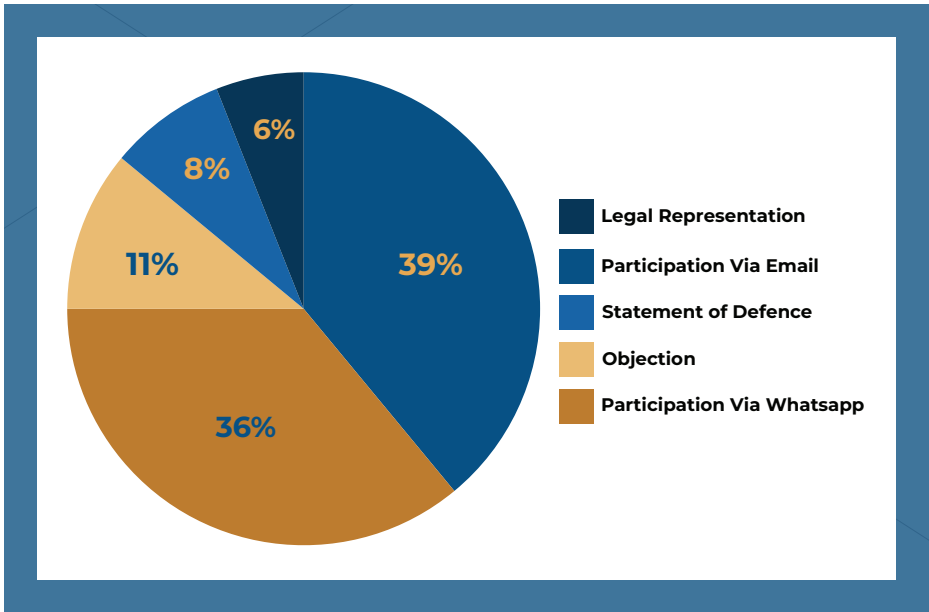
In 89% of the cases (400), the notice and case papers were successfully served via email, while service via WhatsApp stood at 91% (412). It is important to note that in a number of matters, parties were served by multiple modes, while in certain cases, parties were served by one mode or the other. In just 1 case, service by digital mode failed where parties were successfully served by registered post. In only 2 cases, service remained ineffective by both digital means and registered post due to which the matters were withdrawn and the question of service in 1 case did not arise since the arbitration was rejected due to material defect at the time of registration.



The advantage that integrated digital communication brings to online arbitration over conventional in-person arbitration is that the administrator can not only analyze whether service has been successfully effected, but can take it one step further by analyzing the engagement of parties during the course of the proceedings.

92% of the 412 WhatsApp message recipients read the notice pertaining to the arbitral proceedings while 34% of the 400 email recipients read the notice. It must be noted that the actual number of read receipts for messages and emails may be higher since the setting of trackability of read receipts may not be enabled for all recipients.

## PARTICIPATION BY RESPONDENT(S)



With respect to this section, the total number of cases analyzed stands at 448 since it excludes the following:

- 2 cases which were withdrawn due to ineffective service;
- 1 case which was rejected due to material defect at the time of registration.

The Respondent(s) participated by making submissions via email, WhatsApp, recorded audio messages, filing objections, legal representatives and / or filing Statement of Defence. Out of the total of 448 matters, participation was observed in nearly 25% of the matters.

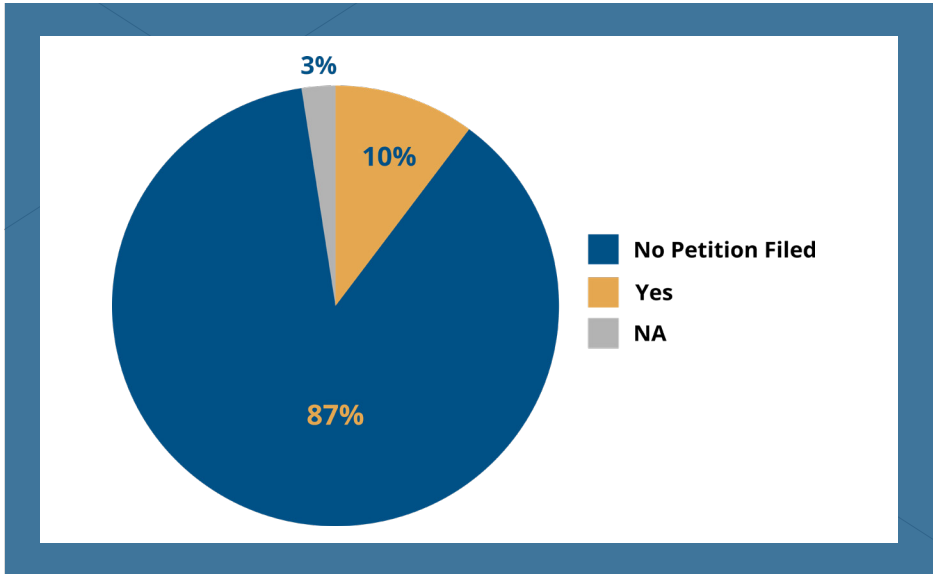
Out of the aforesaid matters, participation via email stood highest at 39%, followed by participation via WhatsApp at 36%. Objections were filed in 11% of such matters and defence was filed in 8% matters. Cases in which Respondent(s) chose to be represented through an advocate stood at 6%.

Out of the total 448 matters, a mere 3.3% of cases had instances where the Respondent(s) filed objections pertaining to the arbitral proceedings. In other words, a substantial 96.7% of cases saw no objections being raised by the Respondent(s).

The findings highlight the increased participation achieved on account of Integration of digital tools and communication technologies leading to inclusion regardless of geographies and socio-economic backgrounds.



## FILING OF SECTION 17 APPLICATION FOR INTERIM MEASURES

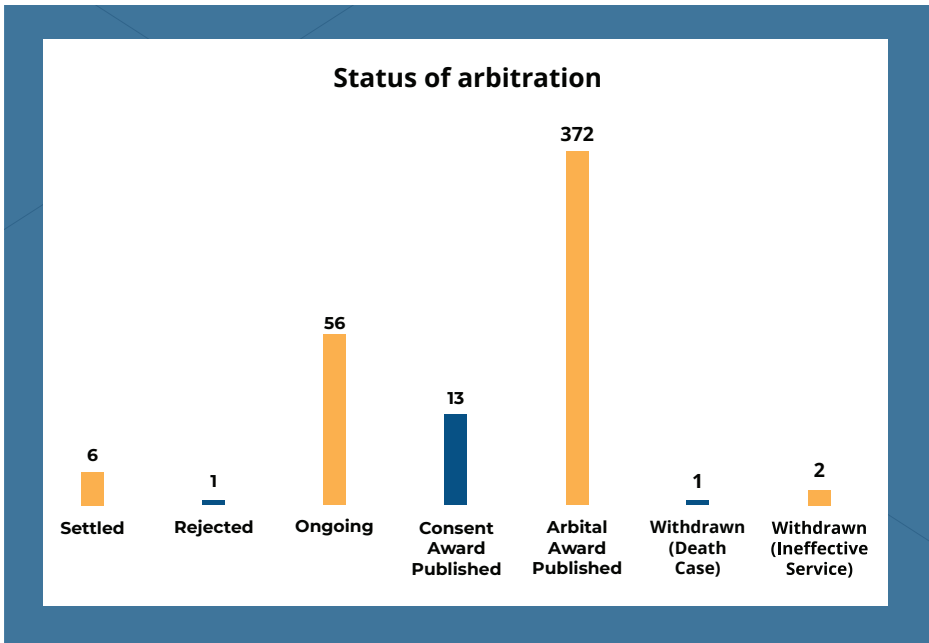


During the arbitral proceedings, a party can apply for interim measures of protection and Section 17 of the Act empowers the arbitral tribunal, provided it is just and convenient, to grant such interim measures.

With respect to the above graph, the total number of cases analyzed stands at 448 since it excludes the following:

- 2 cases which were withdrawn due to ineffective service;
- 1 case which was rejected due to material defect at the time of registration.

In the 448 cases that were analyzed, applications were filed in nearly 26% of the matters seeking interim relief.



Out of the 451 cases analyzed, arbitral awards were published in 82% of the matters, while 13 matters concluded with an arbitral award on agreed terms. 6 matters were settled during the proceedings and 3 matters were withdrawn. 1 matter was rejected due to material defect at the time of registration. It must be noted that 56 matters are ongoing as on the date specified in the Methodology section.

An overall analysis of the dataset indicates timely and effective outcome of disputes accentuates ODR not only as a supplemental force but also as a support system to the incumbent dispute resolution setup.



# CONFIDENTIALITY & DATA PRIVACY

---

---

In the realm of disputes administered in the virtual environment, aspects regarding confidentiality, data security and privacy are of paramount importance.

Implementing the following procedures can help ensure full confidentiality and data privacy:

## **CONFIDENTIALITY**

As per the law, the governing rules and the Code, all proceedings are mandated to be kept confidential by the parties, the arbitrator, and the administrative team of the dispute resolution platform, except the award where its disclosure is necessary for its implementation and enforcement.

## **TRANSPARENCY**

No party communicates ex-parte with any arbitrator and the arbitrator does not communicate with any party during the pendency of the arbitration proceedings. All communications are exchanged through the platform for complete transparency.

## **INTEGRITY**

To ensure the integrity of the entire process, a time-stamped record of actions in respect of each arbitration registered on the platform is a must. This provides a secure and immutable history of the actions taken and gives involved stakeholders an evidence trail of occurrences.

## **SECURITY**

Appropriate safeguards are necessary to prevent unauthorized access to any user information or documents and to maintain data security. Multi-factor authentication for user authentication and advanced encryption technology for protecting sensitive information can be implemented.



---

In conclusion, this report highlights the significance of ODR as a growing field within the wider legal ecosystem in India. The findings of this report pose important lessons for the justice delivery system in India, particularly in terms of achieving universal access to justice.

One of the most significant findings of this report is how ODR creates a level playing field between parties, transcending beyond geographical boundaries and socio-economic backgrounds. Integration of digital tools makes the resolution mechanisms accessible, understandable and convenient. This can be demonstrated by the increased participation of the Respondents, settlements reached and low frequency of objections raised. These findings point to the efficacy and acceptance of the ODR platform as a means of resolving disputes in a timely and effective manner.

The findings of this report highlight the benefits of secure and user-friendly digital platforms to facilitate resolutions and ensure that all parties have access to the services they need.

In sum, this report highlights the potential for ODR to transform the field of ADR in India and the importance of empowering every party with adequate infrastructure to participate and resolve disputes. The authors hope that this report will serve as a valuable resource for the wider legal community and provide useful insights into the growth and development of ODR in India.





# ARB DOSSIER

