



ARBITRATION COURT OF THE SARATOV REGION  
410002, Saratov, st. Babushkin Vzvoz, 1; tel / fax: (8452) 98-39-39;  
http://www.saratov.arbitr.ru; e-mail: [info@saratov.arbitr.ru](mailto:info@saratov.arbitr.ru)

In the name of the Russian Federation decision

Saratov city  
December 10, 2019

Case No. A57-19378 / 2019

The operative part of the decision was announced on December 03, 2019 The full text of the decision was issued on December 10, 2019

The Arbitration Court of the Saratov Region, composed of Judge Viklenko T.I., while keeping the minutes of the court session by the assistant judge A.V. Pershin, Borodavkina M.O. recognition as illegal and cancellation of the resolution of the head of the Kirovskiy Regional Department of Social Protection of the city of Saratov of the Federal Bailiff Service of Russia in the Saratov Region Basyrova A. from 07/29/2019,

as well as on the recognition of illegal and cancellation of the decision of the bailiff-executor of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of Russia for the Saratov Region Kurbanova K.S. from 29.07.2019 on the end of enforcement proceedings interested parties:

The bailiff-executor of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of Russia in the Saratov Region Kurbanova K.S.

The bailiff-executor of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of Russia in the Saratov region Shvab M.A.

Head - senior bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of Russia for the Saratov Region Basyrova A.E.

LLC "Company" ALS and TEK ", INN 6452045336

Kirovskiy ROSP of the city of Saratov FSSP of Russia in the Saratov region FSSP of Russia in the Saratov region

LLC DSPTS, INN 6452048979 LLC MMTS, INN 6452913127

Salimov I.I.

Joint Stock Company Kvant-Telecom, INN 3662124236 with the participation of:

from LLC "Company" ALS and TEK "- Demidov I.A. power of attorney dated 12.21.17, Vekozin V.N. power of attorney dated 03.12.2018,

from OJSC Kvant-Telecom - Litvinova N.N. power of attorney dated 25.08.2015,

from the applicant - Tatarovich AND.A. power of attorney dated 01.01.2019, Litvinova N.N. power of attorney dated 05/17/2018,

from the UFSSP for SO - Shvab M.A. power of attorney dated 21.10.2019, Baybak A.The. power of attorney dated 04/19/2019,

LLC "MMTS" - Vekozin V.N power of attorney from 22.11.2018, LLC "DSPTS" - Vekozin V.N power of attorney from 13.04.2018, other persons did not appear, notified,

## FOUND:

Firm "Smur" JSC applied to the Arbitration Court of the Saratov Region with the above statements in the framework of cases No. A57-19378 / 2019 and No. A57-19379 / 2019.

The named cases were combined into one proceeding, the case was assigned a single number A57-19378 / 2019.

The applicant's representative supported the stated claims in full.

Representatives of the bailiff service, LLC "Company" ALS and TEK "disputed the claims on the grounds set out in the responses.

Other persons participating in the case did not appear at the court session, and were duly notified of the time and place of the court session.

By virtue of Part 1 of Article 123 of the Arbitration Procedural Code of the Russian Federation, the persons participating in the case and other participants in the arbitration process are considered duly notified if by the beginning of the court session, the commission of a separate procedural action, the arbitration court has information that the addressee has received a copy of the ruling on acceptance of the statement of claim or an application for proceedings and initiation of proceedings in a case sent to him in the manner prescribed by this Code, or other evidence of the receipt by the persons participating in the case of information about the started trial.

Information about the place and time of the court session is posted on the official website of the Arbitration Court of the Saratov Region, which is confirmed by the report on the publication of judicial acts on the website.

The participants in the process were duly notified of the place and time of the court session, in accordance with the requirements of Article 123 of the Arbitration Procedure Code of the Russian Federation.

In accordance with Article 163 of the Arbitration Procedure Code of the Russian Federation, a break was announced in the court session until 03.12. 00 minutes, after which the consideration of the case was continued.

JSC firm "SMUR" filed a written request in accordance with Article 161 of the Arbitration Procedure Code of the Russian Federation on falsification of evidence - the act of acceptance and transfer of enforcement proceedings of the SPI dated 07.19.2019, believing that the act was drawn up later than the date of its preparation, after the transfer of enforcement proceedings to another court to the bailiff-executor Kurbanova K.S., asks to conduct a forensic examination on the age of this document.

The court selected the subscriptions on the warning of criminal liability under Articles 303, 306 of the Criminal Code of the Russian Federation, according to the rules of Article 161 of the Arbitration Procedure Code of the Russian Federation, which were attached to the case file.

After examining the arguments of the petition, the court found the following: from the original act of acceptance and transfer of 19.07.2019 on the transfer of enforcement proceedings, it follows that enforcement proceedings No. 74142/18/64042-IP was transferred from SPI Shvab M.A. - SPI Kurbanova K.S. - 19.07.2019 At the same time, the actual absence of Shvab M.A. in the period from 22.07.2019 to 10.08.2019, she was actually on another vacation and could not conduct this enforcement proceedings, which is confirmed by an extract from the order for granting leave from 03.07.2019 No. 1192-ko.

In addition, the fact of the issuance of an order on the end of the enforcement proceedings dated July 29, 2019 (and actually finding the materials of the enforcement proceedings at this bailiff) is confirmed by the electronic digital signature of Kurbanova K.S. in this resolution, which corresponds to the date - July 29, 2019

Under these circumstances, there is no doubt about the fact of finding materials of enforcement proceedings No. 74142/18/64042-IP at Kurbanova S.S. and transfer of enforcement proceedings prior to the delivery of the contested decisions from the SPI Shvab M.A. - SPI Kurbanova K.S. - 19.07.2019

By virtue of Part 1 of Article 161 of the Arbitration Procedure Code of the Russian Federation, in order to verify the validity of the statement of falsification, the arbitration court takes measures provided for by federal law to verify the reliability of the statement of falsification of evidence, including appointing an examination, requesting other evidence or taking other measures.

In this case, the court, taking into account the study of the named evidence and comparison of the above facts, which in themselves and in their totality do not contradict each other, came to the conclusion that the stated petition for falsification was unfounded. Taking into account the foregoing,

he does not see any grounds for making an examination of the document's limitation.

The case is considered according to the evidence in it, according to the rules of Chapter 24 of the Arbitration Procedure Code of the Russian Federation.

As follows from the materials of the case, entered into legal force by the decision of the Twelfth Arbitration Court of Appeal dated 12/13/2017. in case No. A57-233 / 2017, the decision of the Arbitration Court of the Saratov Region of August 31, 2017 in case No. A57-233/2017 was canceled.

The court ordered JSC "firm" SMUR ", Voronezh to return in favor of LLC" 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 Ershov to Saratov: from the optical crossbar in a container on the territory of the RTRS "Saratov ORTPTS" address Saratov region, Ershov, Meliorativnaya str., 32A to the main distribution coupling MRM28 near the settlement of Pushkino, Sovetsky district, Saratov region, from the distribution main coupling MRM28 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 str., 1a, from the main distribution coupling MRM28 near Pushkino, Sovetsky district, Saratov region. to optical junction "VOSTOK" LLC

"Company" ALS and TEK ", Saratov, B. Kazachya str., 6, from optical crossover" VOSTOK "LLC

"Company" ALS and TEK ", Saratov, B. Kazachya st., 6 to optical crossover

"ALS and TEK" on the territory of the Open Joint Stock Company "Integral" at the address Saratov, Chernyshevskogo st., 153, actually received for temporary use by the Closed Joint Stock Company "Firm" SMUR ", Voronezh under the act of acceptance and transfer of property in temporary use from 10.10.2012 in accordance with the terms of the contract

No. 3 / 12-12 purchase and sale of optical fibers and a share in the right of 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 Closed Joint Stock Company "Firm SMUR".

On the basis of a writ of execution issued by the Arbitration Court of the Saratov Region on the basis of the resolution of the Twelfth Arbitration Court of Appeal dated December 33, 2017. in case No. A57-233 / 2017, bailiff of the Kirov Regional Department of the Federal Security Service of the city of Saratov, UFSSP for the Saratov Region Tumaeva K.S. 05/30/2018 enforcement proceedings No. 29540/18/64042-IP were initiated.

As follows from the statement, LLC "Company" ALS and TEK ", as a claimant, received the property under the writ of execution and on July 19, 2018, the bailiff of the Kirovskiy ROSP of Saratov, the UFSSP for the Saratov region issued a resolution on the end of enforcement proceedings No. 18/64042-IP on the basis of clause 1, part 1 of article 47 of the Federal Law "On enforcement proceedings" - the actual fulfillment of the requirements contained in the enforcement document.

LLC "Company" ALS and TEK "confirms that the resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017. in case No. A57-233 / 2017, on the basis of which the writ of execution was issued, it was executed - the property was received by the claimant, which was the basis for the end of the enforcement proceedings

No. 29540/18/64042-IP in connection with the actual fulfillment of the requirements contained in the executive document.

12.09.2018 between LLC "Company" ALS and TEK "and LLC" DSPTS "entered into a contract of sale and purchase of property No.ALS-DSPTS / OV-12092018, according to which LLC" Company "ALS and TEK" transferred into ownership of LLC "DSPTS" obtained under a judicial act (resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017 in the case No. A57-233 / 2017) property.

20.11.2018 Basyrova A.E., senior bailiff of the Kirov Regional Department of the Department of Social Protection of the city of Saratov a resolution was issued to cancel the resolution of 07/19/2018. on the end of enforcement proceedings No. 29540/18/64042-IP, enforcement

proceedings were resumed with the assignment of registration number No. 74142/18/64042-IP to the enforcement proceedings.

10.12.2018 the bailiff-executor of the Kirovskiy ROSP of Saratov, the UFSSP in the Saratov region, repeated enforcement actions with the involvement of specialists within the framework of enforcement proceedings, during which it was established that the property subject to recovery was used by DSPS LLC.

01/25/2019 the bailiff-executor of the Kirovskiy ROSP of Saratov, the UFSSP in the Saratov region, issued a resolution to conduct an expert study, the conduct of which was entrusted to the specialists of the Regional Expertise Center LLC.

According to the expert opinion of the specialists of LLC Regional Expertise Center No. 5052 dated 05.02.2019. it was concluded: To execute the decision of the Arbitration Court of the Saratov Region dated December 29, 2017 in the case A57-233 / 2017 by transferring optical fibers in favor of LLC "Company" ALS and TEK ", Saratov, st. Bolshaya Kazachya, 8D from optical cross-platform "VOSTOK" LLC "Company" ALS and TEK ", Saratov, st. B. Kazachya, 6 to the optical crossover of LLC "Company" ALS and TEK "on the territory of OJSC" Integral "at the address: Saratov, st. Chernyshevsky, 153, actually received for temporary use by CJSC firm

"Smur" Voronezh under the act of acceptance and transfer of property for temporary use dated 10.10.2012 is currently impossible, since this court decision was executed, the property was transferred on 22.06.2018 to LLC "Company" ALS and TEK "And then sold to a third party.

In this case, the identification of fibers is possible in several ways, described in the research section.

The experts came to the conclusion that the optical fibers indicated in the court decision in the case A57-233 / 2017 and the optical fibers examined by the experts are the same optical fibers, since the numbering and color of the fibers, the starting and ending points of the location, the intermediate points (couplings), the length specified in the court decision, in the act of acceptance and transfer of property for temporary use of 10.10.2012. and the investigated optical fibers are completely identical within the measurement error.

Experts believe that the investigated optical fibers are optical fibers actually obtained for temporary use by JSC SMUR under the act of 10.10.2012, since the initial and final points of location, intermediate points (couplings), the length specified in the act of 10.10 .2012 and the studied optical fibers are completely identical.

By the decree of July 29, 2019, the bailiff of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of Russia for the Saratov Region Kurbanova K.S. completed enforcement proceedings No. 74142/18/64042-IP (previous enforcement proceedings

No. 29540/18/64042-IP) in connection with the actual performance.

Also, by the decree of the head of the Kirov Regional Department of Social Protection of the city of Saratov Basyrova A.E. On July 29, 2019, the decree of the deputy head of the department - the senior bailiff of the Kirov Regional Department of the Russian Specialized Industrial Union of the city of Saratov, Muratova A.N. from 10.12.2019 on cancellation of the act of commission of executive actions from 22.06.2018.

Considering that the decisions of the bailiffs-executors of the Kirovsky District Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service Directorate of the Russian Federation for the Saratov Region of July 29, 2019 are illegal, unfounded, the applicant appealed to the court with these requirements.

In support of the stated requirements, LLC "Company" ALS and TEK "indicates that the contested decisions are illegal, unfounded and violate the rights and legitimate interests of LLC" DSPS ", LLC" MMTS "and LLC" Company "ALS and TEK" in the field of business and other economic activities, since they establish the fact of non-execution of the executed enforcement proceedings, require additional costs for the execution and the commission of other procedural actions, in particular, they force the other side of the enforcement proceedings, which took execution (LLC "Company

"ALS and TEK"), to take actions aimed at judicial protection, on judicial appeal of the above decisions and actions of bailiffs-executors, which leads to financial costs for representatives (these court cases, as well as No. A57-28371\_2018, No. A57- 28364/2018, A57-16161 / 2018, A57-233 / 2017, A57-12788 / 2018, A57- 14818/2018, A57-29166 / 2018).

Having studied the positions of the parties, having examined the evidence presented, the court comes to the following conclusion.

By virtue of part 1 of article 197, chapter 24 of the Arbitration Procedure Code of the Russian Federation, cases on challenging decisions and actions (inaction) of bailiffs-executors are considered by an arbitration court according to the general rules of claim proceedings, with the specifics established by chapter 24 of the Code.

Article 329 of the Arbitration Procedure Code of the Russian Federation provides that the decisions of the chief bailiff of the Russian Federation, the chief bailiff of the constituent entity of the Russian Federation, the senior bailiff, their deputies, the bailiff-executor, their actions (inaction) may be challenged in the arbitration court in cases, provided for by the named Code and other federal laws, according to the rules established by Ch. 24 of this Code.

The specificity of this category of cases lies in the fact that only the bailiff himself, as an official of the Federal Bailiff Service of Russia, can be the proper defendant for the stated requirements for declaring illegal decisions, actions (inaction) of the bailiff-executor.

This legal position is enshrined in clause 5 of the Information Letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated June 21, 2004 No. 77 "Review of the practice of considering cases related to the enforcement of judicial acts of arbitration courts by bailiffs."

According to Part 1 of Art. 198 of the Arbitration Procedural Code of the Russian Federation, citizens, organizations and other persons have the right to apply to the arbitration court with an application for invalidating non-normative legal acts, illegal decisions and actions of state bodies, officials, if they believe that the contested normative act, decision and action do not comply with the law or other normative legal act and violate their rights and legitimate interests in the field of entrepreneurial and other economic activities, impose on them any obligations, create other obstacles to the implementation of entrepreneurial and other economic activities.

From the meaning of the above norm, it follows that for the recognition of a non-normative act as invalid or actions (inaction) illegal, it is necessary to simultaneously

the presence of two conditions: non-compliance with the law or other legal act and violation of the rights and legally protected interests of the applicant.

When considering cases on challenging the actions of officials, the arbitration court establishes the compliance of the named actions (inaction) with the law or other regulatory legal act, the presence of the powers of the person who committed the contested actions, and whether the contested actions violate the rights and legitimate interests of the applicant in the field of entrepreneurial or other economic activity (part 4 of article 200 of the Arbitration Procedure Code of the Russian Federation).

By virtue of paragraph 1 of Art. 12 of the Federal Law N 118-FZ of July 21, 1997 "On Bailiffs" (hereinafter - the Law on Bailiffs) 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 takes measures for the timely, complete and correct execution of executive documents.

Assessing the legality of the contested decisions, the court proceeds from the following.

According to Part 1 of Art. 329 of the Arbitration Procedure Code of the Russian Federation, decisions and actions of the bailiff-executor may be challenged in an arbitration court in cases provided for by the Arbitration Procedure Code of the Russian Federation and other Federal Law, in accordance with the rules established by Chapter 24 of the Arbitration Procedure Code of the Russian Federation.

By virtue of the provisions of paragraph 1 of Art. 12 of the Federal Law of 21.07.1997 N 118-FZ "On Bailiffs" the bailiff in the process of compulsory execution of judicial acts and acts of other bodies provided for by the Law on Enforcement Proceedings, takes measures for the timely, complete and correct execution of executive documents, and also examines the statements of the parties regarding enforcement proceedings and their petitions, makes appropriate decisions, explaining the terms and procedure for appealing them.

Bailiff in accordance with Art. 13 of the Federal Law of 21.07.1997 N 118-FZ "On bailiffs" is obliged to use the rights granted to him in accordance with the law and not to allow infringement of the rights and legitimate interests of citizens in his activities.

Clause 1 of Part 1 of Art. 47 of the Federal Law of 02.10.2007 N 229-FZ "On Enforcement Proceedings" established that the enforcement proceedings are terminated by the bailiff-executor in the event of actual fulfillment of the requirements contained in the enforcement document.

In accordance with paragraph 37 of the resolution of the Plenum of the Supreme Court of the Russian Federation of 11/17/2015 N

50 "On the Application of Legislation by Courts when Considering Certain Issues Arising in the Course of Enforcement Proceedings" if the enforcement proceedings were terminated on the basis of clause 1 of part 1 of Article 47 of the Law on Enforcement Proceedings in connection with the actual execution of the requirements contained in the enforcement document (including the requirements of a periodic nature), however, subsequently, during the period of submission of a writ of execution for execution, the debtor ceased to perform actions, fulfill requirements of a periodic nature, or violated the prohibition on committing actions in respect of which a writ of execution, a senior bailiff or his deputy (on his own initiative or the claim of the claimant) has the right, by virtue of part 9 of Article 47 of the said Law, to cancel the decision on the end of the enforcement proceedings, indicating the need to re-perform the enforcement actions and the application of enforcement measures.

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 named 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 of Administrative Offenses of the Russian Federation, 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 2 of the Law on Enforcement Proceedings, the tasks of enforcement proceedings are the correct and timely execution of judicial acts, acts of other bodies and officials, and in cases stipulated 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 ...

Articles 12, 13 of the Federal Law of July 21, 1997 No. 118-FZ "On Bailiffs" (hereinafter referred to as the Law on Bailiffs) 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 - the executor takes measures for the timely, complete and correct execution of the executive documents.

In addition, the court found that, according to the ruling of the Twelfth Arbitration Court of Appeal dated October 29, 2019 in case No. A57-233 / 2017, when considering case No. A57-29166 / 2018, it was established that the act of enforcement actions dated June 22, 2018 became the completion of the execution of the decision Of the Twelfth Arbitration Court of Appeal in case No. A57-233 / 2017 dated 12/13/2017, as the basis for the termination of enforcement proceedings and made it possible for the recoverer to dispose of the property belonging to him, conclude a sale and purchase transaction with LLC DSPS and transfer it to the possession and in the ownership of LLC DSPS disputed optical fibers.

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 decision of the Arbitration Court of the Saratov Region dated 25.01.2019 in case No. A57-28371 / 2018.

The ruling of the Arbitration Court of the Volga Region dated 20.03.2019 in case No. A57-233 / 2017 also concludes that the property (4 optical fibers in fiber-optic fiber, awarded by the decision of the Twelfth Arbitration Court of Appeal dated 13.12.2017 in case No. A57-233 / 2017) communication lines on the Saratov-Ershov section in the Saratov-Ozinki fiber-optic communication line) was alienated by the ALS and TEK Company in favor of a third party - DSPS LLC under a sale and purchase agreement No. ALS-DSPS / OV dated 12.09.2018 -12092018.

The decision of the Twelfth Arbitration Court of Appeal dated 13.08.2019 in case No. A57-28364 / 2018, which entered into legal force, canceled the decision of the Arbitration Court of the Saratov Region dated 12.03.2019 and adopted a new judicial act recognizing as illegal and canceling the decision of the senior bailiff of the Kirov Regional Department of the Russian Union of Industrialists and Entrepreneurs in Saratov Federal Bailiff Service of Russia in the Saratov Region

Basyrova A.E. of 20.11.2018 on the cancellation of the decree of 19.07.2018 on the end of enforcement proceedings No. 29540/18/64042-IP.

Moreover, at the present time, on the basis of the abovementioned judicial acts of the court of appeal, the Kirov Regional Department of Public Administration of the city of Saratov, the Federal Bailiff Service of Russia for the Saratov Region has re-terminated the controversial enforcement proceedings, which also testifies to the impossibility of its termination at the moment.

Within the framework of the consideration of the present case, the applicant did not provide justification for the possibility of terminating the enforcement proceedings, which is actually completed, about which the corresponding decision of the bailiff was issued.

The arguments of JSC firm "SMUR" that the decision No. A57-233 / 2017 was not actually implemented, since some of the optical fibers, in particular from the optical distribution frame "VOSTOK" LLC "Company" ALS and TEK ", Saratov, st. B. Kazachya, 6, to the optical crossover of LLC "Company" ALS and TEK "on the territory of JSC" 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, were the subject of investigation by the court of appeal when considering case No. A57-29166 / 2018 and are not subject to reevaluation.

According to the ruling of the court of appeal of 15.07.2019 in case No. A57-16161 / 2019, upheld by the court of cassation, the decision of the Arbitration Court of the Saratov Region of 27.02.2019 was changed, conclusions about the failure to notify the applicant about the initiation of enforcement proceedings were excluded from the reasoning

No. 29540/18/64042-IP, on the performance of enforcement actions to enforce the requirements contained in the writ of execution, as not complying with the Federal Law dated 02.10.2007 No. 229-FZ "On enforcement proceedings", as well as on the illegality of the act of performing enforcement actions of 06/22/2018, in connection with which, the bailiff service issued a resolution dated 07/29/2019 to cancel the resolution of the deputy head of the department - senior bailiff of the Kirov Regional Department of the Russian Socialist Republic of Saratov, Muratova A.N. from 10.12.2019 on cancellation of the act of commission of executive actions from 22.06.2018.

In this connection, the court considers that the arguments of the JSC Firm "Smur" about the illegality of the decision of the bailiff-executor of the Kirov Regional Department of Public Administration of the City of Saratov of the Federal Bailiff Service of Russia in the Saratov Region Kurbanova K.S. of 07/29/2019, as well as on the illegality of the decision of the head of the Kirov Regional Department of the Industrial Union of the city of Saratov Basyrova A.E. from 29.07.2019 on the cancellation of the decree of the deputy head of the department - the senior bailiff of the Kirov Regional Department of the Department of Public Administration of the City of Saratov A.N. from 10.12.2019 on cancellation of the act of commission of executive actions from 22.06.2018, set out in the statements, are insolvent, not consistent with the case materials.

In addition, the court notes that by the decision of the Twelfth Arbitration Court of Appeal of 13.08.2019 in case No. E. of 20.11.2018 on the cancellation of the decree of 19.07.2018 on the end of enforcement proceedings No. 29540/18/64042-IP.

Based on the foregoing, the stated requirements are not subject to satisfaction. Guided by Articles 167 - 170, 201, 329 of the Arbitration Procedure Code

Russian Federation, court

#### DECIDED:

In satisfying the stated demands for recognition as illegal and cancellation of the resolution of the head of the Kirovskiy ROSP of the city of Saratov, the UFSSP of Russia for the Saratov region Basyrova A.E. of 07/29/2019, on the recognition and cancellation of the order of the bailiff-executor of the Kirov Regional Department of the Federal Security Service of the city of Saratov of the Federal Bailiff Service of Russia for the Saratov Region Kurbanova K.S. from 07/29/2019 on the end of enforcement proceedings - refuse.

The decision can be appealed in accordance with Art.Article. 257-259 APC RF by filing through the Arbitration Court of the Saratov Region an appeal to the Twelfth Arbitration Court of Appeal within one month from the date of the decision, in accordance with Art. 273-276 of the Arbitration Procedure Code of the Russian Federation by filing a cassation appeal through the Arbitration Court of the Saratov Region with the Arbitration Court of the Volga District within two months from the date of entry into force of the decision.

Arbitration Judge  
court of the Saratov region T.AND. Viklenko

The electronic signature is valid.  
Electronic signature data: Verification Center of  
FGBU IAC of the Judicial Department  
Date 22.08.2019 11:51:01  
To whom Tatyana Ivanovna Viklenko was issued