

**TWELFTH ARBITRAL APPEAL COURT**

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RESOLUTION
arbitration court of appeal

Saratov Case No. A57-29166 / 2018

05 August 2019

The operative part of the resolution was announced on July 30, 2019. The full text of the resolution was prepared on August 05, 2019.

The 12th Arbitration Court of Appeal composed of the presiding judge S.G. Veryaskina, judges Grabko O.V., Puzina E.V., while keeping the minutes by the secretary of the court session Astafyeva V.K., having examined in open court the appeals of the limited liability company "Company" ALS and TEK "(410012, Saratov, B. Kazachya st., 8" D ", TIN 6452045336, OGRN 1026402661108), companies with limited liability "DSPS" (410002, Saratov, Chernyshevsky st., 197, INN 6452048979, OGRN 1026402661119) against the decision of the Arbitration Court of the Saratov Region dated February 14, 2019 in case No. A57-29166 / 2018 (judge A.I. Mikhailova) according to the applications of the limited liability company "Company" ALS and TEK "(410012, Saratov, st. B. Kazachya, 8" D ", INN 6452045336, OGRN 1026402661108) and limited liability company "DSPS" (410002, Saratov, Chernyshevsky str., 197, TIN 6452048979, OGRN 1026402661119) interested parties: Kirovsky district department of bailiffs of Saratov (410054, Saratov, st. . 2-nd Sadovaya, 129), Office of the Federal Service of Bailiffs in the Saratov Region (410600, Saratov, Teatralnaya Square, 11), Deputy Head of the Department - Senior Bailiff of the Kirovsky District Department of Bailiffs of the city of Saratov Office Federal Service of Bailiffs for the Saratov Region A.N. Muratova (410054, Saratov, 2nd Sadovaya St., 129), Limited Liability Company "DSPS" (410002, Saratov, Chernyshevsky St., 197, INN 6452048979, OGRN 1026402661119), joint-stock company firm "SMUR" (394019, Voronezh, Ereemeeva st., 22, INN 3662020332, OGRN 1023601610878),

Joint Stock Company Kvant-Telecom (394019, Voronezh, Ereemeeva str., 22, INN 3662124236, OGRN 1073667031030)

o recognition of the illegal decision of the deputy head of the department - senior bailiff of

the Kirovsky district department of bailiffs of the city of Saratov of the Office of the Federal Service of Bailiffs in the Saratov Region A.N. Muratova dated 10.12.2018 on the abolition of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP),

on the cancellation of the decision of the senior bailiff of the Kirovsky district department of bailiffs of the city of Saratov of the Office of the Federal Service of Bailiffs in the Saratov Region A.N. Muratova dated 10.12.2018 on the abolition of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP),

with participation in the court session:

- from the Office of the Federal Bailiff Service in the Saratov Region E.V. Zhilko, acting under a power of attorney dated 06/07/2019, after a break A.V. Baybak, acting under a power of attorney dated 04/19/2019,

- Limited Liability Company "Company" ALS and TEK "I.A. Demidov, acting under a power of attorney dated 21.12.2017,

- limited liability company "DSPS" V.N. Vekozin, acting under a power of attorney dated 25.12.2018,

- Joint Stock Company "Kvant-Telecom" N.N. Litvinova, acting under the power of attorney dated 08.25.2015,

- joint-stock company firm "SMUR" N.N. Litvinova, acting under the power of attorney dated 05/17/2018, I.A. Tatarovich, acting under a power of attorney dated 01.01.2019,

- from the Kirovsky district department of bailiffs of the city of Saratov of the Office of the Federal Service of Bailiffs in the Saratov Region A.E. Basyrov, service certificate TO No. 444744,

without participation in the court session of representatives of other persons participating in the case, duly notified of the time and place of the court proceedings, with the participation of representatives of the media:

- from the Business Vector Business News Agency S.A. Laikask (certificate No. 44083),

found:

limited liability company "Company" ALS and TEK "(hereinafter

- LLC "Company" ALS and TEK ", the claimant) applied to the Arbitration Court of the Saratov region with a statement to declare illegal the decision of the deputy head of the department - senior bailiff of the Kirovskiy ROSP of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov region Muratova A.N. of 10.12.2018 on the abolition of the act of performing enforcement actions of 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP), on the cancellation of the decision of the senior bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of the Russian Federation in the Saratov region Muratova A.N. dated 10.12.2018 on the cancellation of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP).

The case was assigned registration number A57-29166 / 2018.

Limited Liability Company "DSPS" (hereinafter - LLC

"DSPS") appealed to the Arbitration Court of the Saratov region with a statement on the recognition of illegal the decision of the deputy head of the department - senior bailiff of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region Muratova A. from 10.12.2018 on the abolition of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP), on the

abolition of the decision of the senior bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of the Russian Federation in the Saratov region Muratova A.N. dated 10.12.2018 on the abolition of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new No. 74142/18/64042-IP).

The case was assigned registration number A57-29615 / 2018.

By the definition of the Arbitration Court of the Saratov Region from 02/14/2019 of the case

No. A57-29166 / 2018 and No. A57-29615 / 2018 were combined into one proceeding with the assignment of registration No. A57-29166 / 2018 to the case.

By the decision of the Arbitration Court of the Saratov Region dated 02.14.2019, the claims were refused.

LLC "Company" ALS and TEK "and LLC" DSPS ", disagreeing with the pronounced judicial act, appealed to the court with appeals, in which they ask the decision of the Arbitration Court of the Saratov Region dated 02.14.2019 in case No. A57-29166 / 2018 to cancel, meet the stated requirements.

The joint-stock company firm "SMUR" in the manner of Article 262 of the Arbitration Procedure Code of the Russian Federation (hereinafter referred to as the APC RF) submitted a written response to the appeal and an additional response.

LLC "Company" ALS and TEK "presented additions to the appeal and additional explanations.

Information about the acceptance of appeals for the proceedings and the appointment of the case for trial is posted on the official website of the arbitration court in the information and telecommunications network "Internet".

Representatives of LLC "Company" ALS and TEK "and LLC" DSPS "in the court session supported the arguments set out in the appeals.

Representatives of the joint-stock company firm "SMUR", joint-stock company "Kvant-Telecom", the Kirovsky district department of bailiffs of the city of Saratov of the Office of the Federal Service of Bailiffs in the Saratov Region, the Office of the Federal Service of Bailiffs for the Saratov Region objected in court to the satisfaction of the appeals

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In accordance with part 3 of Article 156 of the Arbitration Procedure Code of the Russian Federation, the court considers appeals in the absence of representatives of other persons participating in the case, duly notified of the time and place of the court session.

In accordance with clause 2 of part 3 of article 18 of the Arbitration Procedure Code of the Russian Federation, by a ruling dated July 22, 2019, judges Kuzmichev S.A. and Stepura S.M. on judges Grabko Oh.The. and Puzin E.V., for consideration of appeals of the limited liability company ALS and TEK Company, the limited liability company DSPS against the decision of the Arbitration Court of the Saratov Region dated February 14, 2019 in case No. A57-29166 / 2018.

After the replacement of the judge in the course of the trial, the trial is carried out from the very beginning.

In accordance with Article 163 of the Arbitration Procedural Code of the Russian Federation, the court announced a break in the court session until July 29, 2019 until 16:00 local time (MSK + 1), about which a protocol ruling was issued. The announcement of the break was posted in accordance with the recommendations given in paragraphs 11-13 of the Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation dated December 25, 2013 No. 99 "On procedural time limits", on the website of the Twelfth Arbitration Court of Appeal. After the break, the court session continued.

As follows from the materials of the case, the decision of the Arbitration Court of the Saratov Region of August 31, 2017 in case No. A57-233 / 2017 refused to satisfy the claims of LLC Company ALS and TEK against JSC Smur on the obligation to return the

property under the second stage contract No. 3 / 12-12 of 04.09.2012.

By the decision of the Twelfth Arbitration Court of Appeal dated 13.12.2017 in case No. A57-233 / 2016, the decision of the Arbitration Court of the Saratov Region dated 31.08.2017 in case No. A57-233 / 2017 was canceled, the claims of LLC Company ALS and TEK on the obligation of JSC firm "SMUR" to return the property under the second stage of contract No. 3 / 12-12 dated 04.09.2012 were satisfied in full.

The appellate court ruled to oblige the joint-stock company

"Firm" SMUR "to return in favor of the Limited Liability Company

"Company" ALS and TEK "four optical fibers in the fiber-optic communication line" Saratov-Ozinki "in part of the second stage - optical fibers in the section from the city of Ershov to the city of Saratov: from the optical crossbar in a container on the territory of the RTRS" Saratov ORTPTS "At the address Saratov region, Ershov, st. Meliorative, 32A to the main distribution coupling MRM28 near the settlement of Pushkino, Sovetsky district, Saratov region, from the distribution main coupling MPM28 near the settlement Pushkino, Sovetsky district, Saratov region. to an optical crossbar in a container on the territory of the Open Joint Stock Company

"Urbakhskiy kombinat khleboproduktov" at the address Saratov region, Sovetskiy district, Pushkino, Zavodskaya st., 1a, from the main distribution coupling MRM28 near Pushkino, Sovetsky district, Saratov region to optical distribution frame

"VOSTOK" Limited Liability Company "Company" ALS and TEK ", Saratov, B. Kazachya st., 6, from the optical cross" VOSTOK "Limited Liability Company" Company "ALS and TEK", Saratov, st. .B.Kazachya, 6 to the optical cross of the Limited Liability Company

"Company" ALS and TEK "on the territory of the Open Joint Stock Company

"Integral" at the address Saratov, st. Chernyshevsky, 153, actually received for temporary use by the Closed Joint Stock Company "firm" SMUR "under the act of acceptance and transfer of property for temporary use dated 10.10.2012 in accordance with the terms of contract No. 3 / 12-12 for the sale of optical fibers and a share in the right common share ownership in a fiber-optic communication line in the Voronezh and Saratov regions, concluded on 04.09.2012 between the ALS and TEK Company limited liability company and the Firm SMUR Closed Joint Stock Company.

This ruling of the Twelfth Arbitration Court of Appeal was upheld by the courts of higher instances.

Based on the ruling of the Twelfth Arbitration Court of Appeal dated 12/13/2017 in case No. A57-233 / 2016, a writ of execution No. FS 016402251 dated December 29, 2017 was issued.

The text of the writ of execution issued in this case actually completely reproduces the operative part of the named judicial act, the requirements of the writ of execution in the case are formulated clearly and clearly, and therefore do not cause difficulties in execution.

The specified writ of execution was sent to the location of the debtor in the city of Voronezh, where the bailiff-executor of the Kominternovskiy ROSP of Voronezh Orlova I.A. enforcement proceedings were initiated from 01.02.2018 No. 3978/18/36035-IP.

The debtor was notified of the initiation of the said enforcement proceedings, which JSC "SMUR" does not deny.

By the resolution of the Kominternovskiy ROSP of the Federal Bailiff Service of Russia for the Voronezh Region of 03/30/2018, the enforcement proceedings were completed with the drawing up of an act and the writ of execution was returned to the claimant.

Subsequently, the writ of execution No. FS 016402251 dated December 29, 2017 was presented to the UFSSP in the Saratov region, by which the said executive document was sent to the Kirov ROSP of the UFSSP of Russia in the Saratov region.

By the decree of the bailiff-executor of the Kirov ROSP of the Federal Bailiff

Service of Russia in the Saratov region Tumaeva K.S. of May 30, 2018, enforcement proceedings were initiated No. 29540/18/64042-IP.

Clause 2 of the resolution establishes that the requirement for a court order is subject to immediate execution - within 24 hours from the moment the debtor receives a copy of this resolution.

In accordance with clause 10 of the decree, it was determined to send a copy of this decree, including JSC "Smur" to the address: 394019, Voronezh, Ereemeeva, 22.

06/22/2018 Bailiff of the Kirov Regional Department of the Federal Bailiff Service of Russia in the Saratov Region Tumaeva K.S. an act was drawn up on the execution of enforcement actions, according to which LLC "Company" ALS and TPK ", as a claimant for enforcement proceedings No. 29540/18/64042-IP, received on 22.06.2018. according to the writ of execution, property (4 optical fibers in a fiber-optic communication line on the Saratov-Ershov section in BOLS

"Saratov-Ozinki").

07/19/2018 the bailiff-executor of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service for the Saratov Region issued a resolution on the completion of enforcement proceedings No. 29540/18/64042-IP on the basis of clause 1 of part 1 of article 47 of the Federal Law of 02.10.2007 No. On enforcement proceedings "(hereinafter - the Law on Enforcement Proceedings) - the actual fulfillment of the requirements contained in the enforcement document.

10.12.2018 Deputy Head of the Department - Senior Bailiff of the Kirov Regional Department of the Department of Public Administration of the City of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region Muratova A.M. a resolution was issued on the cancellation of the act of commission of executive actions from 22.06.2018. on enforcement proceedings No. 29540/18/64042-IP, due to the fact that the debtor was not properly notified of the place and time of the enforcement actions.

This decision is contested by LLC "Company" ALS and TEK "and LLC" DSPS "in the framework of the dispute under consideration.

The court of first instance, refusing to satisfy the stated requirements, came to the conclusion that OOO DSPS is not a party to the enforcement proceedings, but is only the acquirer of the property under the contract of sale; the act of performing enforcement actions is not a non-normative legal act or a decision of an official entailing the occurrence of any legal consequences for the applicant; the acts contain only the factual circumstances recorded by the bailiff-executor during the execution of the enforcement action, in connection with which, in itself, the abolition of the act by making an appropriate decision could not violate the rights of the applicants. Since, the reason for the cancellation of the act of performing the enforcement actions was the fact that the debtor was not properly notified of the place and time of the enforcement actions, the court of first instance concluded that the contested decision was made in order to comply with the rights and obligations of all participants enforcement proceedings, which indicates the legality of the actions committed. In addition, the materials of the case established that on 20.11.2018. a resolution was issued to cancel the resolution of 07/19/2018. on the end of enforcement proceedings No. 29540/18/64042-IP (new

No. 74142/18/64042-IP), at the same time, this decision was made due to the fact that the debtor in enforcement proceedings - JSC firm "Smur" was not notified of the enforcement actions, as well as the initiation of enforcement proceedings.

The court of appeal, assessing in aggregate, as required by Art.

71 of the Arbitration Procedure Code of the Russian Federation, the evidence, arguments and objections of the parties presented in the case materials, considers the conclusions of the first instance court to be inconsistent with the circumstances of the case, the court's decision to be canceled on the following grounds.

According to Article 329 of the Arbitration Procedure Code of the Russian Federation,

decisions of the bailiff-executor, his actions (inaction) can be challenged in an arbitration court in cases provided for by the Code and other federal laws, according to the rules established by Chapter 24 of this Code.

The basis for invalidating a resolution, illegal actions (inaction) of a bailiff-executor is the presence of two conditions at the same time: their inconsistency with the law or other regulatory legal act and violation of the rights and legitimate interests of the person who applied to the court with the corresponding claim in the field of business and other economic activities (Articles 198, 200 and 201 of the Code, paragraph 6 of the resolution of the Plenum of the Supreme Court of the Russian Federation and the Plenum of the Supreme Arbitration Court of the Russian Federation dated 01.07.1996 No. 6/8 "On some issues related to the application of part one of the Civil Code of the Russian Federation").

In accordance with article 30 of the Federal Law dated 02.10.2007 No. 229-FZ "On Enforcement Proceedings" (hereinafter referred to as the Law on Enforcement Proceedings), the bailiff initiates enforcement proceedings on the basis of a writ of execution at the request of the claimant, unless otherwise provided by this Federal Law.

The objectives of the enforcement proceedings are the correct and timely execution of judicial acts, acts of other bodies and officials, and in cases provided for by the legislation of the Russian Federation, the execution of other documents in order to protect the violated rights, freedoms and legitimate interests of citizens and organizations (Article 2 of the Law on Enforcement Proceedings).

Articles 12, 13 of the Federal Law "On Bailiffs" dated 21.07.1997

No. 118-FZ established that in the process of compulsory execution of judicial acts and acts of other bodies provided for by the federal law on enforcement proceedings, the bailiff-executor: takes measures for the timely, complete and correct execution of enforcement documents.

The actual fulfillment of the requirements contained in the enforcement document is one of the grounds for the end of the enforcement proceedings by the bailiff (paragraph 1 of part 1 of Article 47 of the Law on Enforcement Proceedings).

As the basic principles for the implementation of enforcement proceedings, Article 4 of the Law on Enforcement Proceedings sets out the principles of legality and timeliness of enforcement actions and the application of enforcement measures.

According to Art. 12 of the Law on Enforcement Proceedings in the process of compulsory execution of judicial acts and acts of other bodies provided for by the Law on Enforcement Proceedings, the bailiff: takes measures for the timely, complete and correct execution of executive documents (paragraph 1 of part 1); the bailiff-executor has the right: to receive the necessary information when performing enforcement actions; enter premises occupied or owned by debtors; perform other actions provided for by the Federal Law "On Enforcement Proceedings".

Article 64 of the Law on Enforcement Proceedings lists those enforcement actions that a bailiff is entitled to perform, among which his right to draw up an act of performing actions when executing an enforcement document is not specifically indicated, at the same time, paragraph 17 of this provision indicates the possibility of committing other actions necessary for the timely, complete and correct execution of executive documents. In addition, it follows from part 1 of this article that the enforcement actions determined by the specified norm, performed by the bailiff-executor, can be aimed at forcing the debtor to full, correct and timely fulfillment of the requirements contained in the enforcement document.

According to Part 5 of Art. 14 of the Law on Enforcement Proceedings, a higher official of the bailiff service has the right to cancel or change a decision that does not meet the requirements of the legislation of the Russian Federation a bailiff or other official of the bailiff service.

Decisions on enforcement proceedings made by the bailiff, the chief bailiff of the Russian Federation, the chief bailiff of the subject (the chief bailiff of the constituent entities) of the Russian Federation, the senior bailiff and their deputies (hereinafter also referred to as the official of the bailiff service) from the date of referral (presentation) of an enforcement document for execution, are formalized by decisions of an official of the bailiff service (part 1 of article 14 of the Law on enforcement proceedings).

In accordance with paragraph 6 of part 2 of Art. 14 of the Law on Enforcement Proceedings, in the decision of the bailiff or other official of the bailiff service, the grounds for the decision must be indicated with reference to federal laws and other regulatory legal acts. Resolution of the deputy head of the department - senior bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff

Service of the Russian Federation for the Saratov Region Muratova A.N. from 10.12.2018 on the cancellation of the act of commission of executive actions from 22.06.2018. on enforcement proceedings No. 29540/18/64042-IP does not contain a reasoned rationale for the decision taken with reference to federal laws and other regulatory legal acts that do not comply with the canceled decision.

Also, the decree of the deputy head of the department - senior bailiff of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region Muratova A.N. from 10.12.2018 on the cancellation of the act of commission of executive actions from 22.06.2018. on enforcement proceedings No. 29540/18/64042-IP contradicts the decision of the senior bailiff of the Kirov Regional Department of the Federal Service for Administrative Offenses of the city of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region on the refusal to satisfy the complaint dated 13.08.2018, by which the decision and actions of the bailiff K.S. Tumaeva on enforcement proceedings No. 29540/18/64042-IP were recognized as legitimate.

Thus, the decree of the deputy head of the department - senior bailiff of the Kirovskiy ROSP of the city of Saratov of the FSSP RF for the Saratov region Muratova A.N. from 10.12.2018 on the cancellation of the act of commission of executive actions from 22.06.2018. for enforcement proceedings

No. 29540/18/64042-IP, does not comply with the Federal Law "On Bailiffs" (Article 12.13) and the Federal Law "On Enforcement Proceedings" (Article 2, Clause 6 Part 2 and Part 5 of Art. 14. Article 49) and violates the rights and legitimate interests in the field of entrepreneurial and other economic activities as LLC "Company" ALS and TEK "and LLC" DSPS ".

When considering the dispute, it was established that on 12.09.2018. between LLC "The company" ALS and TEK "and LLC" DSPS "signed an agreement No. ALS-DSPS / OV-12092018 for the purchase and sale of property (4 optical fibers in a fiber-optic communication line on the Saratov-Ershov section in FOCL "Saratov-Ozinki"), according to which LLC "Company" ALS and TEK "transferred to the ownership of LLC" DSPS "received under a judicial act (resolution of the Twelfth Arbitration Court of Appeal of 13.12.2017 in case No. A57-233/2017), the cost of which amounted to 9,440,001 rubles. 41 kopecks, including VAT (18%).

Resolution of the Deputy Senior Bailiff from 10.12.2018. creates an obstacle for LLC DSPS to exercise its rights as an owner to dispose of property within the framework of the agreement No. ALS-DSPS / OV-12092018 concluded with LLC ALS and TEK Company dated 12.09.2018, as it may result in invalidity the receipt by LLC "Company ALS and TEK" of property within the framework of enforcement proceedings No. 29540/18/64042-IP and, accordingly, the invalidity of the contract No. ALS-DS11S / OB-12092018 dated 12.09.2018. for the sale of the property received, concluded between LLC "Company" ALS and TEK "and LLC" DSPS ".

LLC "Company" ALS and TEK "received a claim from LLC" DSPS ", which is currently the owner of the disputed property (4 optical fibers in a fiber-optic communication line on the "Saratov-Ershov" section in the "Saratov-Ozinki" FOCL), acquired 12.09.2018 under a sale and purchase agreement between ALS and TEK Company LLC and DSPS LLC, with a proposal to terminate the sale and purchase agreement for the indicated reasons and return to DSPS LLC the funds received as payment for the property.

Resolution of the deputy head of the department - senior bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region Muratova A.N. on the abolition of the act of performing enforcement actions dated 06/22/2018, violates the rights and legitimate interests of LLC DSPS, since it will entail repeated enforcement actions in

relation to property already owned by LLC DSPS.

Taking into account the foregoing, the appellate instance considers that the conclusion of the first instance court that the rights of LLC DSPS - the acquirer of property under the contract of sale and not being a party to the enforcement proceedings, were not violated by the contested decision, contradicts the evidence presented in the case materials.

In accordance with Part 1 of Article 121 of the Law on Enforcement Proceedings, decisions of the bailiff-executor and other officials of the bailiff service, their actions (inaction) on the execution of the enforcement document may be appealed by the parties to the enforcement proceedings, other persons whose rights and interests are violated by such actions (inaction), in the order of subordination and contested in court.

Clause 8 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of November 17, 2015 No. 50

“On the application of legislation by the courts when considering some issues arising in the course of enforcement proceedings”, it was also clarified that the actions (inaction) of the bailiff and other officials of the FSSP of Russia can be challenged in court as parties to the enforcement proceedings (the claimant and the debtor), and by other persons who believe that their rights and legitimate interests have been violated, that obstacles have been created to the exercise of their rights and legitimate interests, or that they have been illegally assigned any obligation (part 1 of article 218, article 360 of the CAS RF, part 1 of article 198 of the APC RF, part 1 of article 121 of the Law on enforcement proceedings).

Consequently, contrary to the conclusions of the court of first instance, the possibility of challenging the decision of the bailiff-executor in an arbitration court by a person who is not a participant in the enforcement proceedings, whose rights and legitimate interests have been violated as a result of the adoption of the contested act, is not excluded if the person who applied to the court believes that the actions of the court the bailiff-executor came into conflict with the requirements of the legislation on enforcement proceedings (Definition of the RF Armed Forces dated June 29, 2018 No. 303-KG18-800).

Also, the appellate instance considers the conclusions of the first instance court that the act of performing enforcement actions is not a non-normative legal act entailing the occurrence of any legal consequences for the applicant is untenable. The acts contain only the factual circumstances recorded by the bailiff-executor during the execution of the enforcement action, in connection with which, the abolition of the act by issuing an appropriate resolution could not violate the rights of the applicants.

As follows from the materials of the case, the applicants are not challenging the act of performing enforcement actions of 22.06.2018, but the decision of 10.12.2018. the deputy chief bailiff to cancel it, which is a decision of an official, entailing legal consequences for the applicants.

When considering the case by the court of appeal, it was established that the act of commission of executive actions of 06/22/2018. became the completion of the execution of the resolution of the Twelfth Arbitration Court of Appeal in case No. A57-233 / 2017 dated 12/13/2017, the basis for the end of enforcement proceedings and made it possible for the recoverer to dispose of his property, conclude a sale and purchase transaction with DSPS LLC and transfer under an act acceptance and transfer of disputable optical fibers into the possession and ownership of LLC DSPS.

The conclusion of the court of first instance that the cancellation of the order of the senior bailiff of the Kirovskiy ROSP of the city of Saratov of the FSSP RF for the Saratov region Muratova A.N. from 10.12.2018 on the cancellation of the act of commission of executive actions from 22.06.2018. for enforcement proceedings

No. 29540/18/64042-IP (new No. 74142/18/64042-IP) will not restore the rights and legitimate interests of LLC "Company" ALS and TEK "and LLC" DSPS ", since after its cancellation by the bailiff 10.12. 2018, a repeated act of enforcement actions was drawn up with the participation of specialists and parties to the enforcement proceedings, the court

of appeal considers it unreasonable for the following reasons.

The implementation of repeated enforcement actions and the drawing up of an act of 12/10/2018 does not replace the act of 06/22/2018, during which the actual transfer of the disputed optical fibers to the claimant was made, whereas in the act of 12/10/2018. only the presence of optical fibers was recorded

"DSPS", in this connection, it was concluded that the re-transfer of fibers from the debtor to the recoverer is impossible.

The court of appeal established that at the moment the disputed property received by the claimant - LLC "Company" ALS and TEK "under the act of implementation of enforcement actions dated 06.22.2018, is owned by LLC" DSPS "and is used by it for its intended purpose, which is confirmed by the entered into legal force by the decision of the Arbitration Court of the Saratov Region in case No. A57-28371 / 2018 dated 25.01.2019, from which it follows that the decision of the senior bailiff of the Kirov Regional Department of the Russian Specialized Industrial Union of Saratov Basyrova A.E. from 20.11.2018 on the cancellation of the decree of 07/19/2018. on the end of enforcement proceedings No. 229540/18/64042-IP

does not violate the rights of LLC "Company" ALS and TEK "in the field of entrepreneurial and other economic activities, since 09/12/2018. between LLC "Directorate of Communication Enterprises under Construction" and LLC "Company" ALS and TEK "signed an agreement No. ALS-DSPS / OV-12092018 for the purchase and sale of property (4 optical fibers in a fiber-optic communication line at the Saratov-Ershov section in FOCL

"Saratov-Ozinki"), under the terms of which and in accordance with the act of acceptance and transfer of 12.09.2018. LLC "Company" ALS and TEK "transferred to the ownership of LLC" Directorate of communications enterprises under construction "awarded and received by the decision of the Twelfth Arbitration Court of Appeal dated 12/13/2017, which entered into legal force. in case No. A57-233 / 2017 property (4 optical fibers in a fiber-optic communication line on the Salatov-Ershov section in the Salatov-Ozinki fiber-optic communication line).

In the ruling of the Arbitration Court of the Volga District of 03.20. in case No. A57-233 / 2017, it is also concluded that the property (4 optical fibers in a fiber-optic communication line on the Saratov-Ershov section in the case No. A57-233 / 2017) awarded by the resolution of the Twelfth Arbitration Court of Appeal dated 12/13/2017 FOCL "Saratov-Ozinki") was alienated by the company "Company" ALS and TEK "in favor of a third party - LLC" Directorate of communications enterprises under construction "under a sale and purchase agreement dated 12.09.2018 No. ALS-DSPS / OV-12092018.

In the ruling of the Arbitration Court of the Saratov Region in case No. A57-233/2017 of 08.05.2019, which refused to satisfy the debtor's application to terminate enforcement proceedings due to the impossibility of execution, it was also established that the disputed property was received by the claimant and sold to a third party - LLC "DSPS".

These circumstances also refute the debtor's argument that the ruling of the Twelfth Arbitration Court of Appeal dated 12/13/2017. in case No. A57-233 / 2017, it was not actually executed.

In violation of Art. 65 of the Arbitration Procedure Code of the Russian Federation, the debtor does not provide any evidence that the disputed property is currently with him, despite the fact that the acts of enforcement actions in May-June 2018 indicate the receipt of the awarded property by the recoverer, and the above judicial acts that have entered into legal force confirm the fact that at the moment the disputed property is owned by DSPS LLC and is used by it for its intended purpose.

In support of its objections, Firm SMUR JSC declares that decision No. A57-233 / 2017 has not actually been implemented, since part of the optical fibers, in particular from

the VOSTOK optical cross-country, LLC ALS and TEK Company, Saratov, st. B. Kazachya, 6 to the optical cross of LLC "Company" ALS and TEK "on the territory of OJSC" Integral "at the address Saratov, st. Chernyshevsky, 153, do not appear in the documents of enforcement proceedings, and no enforcement measures were taken against them.

The appellate court considers this argument untenable on the following grounds.

As it was mentioned above, claiming that the court decision was not actually executed, the debtor does not provide any evidence of the fact that the optical fibers in the area indicated by him continue to be in his use and possession.

In addition, the effective resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017. in case No.A57-233 / 2017, the court ordered Firm SMUR JSC, Voronezh to return in favor of Kompaniya LLC

"ALS and TEK" four optical fibers in a fiber-optic communication line

"Saratov-Ozinki" in part of the second stage - optical fibers in the section from Ershov to Saratov: from an optical crossbar in a container on the territory of the RTRS

"Saratov ORTPTS" at the address Saratov region, Ershov, st. Meliorative, 32A to the main distribution coupling MRM28 near the settlement of Pushkino, Sovetsky district, Saratov region, from the distribution main coupling MPM28 near the settlement Pushkino, Sovetsky district, Saratov region. to the optical crossbar in a container on the territory of the Urbakhskiy Kombinat Khleboproduktov Open Joint Stock Company at the address Saratov region, Sovetskiy district, Pushkino, Zavodskaya str., 1 a, from the main distribution coupling MRM28 near Pushkino, Sovetsky district, Saratov region. to optical distribution frame

"VOSTOK" LLC "Company" ALS and TEK ", Saratov, st. B. Kazachya, 6, from the optical crossover "VOSTOK" LLC "Company" ALS and TEK ", Saratov, B. Kazachya st., 6 to the optical crossover of LLC "Companies "ALS and TEK" on the territory of the Open Joint Stock Company "Integral "At the address of Saratov, Chernyshevskogo str., 153, actually received for temporary use by the Closed Joint Stock Company" firm "SMUR", Voronezh under the act of acceptance and transfer of property for temporary use dated 10.10.2012. in accordance with the terms of the contract No. 3 / 12-12 for the purchase and sale of optical fibers and a share in the right of common shared ownership in a fiber-optic communication line on the territory of the Voronezh and Saratov regions, concluded on 04.09.2012. between LLC "Company ALS and TEK" and CJSC "firm SMUR".

From the lease agreement No. 23-A4732 / 12 dated 23.11.2012, the statement of the transferred property and the act of acceptance and transfer from 26.11.2012. to the lease agreement No. 23- A4732 / 12 of 23.11.2012, it follows that all optical fibers belonging to LLC "Company" ALS and TEK ", including optical fibers at the site of Saratov, st. B. Cossack 6 - Saratov st. Chernyshevsky 153, were transferred by CJSC SMUR to the possession and use of CJSC Kvant-Telecom.

At the same time, according to the arguments of the claimant, neither JSC SMUR, nor JSC

Kvant-Telecom did not connect their equipment to these optical fibers at the section of Saratov, st. B. Kazachya, 6 - Saratov, st. Chernyshevsky, 153.

Departure of the bailiff-executor Tumaeva K.S. to the premises at the address Saratov, Volzhsky district, st. Chernyshevsky 153, was not required, since optical fibers not connected to communication equipment are measured by an optical reflectometer only on one side (in this case, from the side of the optical distribution frame located in the Kirovsky district of Saratov, at the address Saratov, B. Kazachya st. , House 6).

Thus, despite the fact that one of the points of passage of the disputed FOCL route passed in the Volzhsky district of Saratov, this, in the opinion of the claimant, did not require a bailiff to take action in this particular place, since it was possible to measure and establish the

normal quality of optical fibers from another point, located in the Kirovsky district of Saratov (B. Kazachya street, 6), which makes it possible to make an optical reflectometer. In this regard, despite the passage of the controversial fiber-optic communication line and over the bridge "Saratov-Engels", and

the city of Engels, and in the Engels region, no executive actions were carried out in these regions.

The aforementioned arguments of the claimant by the debtor, as well as CJSC Kvant-Telecom, have not been refuted.

The court of appeal also considers the debtor's argument that the deputy head of the department of the senior bailiff-executor had grounds for canceling the act of performing enforcement actions, since the bailiff transferred the property to the recoverer in a manner not provided for by the Law on Enforcement Proceedings, not by the act of acceptance -transfers and therefore, in his opinion, the requirements of the executive document have not yet been fulfilled. In support of these requirements, the company refers to the fact that the executive document contained requirements of a non-property nature, in connection with which, it was subject to execution directly by the debtor himself.

From the materials of the enforcement proceedings, it follows that the debtor knew about the existence of a writ of execution from the Arbitration Court of the Saratov Region, obliging JSC SMUR to return four optical fibers in the fiber-optic communication line Saratov- Ozinki "in the second stage - optical fibers in the section from Ershov to Saratov.

At the same time, no actions were taken by the company to voluntarily fulfill the requirements of the executive document. The claimant confirmed that the property was received on June 22, 2018 in pursuance of the executive document within the framework of enforcement proceedings No. 29540/18/64042-IP, which is recorded in the act on the execution of enforcement actions.

The arguments of JSC firm "Smur" that the act of performing enforcement actions of 22.06.2018, drawn up without notifying the company and without the participation of a representative, violates the rights of the debtor and was correctly canceled by a higher official of the bailiff service, are not accepted by the court of appeal for the following reasons.

In accordance with part 1 of Article 24 of the Law on Enforcement Proceedings, the persons participating in the enforcement proceedings are notified of the time and place of the enforcement actions or the application of enforcement measures, or are summoned to the bailiff-executor by a summons with a receipt acknowledgment, a telephone message, a telegram, using electronic, other types of communication and delivery or by a person to whom, with his consent, the bailiff-executor instructs to deliver them.

Part 2 of Article 24 of the Law on Enforcement Proceedings provides that in cases where a writ of execution is subject to immediate execution, as well as when the property is seized and other interim measures are taken, the bailiff is entitled to perform enforcement actions and apply enforcement measures without prior notification of this persons involved in enforcement proceedings. In this case, the bailiff-executor is obliged to notify the specified persons about the execution of enforcement actions or the application of enforcement measures no later than the next working day after the day of their commission or application.

The decision of the Arbitration Court of the Saratov Region of 25.01.2019 in case No.A57-28371 / 2018 which entered into force established that the JSC firm

"Smur" was not properly notified of the enforcement actions, as well as the initiation of enforcement proceedings within the framework of enforcement proceedings No. 29540/18/64042-IP.

In accordance with part 3 of Article 69 of the Arbitration Procedure Code of the

Russian Federation, a final decision of a court of general jurisdiction on a previously considered civil case is mandatory for the arbitration court considering the case on the circumstances established by the decision of the court of general jurisdiction and related to the persons participating in the case.

In this connection, these circumstances are not subject to proof when considering this dispute.

In the said judicial act, the court concluded that the bailiff of the Kirov Regional Department of the Federal Security Service of the Federal Bailiff Service for the Saratov Region Tumayeva K.S. did not act on the illegal inaction of the bailiff, K.S. contained in the writ of execution, and the actions of the bailiff-executor of the Kirov ROSP UFSSP in the Saratov region Tumayeva K.S.

According to part 1 of Article 88 of the Law on Enforcement Proceedings, in the event that the property specified in the enforcement document is awarded to the recoverer, the bailiff shall withdraw it from the debtor and transfer it to the recoverer under the act of acceptance and transfer.

By virtue of Article 50 of the Law on Enforcement Proceedings, the parties to the enforcement proceedings have the right to participate in the commission of enforcement actions.

Thus, the parties to the enforcement proceedings are given the opportunity by law to exercise their right to participate in enforcement actions, including the seizure of property from the debtor for transfer to the recoverer pursuant to the enforcement document.

As established by the court of first instance and confirmed by the materials of the case, the enforcement actions were committed by the bailiff-executor on June 22, 2018 in the absence of the debtor's representative, which, according to the applicant's arguments, does not comply with the provisions of the Law on Enforcement Procedure.

However, from the content of Articles 50, 88 of this law does not follow the obligation of the bailiff-executor to seize property exclusively in the presence of the debtor.

By virtue of Article 59 of the Law on Enforcement Proceedings, the participation of attesting witnesses is mandatory when performing enforcement actions and applying enforcement measures related, inter alia, to the seizure and transfer of property.

Any capable citizens who have reached the age of eighteen, who are not interested in the outcome of the enforcement proceedings, who are not related to persons participating in the enforcement proceedings, are not related or related, and who are not subordinate and

not controlled by the specified persons. The number of attesting witnesses cannot be less than two.

In this case, the bailiff-executor seized the subject of execution in the presence of a representative of the claimant and two attesting witnesses.

The act of commission of executive actions of 22.06.2018 drawn up in accordance with the Order of the FSSP of Russia dated 11.07.2012 No. 318, contains all the necessary information, including information about attesting witnesses, on explaining to them the rights and obligations provided for by Article 60 of the Federal Law "On Enforcement Proceedings", information on the enforcement action performed.

According to the act on the execution of enforcement actions dated 06/22/2018 within the framework of enforcement proceedings dated 05/30/2018 No. 29540/18/64042-IP, the bailiff drew up an act stating that the enforcement actions contained in the enforcement document in part of the property located in the city Saratov, st. B. Kazachya, d. 6, completed in full. The return of property was made by disconnecting the patchcords from the optical fibers to be returned on the optical distribution frame.

The representative of the claimant in the specified act reflected his following remarks: during the enforcement actions, six optical fibers (patchcords) were found coming

out of the operating equipment of the JSC

"QuantTelecom" and 4 optical fibers connected to optical fibers towards the city of Ershov and 2 optical fibers towards the city of Kalininsk. The property was returned by disconnecting the patchcords from the AO equipment

QuantTelecom. After disconnection, measurements of the optical fibers were taken through the patchcords. Fibers in good technical condition.

The claimant in the court session confirmed that the property pursuant to a writ of execution within the framework of enforcement proceedings

No. 29540/18/64042-IP he received on 22.06.2018.

The act of commission of executive actions of 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP is based on the actual performance by the debtor of the requirements of the enforcement document, in connection with which, it is reasonable, does not violate anyone's rights and legitimate interests.

Similar conclusions are contained in the ruling of the Twelfth Arbitration Court of Appeal on July 15, 2019. in case No.A57-16161 / 2018, from which it follows that since the actions of the bailiff-executor Tumaeva K.S. on the application of compulsory enforcement measures against the debtor were committed in the presence of attesting witnesses and a representative of the claimant, aimed at the earliest possible fulfillment of the requirements of the executive document, the appeal board concludes that the absence of the applicant in the execution of enforcement actions does not discredit the actions of the bailiff-executor on the transfer of the disputed property and is not an unconditional basis for declaring them illegal.

The court of appeal in the framework of this case excluded from the reasoning part of the decision of the Arbitration Court of the Saratov Region of February 27, 2019 the conclusions on the illegality of the actions of the bailiff, the executor, drawn up by the act of performing the execution actions of June 22, 2018.

The debtor's argument that in the absence of the debtor's representative during the enforcement actions the bailiff-executor could be

actions taken in relation to the property of third parties who are not a party to the enforcement proceedings shall be rejected as not confirmed by evidence. In addition, the fact of actions against the property of third parties does not violate the rights and legitimate interests of the debtor. In addition, these persons are not deprived of the opportunity to independently challenge the actions of the bailiff-executor in accordance with the current legislation. However, other persons, including Kvant-Telecom JSC (mentioned in the act on the execution of executive actions dated June 22, 2018), did not submit an independent statement.

The debtor's reference to the fact that the entry of the recoverer's representative in the act of performing enforcement actions dated June 22, 2018 is a prerequisite for determining the period of use of the disputed property by the debtor and subsequently determining the period of possible recovery of unjust enrichment, losses, etc. within the framework of independent disputes initiated by the claimant, in which the latter can refer to the act of performing enforcement actions as evidence, is not accepted by the court of appeal.

According to Art. 65, 66 of the Arbitration Procedure Code of the Russian Federation, each person participating in the case must prove the circumstances to which he refers on the basis of his claims, and submit evidence to the court.

By virtue of Art. 71 of the Arbitration Procedure Code of the Russian Federation, the arbitration court evaluates the evidence according to its inner conviction, based on a comprehensive, complete, objective and direct study of the evidence available in the case. The arbitral tribunal assesses the relevance, admissibility, reliability of each piece of evidence separately, as well as the sufficiency and interconnection of evidence in their

entirety.

By itself, the recoverer's reference in substantiating his arguments and objections in other property cases to the contested act on the performance of enforcement actions, which is subject to assessment as evidence in such disputes, cannot violate the rights and legitimate interests of the debtor. Determination of the collection period as the commission of actions to continue the collection of the value of illegal use after the actual receipt of the property is the right of the claimant.

The debtor's arguments about the impossibility of fulfilling the requirements of the executive document and transferring property (optical fibers) that does not contain identifying signs are unfounded and are aimed at re-evaluating the conclusions of the judicial act on the basis of which the enforcement proceedings were initiated.

By obliging the debtor to transfer the disputed property to the recoverer, the court of appeal in the decision in case No. A57-233 / 2017 proceeded from the possibility of such a return and from the established facts of the presence of property and its illegal being in the possession of the debtor, in particular, the court concluded that the company did not provide evidence of the return to the seller of the property transferred to her for temporary use; the argument of the company about the discrepancy between the identification data of the claimed property and the actually used is untenable, since, taking into account the specific characteristics of this property, the discrepancy of the cable brand does not indicate the absence of the disputed property and the arisen legal relations under the purchase and sale agreement;

the materials of the case confirmed the absence of disagreements and uncertainties between the parties regarding the subject of the sale and purchase agreement during the period of its execution; after the termination of the sale-purchase agreement, the defendant must return to the plaintiff the received possession and use of the fibers.

According to clause 1 of Article 6 of the Federal Constitutional Law of December 31, 1996 No. 1-FKZ "On the Judicial System", part 1 of Article 16 of the Arbitration Procedure Code of the Russian Federation, judicial acts of arbitration courts that have entered into legal force are binding on all public authorities without exception, local authorities, public associations, officials, citizens, organizations and are subject to strict execution throughout the territory of the Russian Federation. The binding nature of acts adopted by an arbitration court or a court of general jurisdiction is manifested in the fact that the named bodies and officials do not have the right in their actions to proceed from the assumption that the act that has entered into legal force is incorrect, does not have the right to change or cancel decisions made in cases, considered by the court. The decision, ruling and rulings of commercial courts may be canceled or changed only by a higher court and in the manner prescribed by procedural law.

The arguments of JSC SMUR (the debtor in enforcement proceedings) are actually aimed at re-evaluating the conclusions of the judicial act, which established the actual use and possession of the disputed property by JSC SMUR and served as the basis for satisfying the requirements for the obligation to return the property of ALS and TEK LLC, on the basis of which enforcement proceedings were initiated, are also aimed at non-execution of a judicial act that has entered into legal force, and which, accordingly, cannot be taken into account when considering this dispute.

By virtue of Part 1 of Article 10 of the Civil Code of the Russian Federation, the exercise of civil rights solely with the intention of causing harm to another person, actions bypassing the law with an unlawful purpose, as well as other knowingly unfair exercise of civil rights (abuse of law) are not allowed.

In the course of enforcement actions in case No. A57-233 / 2017, bailiffs on 22.06.2018. fully transferred the claimed property to the legal owner, which is not contested

by the claimant, the debtor did not provide any evidence in support of the fact that he voluntarily transferred the property requested by the court after the entry into force of the judicial act prior to its forced seizure by the bailiffs, as well as that the cancellation of the act of performing executive actions dated 06/22/2018, drawn up without the participation of a representative of JSC "Smur", is aimed at restoring his rights and legitimate interests in the field of entrepreneurial or other economic activity, given the fact that the property was received by the claimant and sold to a third party, and at the moment is neither in the use of the claimant, nor in the use of the debtor.

Taking into account the above, the court of appeal considers that the decision of the deputy head of the department - the senior bailiff of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of the Russian Federation for the Saratov Region Muratova A.N. from 10.12.2018 on the cancellation of the act of commission of executive actions from 22.06.2018. for enforcement proceedings No. 29540/18/64042-IP is

illegal, violates the rights and legitimate interests of the applicants, and therefore must be canceled.

The reference of the bailiff service to the cancellation of the contested decision by the head of the Kirovskiy Regional Department of Public Administration of the city of Saratov on July 29, 2019 and the existence of grounds for terminating the proceedings in the case due to the absence of the subject of the dispute, the court of appeal considers insolvent on the following grounds.

Clause 9 of the Resolution of the Plenum of the Armed Forces of the Russian Federation of 11/17/2015 No. 50 "On the Application of Legislation by Courts when Considering Certain Issues Arising in the Course of Enforcement Proceedings" explains that the cancellation by a higher official of the contested decision of the bailiff-executor during the period of consideration of the case by the court cannot serve as a basis to terminate the proceedings in this case, if the application of such a resolution led to a violation of the rights, freedoms and legitimate interests of the applicant (administrative plaintiff). The termination or termination of enforcement proceedings by themselves does not prevent the court from considering on the merits an application to challenge a specific decision or actions (inaction) of the bailiff, which entailed adverse consequences for the applicant (administrative plaintiff).

Based on the provisions of Articles 198, 201, 329 of the Arbitration Procedure Code of the Russian Federation, taking into account clause 18 of the Information Letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated December 22, 2005 No. 99, the issues of compliance of the contested act with the law or other regulatory legal acts, as well as violation of rights and legal The interests of the applicant at the time of its publication are subject to clarification by the court when considering cases on invalidating a non-normative act, regardless of whether it was subsequently canceled by the body that issued it, or became invalid due to the expiration of its validity period.

The contested decision to cancel the act of performing enforcement actions, made in the absence of legal grounds by the deputy senior bailiff-executor, significantly violated the rights and legitimate interests of the applicant, who is a recoverer in the disputed enforcement proceedings, as well as LLC DSPS, the owner of the disputed property at present.

In this case, the cancellation of the controversial decision by the head of the department - the senior bailiff does not indicate the restoration of the rights of the applicants. Moreover, the cancellation of the controversial ruling, as follows from its text, was carried out on the basis of the effective ruling of the appellate instance dated July 15, 2019 in case No. A57-16161 / 2018.

The decision of the Arbitration Court of the Saratov Region of 02/14/2019. on business No. A57-29166 / 2018, adopted without taking into account the above circumstances, is

subject to cancellation with the adoption of a new decision to satisfy the applicants' claims. Guided by Articles 268-271 of the Arbitration Procedure Code of the Russian Federation, the Arbitration Court of Appeal

DECIDED:

the decision of the Arbitration Court of the Saratov Region dated February 14, 2019 in case No. A57-29166 / 2018 to cancel. Adopt a new judicial act on the case.

Declare illegal and cancel the decision of the deputy head of the department - senior bailiff of the Kirovsky district department of bailiffs of the city of Saratov of the Office of the Federal Service of Bailiffs in the Saratov Region Muratova A.N. dated 10.12.2018 on the cancellation of the act of performing enforcement actions dated 22.06.2018 on enforcement proceedings No. 29540/18/64042-IP (new registration number of enforcement proceedings 74142/18/64042-IP).

The decision of the arbitration court of the appellate instance comes into legal force from the date of its adoption and can be appealed to the Arbitration Court of the Volga District within two months from the date of making the decision in full through the arbitration court of first instance.

Presiding S.G. Veryaskina

Judges O.V. Grabko

E.V. Puzina