



TWELFTH ARBITRAL APPEAL COURT
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RESOLUTION
arbitration court of appeal

Saratov Case No. A57-12788 / 2018

July 15, 2019

The operative part of the resolution was announced on July 10, 2019 The full text of the resolution was made on July 15, 2019

Twelfth Arbitration Court of Appeal composed of: presiding judge Stepura S.M., judges Puzina E.V., Samokhvalova A.Yu., while keeping the minutes by the secretary of the court session Arzumanyan A.A., having considered in open court appeals of the limited liability company "Company" ALS and TEK ", the Office of the Federal Bailiffs Service in the Saratov region, the head of the department - senior bailiff of the Ershovskiy ROSP of the Saratov region Dzhumabekova Dinara Nikolaevna against the decision of the Arbitration Court of the Saratov Region dated February 27, 2019 in case No. A57-12788 / 2018 (judge Mamyasheva D.R.) at the request of the joint-stock company firm "SMUR" (394019, Voronezh, Eremeeva st., D. . 22, INN 3662020332), interested persons - bailiff-executor Ershovskogo ROSP Saratov region Romanova E.The. (413500, Saratov region, Ershov, Naberezhny lane, 7), Office of the Federal Bailiff Service for the Saratov Region (410000, Saratov, Teatralnaya Square, 11, OGRN 1056405504650, TIN 6455039443), Ershovsky District Court Department bailiffs of the Office of the Federal Bailiff Service for the Saratov Region (413500, Saratov Region, Ershov, Naberezhny lane, 7), Limited Liability Company "Company" ALS and TEK "(410012, Saratov, B. Kazachya, 8D, OGRN 1026402661108, TIN 6452045336), head of the department - senior bailiff of the Ershovskiy Regional Department of the Industrial Administration of the Saratov Region Dinara Nikolaevna Dzhumabekova (413500, Saratov Region, Ershov, Naberezhny lane, 7), Joint-Stock Company QUANT- TELECOM "(394019, Voronezh region, city

Voronezh, Eremeeva street, 22, OGRN 1073667031030, TIN 3662124236), Prosecutor's Office of the Saratov region (410002, Saratov region, the city of Saratov, street Im E.F. Grigorieva, 33/39, OGRN 1026402204619, TIN 6450014678), Prosecutor's Office of the Ershovsky District (Ershovsky District, Ershov, Vokzalnaya Street,

17, Building 27), Kominternovskiy District Department of Bailiffs of Voronezh of the Office of the Federal Bailiffs Service in the Voronezh Region (394006, Voronezh, Krasnoznamennaya St., 2, OGRN: 1043600196221, INN: 3664062377), Limited Liability Company Directorate of Communication Enterprises Under Construction (410002, Saratov, 197 Chernyshevskiy St., OGRN 1026402661119, INN 6452048979), Limited Liability Company

"MMTS" (410012, Saratov, Bolshaya Kazachya st., 6, OGRN 1056405053352, INN 6452913127)

o recognition of illegal inaction, recognition of illegal actions, recognition of illegal the resolution on the initiation of enforcement proceedings No. 15022/18/64014-IP dated 05/17/2018, the act on the commission of enforcement actions from 05/23/2018, the resolution on the completion of enforcement proceedings No. 15022/18/64014 -IP and the return of the ID to the claimant dated 05/23/2018,

with the participation in the hearing: representatives of the Office of the Federal Service of Bailiffs in the Saratov Region - Zhilko E.V., acting by power of attorney No. 123 dated 09.07.2018; Baybak A.V., acting under the power of attorney dated April 19, 2019 No. 64; Ershovskiy ROSP of the Office of the Federal Service of Bailiffs in the Saratov Region - Belyaeva A.B., acting under the power of attorney from 01.07.2019 No. 3; joint-stock company firm "SMUR" - Litvinova N.N., acting under a power of attorney dated 05/17/2018; Tatarovich I.A., acting on the basis of a power of attorney dated 01.01.2019 No. 17; Joint Stock Company Kvant-Telecom - Litvinova N.N., acting under the power of attorney dated 25.08.2015; limited liability company "Company" ALS and TEK "- Demidova I.A., acting under the power of attorney dated December 21, 2017 No. 27; Limited Liability Company "DSPS" - Vekozin V.N., acting under a power of attorney dated 25.12.2018; other participants in the process, duly notified of the place and time of the court session, did not appear at the court session;

with the participation of the representative of mass media Laikas S.A. (certificate No. 44083).

found:

The joint-stock company firm "SMUR" (hereinafter - JSC "SMUR", the applicant, the company) applied to the Arbitration Court of the Saratov Region with a statement on the recognition of illegal inaction of the bailiff Ershovskiy ROSP of the Federal Bailiff Service of Russia for the Saratov Region E.V. Romanova, who expressed himself in failure to notify the debtor of the enforcement proceedings initiated against him, about the time and place of the enforcement actions and the application of measures of compulsory execution of the requirements contained in the enforcement document; the recognition of illegal actions of the bailiff Ershovskiy ROSP of the Federal Bailiff Service of Russia in the Saratov region Romanova E.V., expressed:

- to initiate enforcement proceedings in violation of the provisions of Articles 30, 31, 33 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" (hereinafter - Law No. 229-FZ);

- in the implementation of actions for the execution of the executive document in violation of Article 2, paragraph 1 of Article 12, paragraph 1 of Article 13 of Law No. 229-FZ;

- in violation of the procedure for fulfilling the requirements of the writ of execution, provided for in Article 105 of Law No. 229-FZ;

- in the application of measures of compulsory execution before the expiration of the period established in the decree on the initiation of enforcement proceedings for the

voluntary fulfillment of requirements in violation of the provisions of Article 68 of Law No. 229-FZ;

- failure to involve two independent attesting witnesses in the enforcement proceedings in violation of the provisions of Article 59 of Law No. 229-FZ;
- failure to involve a specialist in enforcement proceedings in violation of the provisions of Article 61 of Law No. 229-FZ;
- in violation of the rights of the debtor in enforcement proceedings - JSC firm "SMUR" provided for in Article 50 of Law No. 229-FZ;
- on the recognition of illegal the resolution on the initiation of enforcement proceedings No. 15022/18/64014-IP dated 05/17/2018, the act on the execution of enforcement actions dated 05/23/2018, the resolution on the end of enforcement proceedings No. 15022/18/64014-IP and the return of the ID to the claimant from 05/23/2018.

By the decision of the Arbitration Court of the Saratov Region dated February 27, 2019, the claims declared by the joint-stock company firm "SMUR" were partially satisfied. The inaction of the bailiff-executor of the Ershovsky district department of bailiffs of the Office of the Federal Service of Bailiffs in the Saratov Region Romanova E.V., which was expressed in the failure to notify the applicant about the initiation of enforcement proceedings No. 15022/18/64014-IP, the time and place of the enforcement actions, was declared illegal. the application of measures of compulsory execution, as not complying with the Federal Law of 02.10.2007 No. 229-FZ "On Enforcement Proceedings." The actions of the bailiff-executor of the Ershovsky district department of bailiffs of the Office of the Federal Service of Bailiffs for the Saratov Region Romanova E.V., drawn up by an act of performing acts of 23.05.2018, were recognized as illegal, as not complying with the Federal Law of 02.10.2007 No. 229-FZ " About enforcement proceedings " .

The proceedings on the request to invalidate the act of performing enforcement actions on 23.05.2018 were terminated.

The rest of the stated requirements were denied.

Disagreeing with this judicial act in terms of satisfying the stated requirements, the limited liability company "Company

"ALS and TEK", the Office of the Federal Service of Bailiffs in the Saratov Region, the head of the department - the senior bailiff of the Ershovsky District Department of the Department of Public Administration of the Saratov Region, Dinara Nikolaevna Dzhumabekova appealed to the Twelfth Arbitration Court of Appeal with complaints in which they asked the contested decision of the court of first instance to cancel, to accept the case a new judicial act, which to refuse to satisfy the stated requirements.

JSC SMUR, JSC Kvant-Telecom in accordance with Article 262 of the Arbitration Procedure Code of the Russian Federation submitted responses to the appeal, written explanations, refutation of objections to the withdrawal, in which they ask the decision of the court of first instance in the contested part to be left unchanged, appeals - without satisfaction.

LLC "Company ALS and TEK" presented objections to reviews, objections to additional feedback, in which it supports the arguments set out in the appeal, asks the court's decision in the contested part to cancel, to adopt a new judicial act on the refusal to satisfy the stated requirements.

The Prosecutor's Office of the Saratov Region, the Prosecutor's Office of the Ershovsky District, the Kominternovskiy District Department of Bailiffs of the city of Voronezh of the Office of the Federal Bailiffs Service in the Voronezh Region, the MMTS limited liability company did not appear at the court session, were notified of the time and place of the court

session, properly, in the procedure of Article 186 of the Arbitration Procedure Code of the Russian Federation, by sending a determination made in the form of an electronic document, by posting it on the official website of the arbitration court in the information and telecommunications network "Internet" in a limited access mode.

Information about the place and time of the court session was posted on the official website of the arbitration court in the information and telecommunications network "Internet" (kad.arbitr.ru) on April 30, 2019, which is confirmed by the report on the publication of judicial acts on the website.

According to paragraph 3 of Article 156 of the Arbitration Procedure Code of the Russian Federation, if the persons participating in the case, duly notified of the time and place of the consideration of the case, fail to appear at the court session, the court shall consider the case in their absence.

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 2, 2019, judges were replaced by S.G. Veryaskina. and Grabko O.The. on judges Puzinu E.The. and Samokhvalov A.Yu., for the consideration of appeals of the limited liability company "Company" ALS and TEK ", the Office of the Federal Bailiff Service in the Saratov region, the head of the department - senior bailiff of the Ershovskiy ROSP of the Saratov region Dzhumabekova Dinara Nikolaevna against the decision of the Saratov Arbitration Court region of 27 February 2019 in case No. A57-12788 / 2018, the following composition of the court was formed: presiding judge Stepura S.M., judges Puzina E.V., Samokhvalova A.Yu.

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 10, 2019 until 15 hours 45 minutes 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.

LLC DSPS filed a petition to attach to the case file a copy of the statement prohibiting the performance of enforcement actions (out. No. 33 dated 05/07/2019), LLC Kvant Telecom filed a petition to attach to the case file a copy of the counterclaim filed under another arbitration case (out. No. 327 of 25.04.2019).

In accordance with Part 1 of Article 268 of the Arbitration Procedure Code of the Russian Federation, when considering a case by way of appeal, the arbitration court, based on the evidence available in the case and additionally presented evidence, re-considers the case.

Thus, the law imposes on the courts of appeal the obligation to re-examine the case, having checked and clarified all the factual circumstances.

Additional evidence is accepted by the arbitration court of the appellate instance if the person participating in the case has substantiated the impossibility of submitting them to the court of first instance for reasons beyond its control, including if the court of first instance rejected the request for the demand for evidence, and the court recognizes these reasons as valid (part 2).

When considering a case in an arbitration court of the appellate instance, the persons participating in the case have the right to file petitions for the attachment of written and material evidence to the case, the study or request of which they were denied by the court of first instance (part 3).

Clause 26 of the Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation dated May 28, 2009 N 36 "On the Application of the Arbitration Procedure Code of the Russian Federation when considering cases in an arbitration court of appeal" states that when deciding on the possibility of accepting new evidence, including those attached to an appeal or a withdrawal to an appeal, the arbitration court of the appellate instance determines whether the person who presented the evidence had the opportunity to present it to the court of first instance or whether the applicant did not submit it for valid reasons beyond his control. Among the valid reasons, in particular, is the unjustified rejection by the court of first instance of the petitions of the persons participating in the case to request additional evidence. The recognition of evidence as relevant and admissible does not in itself constitute a basis for its acceptance by the arbitration court of the appellate instance.

According to the legal position expressed in clause 2.2 of the reasoning part of the Determination of the Constitutional Court of the Russian Federation of March 16, 2006 N 71-O, Article 268 of the Arbitration Procedure Code of the Russian Federation ensures the equality of the rights of the participants in the proceedings to submit additional evidence to the arbitration court of the appellate instance and thereby is aimed at implementation of this constitutional principle in civil proceedings. This provision does not prohibit the presentation by persons participating in the case to the court of appeal of new evidence that has not been investigated by the court of first instance - such evidence may be provided by a person if the court of appeal recognizes good reasons for not submitting it to the court of first instance.

The Court of Appeal refuses to satisfy the requests for attaching copies of the application prohibiting the commission of executive orders to the case file.

actions (out. No. 33 dated 05.07.2019), a counterclaim (out. No. 327 dated 25.04.2019), since these documents are not related to the dispute under consideration, and therefore the indicated documents must be returned.

Since only a part of the decision is appealed in the order of appeal, the parties did not raise objections to the verification of only part of the judicial act, the arbitration court of the appellate instance, by virtue of the requirements of Part 5 of Article 268 of the Arbitration

Procedure Code of the Russian Federation, verifies the legality and validity of the determination only in the part complained of.

Having examined the materials of the case, having examined the arguments of the appeal, having checked the correctness of the application by the court of first instance of the norms of substantive and procedural law, the court of appeal came to the conclusion that the appeal should be satisfied.

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 resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017, the decision of the Arbitration Court of the Saratov Region dated 31.08.2017 in the 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 ordered the Joint Stock Company "firm Return "SMUR" 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 on the territory of 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, which sent the specified executive document to the Ershovskiy ROSP of the FSSP of Russia in the Saratov region.

By the decree of the bailiff-executor Ershovskiy ROSP UFSSP Russia in the Saratov region Romanova E.The. of 05/17/2018 initiated enforcement proceedings No. 15022/18/64014-IP.

Clause 2 of the decree set a 5-day period for the debtor for voluntary fulfillment of the requirements contained in the enforcement document from the moment the debtor receives a copy of this decree.

In accordance with clause 9 of the decree, it is determined to send a copy of this decree, including to JSC firm "SMUR" at the address: 394019, Voronezh, st. Eremeeva, 22.

05/23/2018 bailiff of the Ershovskiy ROSP of the Federal Bailiff Service of Russia in the Saratov Region Romanova E.V. an act was drawn up on the execution of enforcement actions, in which the bailiff indicated that the requirements of the enforcement document were fulfilled.

By the decree of the bailiff-executor Ershovskiy ROSP UFSSP Russia in the Saratov region Romanova E.The. of 23.05.2018, enforcement proceedings No. 15022/18/64014-IP was completed.

Considering that the enforcement actions within the framework of enforcement proceedings No. 15022/18/64014-IP were committed by a bailiff-executor in gross violation of the requirements of Law No. 229-FZ, as well as a significant violation of the rights and legitimate interests of the debtor in the said enforcement proceedings - JSC company " SMUR ", the company went to court with these requirements. In support of the stated requirements of the JSC firm

"SMUR" indicates that the company was not notified of the initiation of enforcement proceedings against it, respectively, was deprived of the rights provided for by Law No. 229-FZ.

Partially satisfying the declared JSC firm "SMUR", the court of first instance came to the conclusion about the illegal inaction of the bailiff the executor of the Ershov ROSP of the Federal Bailiff Service for the Saratov Region Romanova E.V., expressed in the failure to notify the applicant about the initiation of enforcement proceedings No. 02.10.2007 No. 229-FZ "On Enforcement Proceedings", which in turn violates the applicant's right to timely receive information about the enforcement proceedings initiated against him and the enforcement actions being performed.

Taking into account the foregoing, the actions of the bailiff-executor of the Ershovskiy ROSP of the Federal Bailiff Service for the Saratov Region Romanova E.V., formalized by the act of performing acts of 05/23/2018, the court also declared illegal as not complying with Law No. 229-FZ.

The appellate court came to the following conclusions.

In accordance with Part 1 of Art. 198 of the Arbitration Procedure Code of the Russian Federation, citizens, organizations and other persons have the right to apply to an arbitration court with an application for invalidating non-normative legal acts, illegal decisions and actions (inaction) of bodies exercising public powers, officials, if they believe that the contested non-normative legal act, decision and the action (inaction) does not comply with the law or other normative legal act and violates their rights and legitimate interests in the field of entrepreneurial and other economic activity, illegally imposes any duties on them, creates other obstacles to the implementation of entrepreneurial and other

economic activities.

The absence (lack of evidence) of at least one of the above conditions serves as the basis for abandoning the declared claim.

In accordance with Part 4 of Art. 200 of the Arbitration Procedure Code of the Russian Federation, when considering cases on challenging non-normative legal acts, decisions and actions (inaction) of bodies exercising public powers, officials, the arbitration court in a court session checks the contested act or its individual provisions, contested decisions and actions (inaction) and establishes their compliance with the law or other regulatory legal act, establishes the authority or authority of the body or person who adopted the contested act, decision or committed the contested actions (inaction), and also establishes whether the contested act, decision and actions (inaction) violate the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

At the same time, in accordance with part 5 of Article 200 of the APC RF, the obligation to prove the compliance of the contested non-normative legal act with the law or other normative legal act, the legality of making the contested decision, committing the contested actions (inaction) is imposed on the body or person who adopted the act, decision or performed actions (inaction).

In turn, the obligation to prove the violated right in accordance with Article 65 of the Arbitration Procedure Code of the Russian Federation lies with the applicant.

According to part 1 of Article 16 of the Arbitration Procedure Code of the Russian Federation, judicial acts of the arbitration court that have entered into legal force are binding on state authorities, local authorities, other bodies, organizations, officials and citizens and are subject to execution throughout the Russian Federation.

According to Article 329 of the Arbitration Procedure Code of the Russian Federation, decisions and actions (inaction) of the bailiff-executor can be challenged in the arbitration court in the cases provided for by this Code and other federal laws, according to the rules established by Chapter 24 of the named Code.

The provisions of Article 1 of the Federal Law of 21.07.1997 N 118-FZ "On Bailiffs" (hereinafter - Law N 118-FZ, the Law on Bailiffs), Article 5 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" (hereinafter referred to as Law No. 229-FZ, the Law on Enforcement Proceedings), it is established that the bailiff service is charged with the obligation to enforce judicial acts and acts of other bodies and officials.

Challenging in court the decision of an official of the bailiff service, actions (inaction) of bailiffs-executors are provided for by Article 128 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" (hereinafter - Law N 229-FZ) and Article 329 of the APC RF.

By virtue of Art. 2 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" (hereinafter referred to as Law N 229-FZ), the tasks of the enforcement proceedings are the correct and timely execution of judicial acts, acts of other bodies and officials, and in those stipulated by the legislation of the Russian Federation cases, the execution of other documents in order to protect the violated rights, freedoms and legal interests of citizens and organizations.

Article 12 of the Federal Law of 21.07.1998 N 118-FZ "On bailiffs" provides for the obligation of the bailiff-executor in the process of compulsory execution of judicial acts to take measures for the timely, complete and correct execution of executive documents.

Taking measures for the timely, complete and correct execution of executive documents means that the bailiff must initiate enforcement proceedings and carry out the entire range of enforcement actions provided for by Federal Law No. 229-FZ dated 02.10.2007 "On Enforcement Proceedings" (hereinafter referred to as the Federal Law 229-

FZ), in order to execute the executive document in full.

According to Article 30 of 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 law. The bailiff-executor, within three days from the date of receipt of the executive document to him, makes a decision to initiate enforcement proceedings or to refuse to initiate enforcement proceedings.

If the enforcement document first entered the bailiff service, then the bailiff in the decision on the initiation of enforcement proceedings sets the time limit for the debtor to voluntarily fulfill the requirements contained in the enforcement document and warns the debtor about the compulsory execution of these requirements after the expiration of the time period for voluntary execution with recovery from him performance fee and expenses for the performance of enforcement actions provided for by Articles 112 and 116 of this Federal Law (Part 11).

In accordance with paragraph 2 of Part 1 of Art. 30 FZ No. 229-FZ, the bailiff does not set a time limit for voluntary execution of a writ of execution in cases of initiation of enforcement proceedings upon subsequent submissions of a court order.

A copy of the order of the bailiff-executor on the initiation of enforcement proceedings no later than the day following the day of the issuance of the specified order, is sent to the recoverer, the debtor, as well as to the court, another body or official that issued the enforcement document (part 17 of article 30 of the Law on enforcement production).

The procedure for establishing and calculating time limits in enforcement proceedings is determined by Article 15 of the Federal Law "On Enforcement Proceedings", according to which the deadlines in enforcement proceedings are determined by a calendar date, an indication of an event that must occur, or the period during which an action can be performed. Terms are calculated in years, months and days. Days calculated in days do not include non-working days. Unless otherwise established by this Federal Law, the course of a period calculated in years, months or days begins on the next day after the calendar date or the day of the occurrence of the event, which determined the beginning of the period.

In this case, when applying to the court with a statement, the applicant refers to the inaction of the bailiff of the Ershovsky ROSP of the Federal Bailiff Service of Russia for the Saratov Region Romanova E.V., which was expressed in not sending the order to the debtor to initiate enforcement proceedings and the debtor was not notified in accordance with the provisions of parts 1, 2 of Article 24 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" (hereinafter referred to as the Law on Enforcement Proceedings) on the time and place of the execution of enforcement actions, which entailed a violation of his rights under Article 50 of the Law on Enforcement Proceedings.

As follows from the materials of the case, on 17.05.2018 the bailiff-executor of the Ershovsky ROSP of the Federal Bailiff Service of Russia in the Saratov Region Romanova E.V. issued a resolution to initiate enforcement proceedings No. 15022/18/64014-IP.

In accordance with clause 9 of the decree, it was determined to send a copy of this decree, including JSC "Smur" to the address: 394019, Voronezh, st. Eremeeva, 22.

Consequently, a copy of the decree on the initiation of enforcement proceedings was to be sent to the persons listed above, taking into account the procedure for calculating the deadlines no later than 05/18/2018.

Clause 2 of the decree set a 5-day period for the debtor for voluntary fulfillment of the requirements contained in the enforcement document from the moment the debtor receives a copy of this decree.

Meanwhile, paragraph 2 of part 14 of Article 30 of Law N 229-FZ established that the bailiff-executor does not establish a time limit for the voluntary execution of an

enforcement document in cases of initiation of enforcement proceedings upon subsequent presentation of an enforcement document.

In confirming the proof of sending a copy of the order to initiate enforcement proceedings dated 05/17/2018 by the CSP, the following evidence was presented:

- list No. 25 of postal items dated 05/17/2018 sent by means of simple postal correspondence (case sheet 151-152 vol. 2);
- screenshots of sending via e-mail to the debtor's address on 05/17/2018 (ld 153-154 vol. 2);
- a telephone message and a printout of calls from the Beeline telephone (case sheets 155, 164).

The court of first instance, recognizing as illegal the inaction of the bailiff, who expressed himself in not sending the order to the debtor to initiate enforcement proceedings, recognized the above evidence as inappropriate with reference to clause 2.4.2 of the Methodological Recommendations on the procedure for collecting the enforcement fee (approved by the FSSP of Russia on 07.06.2014) ... The bailiff was obliged to send the order to initiate enforcement proceedings to the debtor by registered mail, which was not properly executed by the bailiff service.

Evaluation of the debtor's notice of enforcement actions cannot be formal in nature, a different interpretation would lead to abuse, both on the part of the unscrupulous debtor and on the part of the state body carrying out the enforcement actions.

In this case, a prerequisite is the notification of the debtor in the prescribed manner about the initiation of enforcement proceedings against him, and the documents confirming the fact of his notification are attached to the materials of the enforcement proceedings.

The appellate court agrees that screenshots of sending by e-mail to the debtor's address on 05.17.2018 (ld 153-154 v. 2) and a telephone message, printout of calls from the Beeline phone (ld 155, 164) cannot be proper evidence of the debtor's notification of the initiation of enforcement proceedings (there is no evidence of who owns the email address, only a court decision and a writ of execution were sent, the telephone message does not indicate who received it on behalf of JSC SMUR, there is no number in the phone printout , through which the telephone message was transmitted, etc.).

However, regarding the submitted in evidence the direction of the decision to initiate enforcement proceedings of the list No. 25 of mailings dated 05/17/2018, the court of appeal came to the following conclusion.

As follows from the list No. 25 of postal items dated 05/17/2018 (case sheet 151-152 vol. 2) to the address of JSC firm "SMUR", st. Eremeeva, 22, Voronezh, Russia, 394019, a resolution on the initiation of enforcement proceedings dated 05/17/2018 was sent by means of simple postal correspondence

No. 64014/18/47891 according to FE No. 15022/18/64014 and the post office stamped the acceptance on 05/17/2018.

The procedure for sending simple correspondence is regulated in the Instruction on Records Management in the Federal Bailiff Service, approved by Order of the FSSP of Russia dated December 10, 2010 N 682.

In accordance with clause 4.8. In the aforementioned Instructions, ordinary mailings are transferred to the post office according to waybills, fixing the number of envelopes sent. Registered mailings with and without a return receipt to the addressee are transferred to the post office according to the established registers, which reflect information about the addressee, registration numbers of the documents to be sent, and the date of dispatch.

Consignment notes and registers for sending correspondence are drawn up in two copies, one of which, after sending the correspondence, returns to the expedition with the mark of the operator of the post office, courier or other person providing correspondence,

and is stored in the nomenclature file of the Office of Records Management, the subdivision of documentation support of the territorial body of the Service, its structural unit.

The list of ordinary postal items submitted by the department from 05/07/2018 meets these requirements. Thus, the evidence presented confirms the direction to the debtor of a copy of the order to initiate enforcement proceedings, and there was no inaction on the part of the bailiff-executor, expressed in not sending the order to the debtor to initiate enforcement proceedings.

Methodological recommendations on the procedure for the collection of the performance fee (approved by the FSSP of Russia on 07/06/2014) are aimed at ensuring uniform law enforcement practice on the collection of the performance fee. The obligation of the bailiff to send a decision to the debtor to initiate enforcement proceedings by registered mail with notification. The Methodological Recommendations are primarily associated with the calculation of the beginning of the period for voluntary fulfillment of the requirements of the enforcement document and the legality of issuing orders to collect the enforcement fee.

In this particular case, given that the writ of execution was re-submitted, the bailiff-executor had no obligations when initiating enforcement proceedings to set a time limit for voluntary performance, the enforcement fee was not collected upon re-presentation, then the presence of only mail in the materials of enforcement proceedings simple correspondence is sufficient evidence of proper notification of the debtor on the initiation of enforcement proceedings.

In such circumstances, the appellate court considers that there are no grounds for satisfying the applicant's claim to declare unlawful the inaction of the bailiff-executor, who expressed himself in not sending the order to the debtor to initiate enforcement proceedings.

The court was also the first to come to a conclusion about the illegal inaction of the bailiff-executor Ershovsky ROSP UFSP in the Saratov region Romanova E.V., expressed in the failure to notify the applicant about the execution of enforcement actions to enforce the requirements contained in the writ of execution, and the actions of the bailiff-executor Ershovsky ROSP UFSP in the Saratov region Romanova E.V., issued by the act of performing actions from 05/23/2018. The bailiff-executor did not notify the debtor about the execution of compulsory enforcement measures against him, thereby violating the applicant's rights to participate in the performance of enforcement actions.

In accordance with subparagraph 2 of Article 4 of Law N 229-FZ, enforcement proceedings are carried out on the principles of the timeliness of enforcement actions and the application of enforcement measures

By virtue of Article 64 of Law No. 229-FZ, in the process of fulfilling the requirements of executive documents, the bailiff is entitled to perform enforcement actions aimed at creating conditions for the application of measures

compulsory execution, as well as forcing the debtor to full, correct and timely execution of the requirements contained in the court order. This article contains a list of enforcement actions that a bailiff-executor has the right to carry out in the process of fulfilling the requirements of enforcement documents.

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 is obliged to notify the specified persons about the commission of enforcement actions or the application of enforcement measures no later than the next working day after the day of their commission or application.

In confirming the proof of the notification of the debtor about the execution of enforcement actions, the BSC refers to screenshots about sending by e-mail to the debtor's address on 05/17/2018 (ld 153-154 vol. 2), a telephone message and a printout of calls from the Beeline phone (ld . 155, 164).

As indicated above, the appellate court agreed that the indicated evidence could not be proper evidence for the notification of the debtor (there is no evidence of who owns the email address, only a court decision and a writ of execution were sent, the telephone message does not indicate who took it on behalf of the company JSC "SMUR", in the printout of telephones there is no number by which the telephone message was transmitted, etc.).

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 Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings", the parties to the enforcement proceedings have the right to participate in the performance 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 May 23, 2018 in the absence of the debtor's representative, which, according to the applicant's arguments,

does not comply with the provisions of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings".

However, from the content of Articles 50, 88 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" does not follow the obligation of the bailiff-executor to seize property exclusively in the presence of the debtor.

However, the court of first instance came to the following conclusion that, by virtue of Article 59 of Law No. 229-FZ, 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 the persons participating in the enforcement proceedings, are not related or are not subordinate or controlled by these persons, may be invited as attesting witnesses. The number of attesting witnesses cannot be less than two.

In this case, the bailiff in violation of Art. 59 of Law No. 229-FZ made the seizure of the subject of execution in the presence of a representative of the claimant and only one witness.

At the same time, this circumstance cannot serve as a basis for satisfying the applicant's claim to recognize the actions of the bailiff-executor, drawn up by an act of performing acts of 05/23/2018.

In accordance with Part 4 of Art. 200 of the Arbitration Procedure Code of the Russian Federation, when considering cases on challenging non-normative legal acts, decisions and actions (inaction) of bodies exercising public powers, officials, the arbitration court in a court session checks the contested act or its individual provisions, contested decisions and

actions (inaction) and establishes them compliance with the law or other regulatory legal act, establishes the authority or authority of the body or person who adopted the contested act, decision or committed the contested actions (inaction), and also establishes whether the contested act, decision and actions (inaction) violate the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

In Art. 13 of the Civil Code of the Russian Federation, clause 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 N 6/8 "On some issues related to the application of part one of the Civil Code of the Russian Federation" it is stated that the basis for making a court decision on the recognition of a non-normative act, and in cases provided for by law, also a normative act of a state body or local self-government body is invalid, is, at the same time, both its inconsistency with the law or other normative legal act, and the violation by the specified act of civil rights and legally protected interests of citizens or legal entities who have filed a lawsuit with a corresponding claim.

Thus, the range of circumstances to be established when considering cases on challenging non-normative acts, actions (inaction) of state bodies include checking the compliance of the contested act with the law or other regulatory legal act, checking the fact of violation by the contested act by the action (inaction) of the rights and legitimate interests of the applicant, and also compliance with the deadline for filing an application to the court.

The absence of at least one of these conditions is the basis for refusal to recognize a non-normative legal act as invalid, an action (inaction) illegal.

According to paragraph 1 of Art. 65 of the APC RF, each person participating in the case must prove the circumstances to which he refers as the basis for his claims and objections.

According to Part 3 of Art. 201 of the Arbitration Procedure Code of the Russian Federation in the event that the arbitration court finds that the contested non-normative legal act, decisions and actions (inaction) of state bodies, local self-government bodies, other bodies, officials comply with the law or other regulatory legal act and do not violate the rights and legitimate interests of the applicant, the court decides to refuse to satisfy the stated claim.

At the same time, the court of appeal does not agree with the conclusion of the first instance court on the violation of the rights of the applicant (debtor) and legitimate interests in the field of entrepreneurial and other economic activity.

As mentioned above, the subject of execution within the framework of enforcement proceedings No. 15022/18/64014-IP is the obligation of 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.

This judicial act was issued within the framework of case No.A57-233 / 2017, and the court proceeded from the following: according to the terms of the sale and purchase agreement, the company (seller) transfers the property to the company (buyer) for temporary use until it is paid in accordance with the stages established by the agreement; the firm has not denied the fact of acceptance of the disputed property and its use; since, in violation of the terms of this agreement, the buyer did not fulfill the obligation to make a second payment for the acquired property, the seller, by letter dated 05/27/2014 N 841, terminated the specified agreement unilaterally; the firm did not provide evidence of the return to the seller of the property transferred to it 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 the act on the execution of enforcement actions dated 05/23/2018 within the framework of enforcement proceedings dated 05/17/2018 No. 15022/18/64014-IP, the bailiff drew up an act stating that at the time of the enforcement actions against the debtor JSC firm "SMUR" location of the claimed property at the address: Ershov, st. Meliorativnaya, 32A, it was found that the optical fibers obtained under the second stage of the contract

No. 3 / 12-12 of 13.12.2017 installed in the fiber-optic communication line

"Saratov-Ozinki" in the section from Ershov to Saratov on the territory of the RTRS

"Saratov Regional Broadcasting Center". During the execution actions, eight optical patchcords were found coming out of the operating equipment belonging to QuantTelecom JSC. These patchcords are connected to optical fibers, four of which go towards the RC. Ozinki, and the other four to be returned go towards the city of Saratov.

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

No. 15022/18/64014-IP he received on May 23, 2018. In addition, on 12.09.2018. between LLC "Directorate of communications enterprises under construction" (buyer) and LLC "Company

ALS and TEK (the owner of the property) signed an agreement No. ALS-DSPS / OV-12092018 for the sale and purchase of property (4 optical fibers in a fiber-optic communication line on 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 effective resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017. in case No. A57-233 / 2017 property (4 optical fibers in a fiber-optic communication line on the Saratov-Ershov section in the Saratov-Ozinki fiber-optic communication line).

According to clause 1 of Article 6 of the Federal Constitutional Law of December 31, 1996 N 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, bodies local government, public associations, officials, citizens, organizations and are subject to strict implementation 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.

According to Article 2 of Federal Law No. 229-FZ of 02.10.2007 "On Enforcement Proceedings", the tasks of enforcement proceedings are correct and timely execution, including acts of bodies and officials.

The debtor's argument that, in the absence of a representative of the debtor during the enforcement actions, the bailiff-executor could have taken actions in relation to the property of third parties who are not a party to the enforcement proceedings, is subject to rejection, in view of the fact that the fact of action against the property of third parties is right and does not violate the 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 23.05.2018), did not apply with an independent statement.

The debtor's argument that the bailiff transferred the property to the recoverer in the manner not provided for by the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings", not under the act of acceptance and transfer and therefore, in his opinion, the requirements of the enforcement document until now has not been executed. 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.

This argument is subject to rejection on the following grounds.

From the materials of the enforcement proceedings, it follows that the debtor knew about the existence of a writ of execution of the Arbitration Court of the Saratov Region, obliging JSC SMUR to return four optical fibers in the Saratov fiber-optic communication line to the ALS and TEK Company Limited Liability Company -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 in execution of the executive document within the framework of the enforcement proceedings No. 15022/18/64014-IP was received by him on 23.05.2018.

The debtor's argument that the claimant refers to the act of performing enforcement actions as evidence in other arbitration disputes, thereby violating his rights, is not sound.

According to Art. 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 the framework of other property cases to the contested act on the performance of enforcement actions cannot violate the rights and legitimate interests of the debtor.

The applicant's reference to the impossibility of transferring property (optical fibers) that does not contain identifying signs is unfounded. Based on the specific situation, the

characteristics of the equipment listed in the writ of execution, the absence of identifying signs on the equipment itself cannot indicate the illegality of the actions. In addition, this argument is aimed at re-evaluating the conclusions of the judicial act, on the basis of which the enforcement proceedings were initiated.

Within the framework of the disputed enforcement proceedings, the debtor was not brought to administrative responsibility, the enforcement fee was not collected, which indicates the absence of a violation of the right by the contested actions (omissions).

In addition, the board considers it necessary to note that according to the rules of part 1 of Article 4 of the Arbitration Procedure Code of the Russian Federation, an interested person has the right to apply to an arbitration court for the protection of his violated or contested rights and legitimate interests in the manner established by this Code.

According to clause 1 of Article 6 of the Federal Constitutional Law of December 31, 1996 N 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, bodies local government, public associations, officials, citizens, organizations and are subject to strict implementation throughout the territory of the Russian Federation.

Obligation of acts adopted by the arbitral tribunal with or without the general jurisdiction, is manifested in the fact that the named bodies and officials are not in the right, in their actions, it proceeds from the assumption that the forces the act is wrong or wrong, it is not in the right to change or reverse decisions, Included in cases considered with good luck. 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.

At the same time, being a debtor in enforcement proceedings and appealing to the court with this application, the Company did not prove the violation by the contested actions of its rights and legitimate interests in the field of entrepreneurial or other economic activity, did not indicate which of its rights could be restored within the framework of this dispute, given the fact the fact that the property received by the claimant was sold to a third party.

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.

The arguments of the applicant (the debtor in enforcement proceedings), set out in statements, responses to appeals, explanations, etc. in fact, 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 claims for the obligation to return, on the basis of which enforcement proceedings were initiated and which cannot be taken into account when considering this dispute.

Thus, there is no set of conditions provided for by Art. 201 of the Arbitration Procedure Code of the Russian Federation necessary to satisfy the requirements stated in the order of Ch 24 APC RF.

Based on the foregoing and evaluating all the available evidence in the case, the court of appeal comes to the conclusion that it is necessary to cancel the decision of the Arbitration Court of the Saratov Region of February 27, 2019 in the contested part, adopt a new judicial act on the refusal to satisfy the requirements of JSC SMUR illegal judicial omission

bailiff of the Ershovsky district department of bailiffs of the Office of the Federal Bailiffs Service for the Saratov Region Romanova E.V. ; on the recognition of illegal actions of the bailiff-executor of the Ershovsky district department of bailiffs of the Office of the Federal Bailiffs Service in the Saratov Region Romanova E.V., drawn up by an act of performing acts of 05/23/2018.

Guided by Articles 268 - 271 of the Arbitration Procedure Code of the Russian Federation, the Twelfth Arbitration Court of Appeal ruled

ruled:

the decision of the Arbitration Court of the Saratov Region of February 27, 2019 in case No.A57-12788 / 2018 in the contested part to cancel, to adopt a new judicial act in the canceled part.

In meeting the requirements of the Joint Stock Company of the firm "SMUR" regarding the recognition of illegal inaction by the bailiff of the Ershovsky district department of bailiffs of the Office of the Federal Service of Bailiffs in the Saratov Region Romanova E.V. 64014-IP, the time and place of the enforcement actions, the application of enforcement measures and in terms of recognizing the actions of the bailiff-executor of the Ershovsky district department of bailiffs of the Office of the Federal Bailiffs Service in the Saratov Region Romanova E.V., formalized by the act of performing actions from 05/23/2018 - refuse.

The ruling 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 region within two months from the date of making the ruling in full through the arbitration court of first instance.

Presiding S.M. Stepura

Judges E.V. Puzina

A.Yu. Samokhvalova