

Llimited Liability Company  
**Company A L S and T E C**

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## **PRESS RELEASE**

### **ABOUT LEGAL DISPUTES of ALS and TEC COMPANY, LLC**

**with JSC firm "Smur" and JSC "Kvant Telecom", owned by Nikolay D. Torokhov**

In connection with the appearance of numerous publications of a commissioned nature concerning the activities of LLC Company ALS and TEC, inspired and paid for by firms owned by Nikolay Dmitrievich Torokhov, in which both the activities of the Company itself are presented in a negative light, and rude attacks are made against the management of the Company, on the part of our Company, based on the analysis of the court decisions that entered into force, this press release was prepared.

Torokhov Nikolay Dmitrievich, is the sole shareholder of JSC "Smur" and JSC "Kvant Telecom", which are affiliated legal entities located at the same address in Voronezh, st. Eremeeva 22. Also Torokhov Nikolay is the general director of JSC firm "Smur", and the general director of JSC "Kvant Telecom" is his son Torokhov Alexander Nikolaevich. The interests of these firms in the courts are represented by the daughter of Torokhov Nikolay - Litvinova Natalia Nikolaevna (maiden name Torokhova)

Between LLC "Company ALS and TEC and the companies owned by Torokhov Nikolay – JSC "Smur" and JSC "Kvant Telecom"- in the period from 2013 to 2020, 26 court cases were considered and completed, currently under consideration in various instances 2 court cases.

Thus, over the 8 years that have passed since the JSC firm "Smur" acquired on 10.10.2012 from LLC Company ALS and TEC 4 optical fibers on the Saratov - Ozinki section under contract No. 3/12/12 dated 04.09.2012, the issue of the legality of this agreement and the issue of the existence of these optical fibers was considered and is being considered by the courts in 26 arbitration court proceedings, and in one criminal case initiated by the statements of Torokhov Nikolay and members of his family.

**Therefore, LLC Company ALS and TEC will never again have any business with these gentlemen and warns all colleagues against such "cooperation", the only result of which, most likely, will be numerous long-term litigation and criminal cases initiated on false denunciations.**

A summary of the court cases that were initiated as a result of such "cooperation" of LLC Company ALS and TEC with firms owned by Torokhov Nicolay is given in the table below:

1.	A57-23370 / 2016	About collecting rent	LLC Company ALS and TEC	JSC " Kvant Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
2.	A57-233 / 2017	About returning optical fibers	LLC Company ALS and TEC	JSC firm "SMUR"	The claim of LLC Company ALS and TEC was satisfied in full
3.	A14-49 / 2015	About collecting rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
4.	A14-4846 / 2014	About collecting rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
five.	A14-7412 / 2015	Collecting interest on rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
6.	A14-470 / 2017	Collecting interest on rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
7.	A14-5417 / 2018	Collecting interest on rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
8.	A57-12788 / 2018	On disputing the actions of the bailiff	JSC Firm "Smur"	LLC Company ALS and TEC, court bailiff of Ershov Court Bailiffs District Office	The claim of JSC firm "Smur" was denied in full
9.	A57-14818 / 2018	On disputing the actions of the bailiff	JSC Firm "Smur",	LLC Company ALS and TEC , court bailiff of the Sovietskiy Court Bailiffs District Office	The claim of JSC firm "Smur" was denied in full
10.	A57-16161 / 2018	On disputing the actions of the bailiff	JSC Firm "Smur"	LLC Company ALS and TEC , court bailiff of the Kirovskiy Court Bailiffs District Office	The claim of JSC firm "Smur" was denied in full
11.	A57-28364 / 18	On disputing the actions of the bailiff	LLC "DSPS"	JSC firm "Smur", Judicial Officer of the Kirovskiy Court Bailiffs District Office	The claim of LLC DSPS was satisfied in full
12.	A57-29166 / 2018	On disputing the actions of the bailiff	LLC Company ALS and TEC, LLC DSPS	JSC Firm "Smur", Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov	The claim of LLC DSPS and LLC Company ALS and TEC" was satisfied in full
13.	A57-3463 / 2019	On disputing the actions of the bailiff	JSC firm "Smur"	Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov city, LLC Company ALS and TEC	The claim of JSC firm "Smur" was denied in full
14.	A57-11290 / 2019	On disputing the actions of the bailiff	LLC "Company ALS and TEC	Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov city Shvab M.A., JSC Firm "Smur"	The claim of LLC Company ALS and TEC was satisfied in full

15.	A14-1036 / 2017	On the collection of funds paid under the contract	JSC firm "Smur"	LLC "Company "ALS and TEC"	The claim of JSC firm "Smur" was denied in full
16	A14-9558 / 16	On debt collection under an agreement on the provision of a complex of resources	LLC "Company "ALS and TEC"	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
17.	A57-29199 / 2016	On debt collection under an agreement on the provision of a complex of resources	LLC "Company "ALS and TEC"	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied
18.	A57-9276 / 2014	On debt collection under a fiber sale and purchase agreement	LLC "Company "ALS and TEC"	JSC "firm" Smur "	The claim of LLC Company ALS and TEC was satisfied
19	A14-2754 / 2014	On recovery of unjust enrichment	JSC firm "Smur"	LLC Company ALS and TEC	The claim of JSC firm "Smur" was rejected by the court of first instance in full. The Court of Appeal discontinued the proceedings in connection with the refusal of the JSC firm "SMUR" from the claim.
20.	A14-835 / 2015	On recognition of the sale and purchase agreement not concluded and the collection of funds	JSC firm "Smur"	LLC Company ALS and TEC	The claim of JSC firm "Smur" was denied in full
21.	A14-13744 / 2015	On invalidation of the sale and purchase agreement and collection of funds	JSC firm "Smur"	LLC Company ALS and TEC	The claim of JSC firm "Smur" was denied in full
22.	A14-8464 / 2015	On termination of the purchase and sale agreement and collection of funds	JSC firm "Smur"	LLC Company ALS and TEC	The claim of JSC firm "Smur" was denied in full
23.	A57-19378 / 2019	On disputing the actions of the bailiff	JSC firm "Smur", JSC " Kvant -Telecom"	Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov city, LLC Company ALS and TEC	The claim of JSC Firm "Smur" and JSC " Kvant -Telecom" was denied in full
24.	A57-19376 / 2019	On disputing the actions of the bailiff	JSC firm "Smur"	Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov city , LLC Company ALS and TEC	The claim of JSC firm "Smur" was denied in full
25.	A57-19374 / 2019	On disputing the actions of the bailiff	JSC firm "Smur"	Court bailiff of the Kirovskiy Court Bailiffs District Office of the Saratov city , LLC Company ALS and TEC	The claim of Kvant - Telecom JSC was denied in full
26.	A14-17655 / 2019	Collecting interest on rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	The claim of LLC Company ALS and TEC was satisfied in full
27.	A14-12333 / 2015	On recovery of unjust enrichment	LLC "Company ALS and TEC	JSC firm "Smur" JSC "Kvant - Telecom"	Considering in first instance
28.	A57-1008 / 2019	About collection of unreceived rent	LLC Company ALS and TEC	JSC " Kvant - Telecom"	Considering in first instance

The essence of all these legal disputes between LLC Company ALS and TEC with JSC firm "Smur" and "Kvant -Telecom" JSC is as follows.

In 2008 - 2012, LLC Company ALS and TEC built a fiber-optic communication line from the border with the Republic of Kazakhstan to Moscow through the settlements Ozinki, Ershov, Saratov, Kalinisk, Balashov, Borisoglebsk, Voronezh, Lipetsk, Tula, Serpukhov.

LLC "Company "ALS and TEC" sold part of the optical fibers in this communication line to mobile operators (MegaFon JSC, VimpelCom JSC (trade mark Beeline), MTS JSC, Tele2 JSC), Internet providers (KDI JSC, "RetnNet" JSC) and to our deep regret, including the firm "Smur" owned by Torokhov N.D.

Part of the optical fibers was sold to LLC "MMTS" (Saratov, B. Kazachya st., 6), which is 100% owned by Ildar I. Salimov.

MMTS LLC is engaged in the provision of communication services, including the sale of Internet access and leasing of backbone communication channels in the direction of Europe - Asia, and has long-term contracts with many foreign companies, including such as China Telecom, China Unicom, China Mobile (China), Telia Sonera (Sweden), NTsOT, BelTelecom (Belarus). Exatel (Poland), Kazakhtelecom JSC, Kaztranskom JSC, TTK JSC, TNS Plus JSC (Kazakhstan).

"Kvant Telecom" JSC is also engaged in the provision of communication services, including the sale of access to the Internet and leasing of backbone communication channels in the direction of Europe - Asia, and has common clients with "MMTS" LLC.

Therefore, MMTS LLC and Kvant -Telecom JSC are competing companies in the highly competitive communication services market, first of all, at the Ozinki - Uralsk cross-border crossing located on the border of the Russian Federation and Kazakhstan in the Saratov region.

By 2012, JSC "Smur" was completing the construction of the communication line Voronezh - Alekseevka - the border with Ukraine.

To provide communication services, "Kvant Telecom" JSC needed optical fibers from the city of Voronezh to the settlement Ozinki, for which the JSC firm "Smur" applied to the LLC Company ALS and TEC with a proposal to exchange optical fibers from Voronezh to the border with Ukraine for optical fibers from Saratov to the s. Ozinki.

In pursuance of this agreement, on 04.09.2012, between LLC Company ALS and TEC and JSC firm "Smur", a sales and purchase agreement No. 3 / 12-12 was concluded, under which LLC "Company ALS and TEC" sold to the JSC firm "Smur" 4 optical fibers in the fiber-optic communication line at the "Saratov-Ershov-Ozinki" section, they were transferred for temporary use to the JSC "Smur" company according to the acceptance certificate dated 10.10.2012, and the transfer to ownership was provided in stages: at first the fiber optic communication line section Ershov-Ozinki, and then the fiber optic communication line section Saratov - Ershov. Payments from the company "SMUR" JSC were also to come in stages.

The purpose of this Agreement for JSC "Smur" was to create a communication channel to the border with Kazakhstan, since in this direction, JSC "Smur" and JSC "Kvant -Telecom" did not have their own optical fibers at that time. LLC "Company "ALS and TEC" expected to receive optical fibers from JSC firm "Smur" at the same price to reach the Russia-Ukraine border crossing near the village of Alekssevka.

The entire section Saratov - Ershov - Ozinki was transferred for temporary use to JSC firm "Smur" according to the act of 10.10.2012, and according to the act of 21.11.2012, LLC Company ALS and TEC transferred the ownership of section Ershov - Ozinki to JSC "Smur".

JSC firm "Smur" on November 23, 2012 handed over all optical fibers obtained for temporary use from LLC Company ALS and TEC along the entire section of fiber line Saratov - Ershov - Ozinki for lease to JSC Kvant Telecom under lease agreement No. A23-4732/12 dated 23.11.2012, concluded between JSC firm "Smur" and JSC "Kvant Telecom", and handed them over to the lessee under the act of acceptance and transfer of 26.11.2012.

JSC "Kvant-telecom" began to provide communication services for JSC Kazakhtelecom from November 26, 2012, which can be seen from the materials of case No. A14-2670/2014.

At the same time, JSC firm "Smur" company evaded transferring optical fibers to LLC Company ALS and TEC on the Voronezh - border with Ukraine section and did not pay LLC Company ALS and TEC the second payment under Agreement No. 3 / 12-12, did not return to LLC Company "ALS and TEC" a copy of the act dated 11/21/2012 signed by the seller, hoping to build their own fiber-optic communication line Saratov - Ershov and collect the first and second payments from LLC "Company "ALS and TEC".

These circumstances were established by the Court in case No. A57-9276/2014, according to judicial acts according to which a penalty was levied from JSC "Smur" in favor of LLC Company ALS and TEC under the Sale and Purchase Agreement No. 3 / 12-12.

Trying to collect payment from LLC Company ALS and TEC under contract No. 3 / 12-12, Smur JSC submitted only one of this contract No. 3 / 12-12 to LLC Company ALS and TEC five absolutely unreasonable claims on the basis of mutually exclusive claims (on recognizing contract No. 3 / 12-12 as not concluded, on recognizing it as null and void, then on declaring it invalid, then on terminating the same contract and collecting an advance payment):

- Case No. **A14-2754 / 2014** - a claim for recognizing the contract as not concluded and collecting funds (from this claim JSC firm "Smur" company refused in the second instance).
- Case No. **A14-835 / 2015** - a claim about termination of the contract and recovery of funds (the claim of JSC firm "Smur" was left without consideration).
- Case No. **A14-8464 / 2015** - a claim for termination of contract No. 3 / 12-12 and recovery payment (the case is resolved in favor of LLC Company ALS and TEC).
- Case No. **A14-13744 / 2015** - claim to declare invalid due to the nullity of the contract (the claim of JSC firm "Smur" was denied).
- Case No. **A14-1036 / 2017** - claim on termination of the contract in part and the collection of prepayment under the contract (the claim of JSC "Smur" was denied).

By the resolution of the Nineteenth Arbitration Court of Appeal dated September 14, 2018 in case No. A14-8464 / 2015, which was left unchanged by the resolution of the Central District Arbitration Court, it was established that **JSC firm "Smur" not only received, but also used these fibers obtained under contract No. 3 / 12-12 of 04.09.2012, leasing them to JSC Kvant -Telecom under contract No. 23-A4732/12 dated 23.11.2012.**

By the resolution of the Nineteenth Arbitration Court of Appeal dated 05.02.2020 in case No. A14-1036/2015, upheld by the decision of the Central District AC dated 29.07.2020, it was established that the **JSC firm "Smur" received under contract No.3/12-12 dated 04.09.2012 the property (4 optical fibers in a fiber line on the Saratov-Ershov section in the Saratov-Ozinki fiber line) and used it by leasing it out to Kvant Telecom JSC.**

Since JSC firm "Smur" received optical fibers on the entire section of the fiber line Saratov - Ershov - Ozinki, and paid for them only on the section fiber line Ershov - Ozinki, in accordance with clause 4.4. contract No.3/12-12 LLC "Company "ALS and TEC" unilaterally terminated this contract in terms of property on the Saratov - Ershov section by sending a letter ref. No. 841 dated May 27, 2014

This was established by the Resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017 in case No. A57-233/2017, which ordered the JSC "Smur" to return the Property under the second stage of the Agreement No.3/12-12 dated 04.09.2012 to LLC Company ALS and TEC.

By the decree of the Volga Region Arbitration Court of 05/10/2018. in case No. A57-233/2017 in satisfaction of the appeal JSC firm "Smur" was refused, the resolution of the Twelfth Arbitration Court of Appeal dated 12/13/2017. in case No. A57-233/2017 was left unchanged. The Supreme Court of the Russian Federation upheld these judicial acts.

**These judicial acts confirmed that within the framework of the concluded agreement after the receipt of the first payment of LLC Company ALS and TEC in accordance with clause 3.7.2. of the agreement transferred the property to the company JSC firm "Smur" for temporary use, which is confirmed by the acceptance certificate dated 10.10.2012.**

The essence of JSC firm Smur's claims are absurd. The claims consist on the fact that in LLC "Company "ALS and TEC", optical fibers are numbered in each optical module separately, from 1 to 12, and in JSC firm "Smur", the same fibers are numbered in ascending order from 1 to 64, excluding the breakdown for optical modules. In addition, in LLC Company ALS and TEC for the first optical module, a different module was adopted than in JSC firm "Smur".

On this absurd basis, JSC firm "Smur" has been proving for 8 years in 28 arbitration proceedings that the optical fibers received from LLC ALS and TEC Company allegedly do not exist.

At the same time, JSC firm "Smur", having received optical fibers from LLC Company ALS and TEC for use under the Act of 10.10.2012, was well aware of all the qualities, characteristics, numbering, colors and cables of the joint venture, and the optical fibers, and signed this act without objection.

In addition to the arbitration proceedings, at the request of the General Director of JSC firm "Smur", Torokhov Nikolay, by a resolution of the Investigative Committee of the Russian Federation dated June 30, 2016, criminal case No. 11701630001000127 was initiated against unidentified persons on the grounds of a crime under Article 159 of the Criminal Code of the Russian Federation.

However, by the decision of the Investigative Committee of the Russian Federation of 11.12.2019, this criminal case No. 11701630001000127 was terminated due to the lack of corpus delicti and the event of the crime under art.159 and art. 201 of the Criminal Code of the Russian Federation.

Terminating the criminal case, the Investigative Committee of the Russian Federation established that the JSC firm "Smur" did not have its fibers on the Saratov - Ershov section until 2017, therefore it received the property under the contract 3/12-12, and on the same day began to use it, handing it over to lease in JSC "Kvant telecom" and received a significant profit.

JSC firm "Smur" continues to refute the obvious facts of the existence of property, even though the ruling of the **Twelfth Arbitration Court of Appeal of 13.12.2017. in case No. A57-233/2017 was fully executed, the enforcement proceedings were completed by actual execution.**

On December 29, 2017, the AC of the Saratov Region issued a writ of execution, series FS No. 016402251 in case No. A57-233/2017, and it was brought forward for execution.

The disputed property was located on the territory of several districts of the Saratov region and the writ of execution was presented to three regional divisions of the Russian Federation Federal Service of Court Bailiffs.

The bailiff of the Ershov District Office of Federal Bailiff Service of Russia in the Saratov Region initiated enforcement proceedings No. 15022/18/64014-IP dated 17.05.2018 under this writ of execution.

The bailiff of the Ershov office on May 23, 2018 drew up an act of enforcement action on enforcement proceedings for the execution of a writ of execution issued by the Twelfth Arbitration Court of Appeal in case No. A57-233/2017, during which the disputed optical fibers were transferred on the territory of the Ershov district of the Saratov region in favor of LLC Company ALS and TEC.

Then the writ of execution was presented to the Sovietskiy District Office of Federal Bailiff Service of Russia in the Saratov region. and on 28.05.2018 by senior bailiff A.N. Sechin. was drawn up an act of enforcement actions on enforcement proceedings for the execution of the writ of execution issued by the Twelfth Arbitration Court of Appeal. in case No. A57-233/2017, during which the required optical fibers were transferred in the territory of the Sovietskiy district of the Saratov region. in favor of LLC Company ALS and TEC.

Subsequently, enforcement proceedings were instituted in the District Office of Federal Bailiff Service of Russia of Saratov city and ended in connection with the actual execution in accordance with the act of 22.06.2018. and the decree on the end of production from 07/19/2018.

At the moment the writ of execution in case No. A57-233 / 2017 has been fully executed, by the order of the bailiff-executor of the Kirovskiy Court Bailiffs District Office of Saratov, Federal Bailiff Service of Russia in the Saratov Region, Tumaeva K.S. from 19.07.2018 the enforcement proceedings were completed due to the actual execution.

By the Decree of the Twelfth Arbitration Court of Appeal dated 08/13/2019 in case No. A57-28364/2018, the decision of the Appellation Court of the Saratov Region was canceled. from 12.03.2019 and a new judicial act was adopted on recognizing as illegal and canceling the decision of the senior bailiff of the Kirovskiy Regional Department of the Russian Specialist Service of the city of Saratov of the Federal Bailiff Service of Russia for 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.

According to the entered into force the specified judicial act Kirovskiy office of the Federal Bailiffs Service Russia in the Saratov region. The enforcement proceedings were re-terminated in connection with the actual execution by the resolution of July 29, 2019 No.

JSC firm "Smur" and JSC "Kvant -Telecom" challenged the termination of the enforcement proceedings, however, the Arbitration Court of the Saratov region by the decision of December 10, 2019 in case No. A57-19378/2019 (left unchanged by Resolution Twelfth Arbitration Court of Appeal dated February 13, 2020 and by the Resolution of the Volga District Arbitration Court of July 9, 2020) and decisions dated January 22, 2020. in case No. A57-19376/2019 (left unchanged by resolution Twelfth Arbitration Court of Appeal dated 05/18/2020), dated 02/19/2020. in case No. A57-19374 / 2019 (left unchanged by resolution Twelfth Arbitration Court of Appeal dated 02.06.2020), refused to satisfy the applications of JSC firm "Smur" and JSC "Kvant -Telecom" in full.

Optical fibers in the Saratov - Ershov section, obtained by JSC Smur in 2012, but not paid for by it, were awarded by the Court in case No. A57-233/2017 to be claimed from JSC Smur, and on 22.06.2018 these fibers were demanded by the bailiff, transferred to LLC Company ALS and TEC, received without objection by the claimant, and later alienated in favor of third parties.

**At the same time, the fact of the presence of the disputed property is confirmed by the following evidence:**

By the decision of the Arbitration Court of Saratov region AC in case No. A57-28371/2018 dated 25.01.2019, by the Resolution of the Arbitration Court of Volga region of 20.03.2019 in case No. A57-233/2017, the Twelfth Arbitration Court of Appeal (Resolution of 15.07.2019 in the case No. A57-12788/2018, Resolution of August 19, 2019 in case No. A57-14818/2018, Resolution of July 15, 2019 in case No. A57-16161/2018, Resolution of August 13, 2019 in case No. A57-28364/2018, Resolution of 08/05/2019 in case No. A57-29166/2018, by the Arbitration Court of Volga District (Resolution of July 25, 2019 in case No. A57-233/2017).

These judicial acts established that LLC "Company "ALS and TEC" received property (4 optical fibers in a fiber-optic communication line at the Saratov - Ershov section in the Saratov - Ozinki Fiber Line) for enforcement proceedings in case No. A57-233/2017. All of these judicial acts were left unchanged by the Volga District Arbitration Court and the Supreme Court of the Russian Federation.

In the decision of the Arbitration Court of Saratov region in in case No. A57-3463/2019 of 09.09.2019, left unchanged by Twelfth Arbitration Court of Appeal and the Arbitration Court of Volga district, the following was established:

"Having examined the materials of the case, after hearing the opinions of the persons participating in the case, having studied the current legislation, the court proceeds from the following. In this case, the court concluded that the applicant's rights would not be restored within the framework of the present case, since the fact that the enforcement proceedings were lawfully terminated on July 19, 2018 in connection with the actual execution of the court decision, is confirmed by judicial act of Twelfth Arbitration Court of Appeal in case No. A57-28364/2018.

**The position of the debtor - JSC firm "Smur" in the course of enforcement proceedings is reduced to disagreement with the judicial act in case No. A57-233/2017.** In accordance with art. 16 of the Arbitration Procedure Code of the Russian Federation, judicial acts 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. The applicant did not confirm the arguments about the violation of his rights. "

In addition, the definition of the Arbitration Court of Saratov region in case No. A57-233/2017 of 08.05.2019, which refused to satisfy the debtor's application to terminate enforcement proceedings due to the impossibility of execution, it was established that **"the disputed property was received by the claimant and sold to a third party, which was established in including, the decision of Arbitration Court of Saratov region that entered into force. in case No. A57-28371/2018 dated 25.01.2019 "**.

The Twelfth Arbitration Court of Appeal, by its Decree of October 29, 2019, upheld the definition of the Arbitration Court of Saratov Region in case No. A57-233/2017 dated 08.05.2019, indicating:



“When considering the appeal by the court, it was established that when considering case No. A57-29166 / 2018 by the Twelfth Arbitration Court of Appeal, it was established that the act of performing enforcement actions of 06/22/2018 became the completion of the execution of the decision of the Twelfth Arbitration Court of Appeal in case No. A57-233/2017 of 12/13/2017 , the basis for the end of the enforcement proceedings and gave the recoverer the opportunity to dispose of his property, conclude a sale and purchase deal with LLC “DSPS” and transfer the disputed optical fibers to the ownership and ownership of LLC DSPS by the act of acceptance. At the moment, the disputed property received by the claimant - LLC Company ALS and TEC “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 of 25.01.2019 in case No. A57-28371/2018 that entered into legal force. The resolution of the Arbitration Court of the Volga District of 20.03.2019 in case No. A57-233 / 2017 also contains the conclusion that the property awarded by the resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017 in case No. A57-233/2017 (4 optical fibers in a fiber-optic line communication on the Saratov - Ershov section in the Saratov - Ozinki fiber line) was alienated by the Company ALS and TEC in favor of a third party - LLC DSPS under the sale and purchase agreement No. ALS-DSPS / OV- dated 12.09.2018 12092018.

By the Decree of the Twelfth Arbitration Court of Appeal of 13.08.2019, which entered into legal force on case No. A57-28364/2018, a judicial act was adopted on recognizing as illegal and canceling the decision of the senior bailiff of the Kirovskiy office 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.

These judicial acts were left unchanged by the Arbitration Court of Volga District and the Supreme Court of the Russian Federation.

The same conclusions were made in the decision of the Arbitration Court of Saratov region AC from 27.08.2019 in case No. A57-11290 / 2019, upheld by resolution of Twelfth Arbitration Court of Appeal, dated 03.12.2019, and by the decree of the Arbitration Court of Volga District.

By the decree of the bailiff-executor of the Kirovskiy office of Saratov, Tumaeva K.S. from 25.01.2019 a specialist was involved in the enforcement proceedings, who conducted and provided an expert opinion to LLC “Regional Expertise Center” No. 5052 dated 05.02.2019, in the conclusions of which the following was established:

“Fulfill the decision of the Arbitration Court of the Saratov region, of December 29, 2017 in the case A57-233/2017 by transferring optical fibers in favor of LLC Company ALS and TEC, Saratov, st. B. Kazachya, 8D from optical cross "VOSTOK" LLC Company ALS and TEC, Saratov, st. B. Kazachya, 6 to the optical cross of LLC Company ALS and TEC on the territory of OJSC Integral at the address: Saratov, st. Chernyshevskogo, 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 in LLC Company ALS and TEC, and then sold to a third party.**”

Between LLC Company ALS and TEC and JSC “Kvant Telecom” for the creation of a communication network of “Kvant Telecom” JSC with the Republic of Kazakhstan, an unnumbered agreement was concluded on the provision of a complex of resources dated 09/10/2012, the essence of which was the placement of JSC “Kvant Telecom” equipment in containers of LLC “Company “ALS and TEC”.

In 2014, JSC "Kvant -Telecom" took two out of four optical fibers obtained from LLC Company ALS and TEC under contract No.3/12-12 in its own containers placed along the route of the Saratov - Ozinki fiber-optic communication line, based on these optical fibers and its own containers, it put into operation its own fiber-optic communication line according to act No. 109 of 12/18/2013, ceased to pay to LLC Company ALS and TEC the balance of the debt under the contract for the provision of a complex of resources.

By the decision of the Arbitration Court of Saratov region from 16.06.2017. in case No. **A57-29199/2016**, the claims of LLC Company ALS and TEC against JSC "Kvant -Telecom" on debt collection under a non-numbered agreement on the provision of a complex of resources dated 10.09.2012 for the period from 01.01.2014 to 24.02.2014 in the amount of 164 357 rubles.

By the decision of the Arbitration Court of Voronezh region of December 19, 2017 in case No. **A14-9558/16** at the claim of LLC Company ALS and TEC against "Kvant - Telecom" JSC for debt collection under an unnumbered agreement on the provision of a complex of resources dated September 10, 2012 claims of LLC Company ALS and TEC to JSC "Kvant - Telecom" were satisfied in the part of collection of 88,500 rubles debt;

At the same time, the equipment of "Kvant Telecom" JSC remained in the containers of LLC Company ALS and TEC and was connected to the other two fibers, which provided "Kvant Telecom" JSC with redundancy of communication equipment.

This equipment was dismantled and transferred by bailiffs-executors to "Kvant Telecom" JSC only on June 22, 2018, in pursuance of the court decision in case No. A14-9558 /16 regarding the obligation to transfer this equipment.

Also, between JSC " Kvant -Telecom" and LLC Company ALS and TEC was signed a lease agreement for optical fibers No. 21/13 dated 12.02.2013, under which JSC "Kvant - Telecom" leased from LLC" Company "ALS and TEC" two optical fibers on the Saratov - Borisoglebsk section, and which was also concluded by JSC "Kvant -Telecom" to create a communication network to the border with the Republic of Kazakhstan.

Under this agreement, "Kvant -Telecom" JSC regularly paid monthly payments for the period only from February to September 2013, and in the future, it also stopped paying the existing debt, LLC "Company "ALS and TEC" also had to be recovered through the court, while all legal acts entered into legal force and were adopted in favor of LLC "Company "ALS and TEC" (decision of the Arbitration Court of Voronezh region in case No.**A14-49/2015** of 04/19/2016, decision of the Arbitration Court of Voronezh region in case No.**A14-4846/2014** from 05.09.2014, the decision of the Arbitration Court of Voronezh region in case No. **A14-7412/2015** from 20.07.2015, the decision of the Arbitration Court of Saratov region from 10.04.2018 in the case No. **A57-23370/2016**, resolution of the Nineteenth Arbitration Court of Appeal dated September 17, 2019 in case No. **A14-5417/2018**, resolution of the Nineteenth Arbitration Court of Appeal dated September 20, 2019 in case No. **A14-470/2017**, the decision of the Arbitration Court of the Saratov Region of May 15, 2019 in case No. **A57-23370/2016**, Resolution of the Twelfth Arbitration Court of Appeal of 03.10.2019 in case No. **A57-23370/2016**, resolution of the Arbitration Court of Volga District of 06.02.2020 in case No. **A57-23370/2016**, decision of the Arbitration Court of Voronezh Region of 19.06.2020 in case No. **14-17655/2019**).

Litigation, which lasted from 2013 to 2020, and the decisions of the courts on these disputes that entered into legal force, unequivocally prove that the actions and position of LLC Company ALS and TEC were legitimate, and the claims, arguments and statements of JSC "Kvant -Telecom" and JSC "Smur" proved to be false and unfounded.

At the moment, there are no legitimate claims of JSC "Smur" and JSC "Kvant Telecom" to LLC Company ALS and TEC, the criminal prosecution of unidentified persons was terminated due to the absence of corpus delicti and the event of a crime.

The courts of all instances, up to the Supreme Court of the Russian Federation, established that LLC "Company "ALS and TEC" transferred to JSC the firm "Smur" under contract No.3/12-12 dated 04.09.2012, serviceable property (4 fiber on the fiber line Saratov - Ershov), and JSC "Smur", without paying for this property, leased it to JSC "Kvant -Telecom", which used it for commercial purposes until 22.06.2018.

The result of relations with Nikolay Torokhov's firms was an eight-year trial of 26 claims filed by Nikolay Torokhov's firms on absolutely absurd reasons, the distraction of employees of LLC "Company" ALS and TEC", loss of working time, unjustified legal costs and a criminal case initiated on the knowingly false denunciation by Nikolai Torokhov, which lasted 3 years and was terminated as unfounded due to the lack of corpus delicti and the event of the crime.

**Therefore, I consider it my duty to warn my colleagues about the danger of cooperation with these gentlemen.**

Nikolay Torokhov's intention was that, promising to sell optical fibers in the Voronezh-Ukraine fiber line under construction to ALS and TEK Company LLC, buy optical fibers from ALS and TEK Company LLC at the already constructed section of Saratov. - Ozinki.

However, Nikolay Torokhov, having received optical fiber on the Saratov - Ozinki section, did not fulfill his promise to sell optical fibers to ALS and TEK Company LLC on the Voronezh - Ukraine section and began construction of his own fiber line Saratov – Ozinki.

Thus, Nikolay Torokhov, by deception, gained a competitive advantage in the telecommunications market of Kazakhstan, and deprived LLC "Company ALS and TEC" of funds for optical fibers transferred to JSC "SMUR" on the Saratov - Ozinki section, and the opportunity to enter telecommunication market of Ukraine.

At the same time, Nikolay Torokhov was only going to temporarily use the optical fibers received from LLC Company ALS and TEC until the completion of the construction of its own fiber-optic communication line Saratov - Ozinki, and then return them and collect them through the court from LLC Company ALS and TEC the amount of the first and second payments.

In order not to pay for the cost of these optical fibers, Nikolay Torokhov, starting from 2013 to the present day, has put forward and is still raising mutually exclusive, absurd and completely unfounded claims either about the alleged absence of these optical fibers, or about the alleged non-compliance of these optical fibers with the requirements agreement, then the alleged non-existence of these optical fibers, then the alleged non-conclusion of this agreement, then about its alleged nullity.

LLC Company ALS and TEC lost significant profits, as it could not provide communication services via these optical fibers, in addition, significant legal costs were incurred in litigation with the firms of Nikolay Torokhov.

At the same time, Nikolay Torokhov's firms unjustifiably enriched themselves using the property they did not pay, belonging to LLC "Company "ALS and TEC", which reasonably collects from them the amount of unjust enrichment by filing to the JSC firm "Smur" and "Kvant Telecom" JSC claims in case No. A57-1008 / 2019 and in case No. A14-12333 / 2015. These claims are currently pending in the courts of first instance.

**Member of LLC Company ALS and TEC** \_\_\_\_\_ **Ildar I. Salimov**

**List of judicial acts of the Arbitration (Commercial) Courts  
on disputes between the firms of Torokhov N. D and LLC Company ALS and TEC**

1. Resolution of the Nineteenth Arbitration Court of Appeal dated 09/14/2018. in case No. A14-8464 / 2015.
2. Resolution of the Arbitration Court of the Central District in case No. A14-8464 / 2015 dated 31.01.2019
3. Resolution of the Supreme Court of the Russian Federation of 05/20/2019 in case No. A14-8464 / 2015.
4. Resolution of the Nineteenth Arbitration Court of Appeal dated 05.02. in case No. A14-1036 / 2017.
5. Resolution of the AC of the Central District of 07/29/2020. in case No. A14-1036 / 2017.
6. Resolution of the investigative body of 11.12.2019 on the termination of criminal case No. 11701630001000127.
7. Resolution of the Twelfth Arbitration Court of Appeal dated 13.12.2017. in case No. A57-233 / 2017.
8. Resolution 12ACC dated 20.11.2019 in case No. A57-233 / 2017.
9. Resolution of the Arbitration Court of the Volga District from 20.02. in case No. A57-233 / 2017.
10. The decision of the Arbitration Court of the Saratov Region in case No. A57-28371 / 2018 dated 25.01.2019.
11. Resolution of the Arbitration Court of the Volga District of 03.20. in case No. A57-233 / 2017.
12. Resolution of the Twelfth Arbitration Court of Appeal dated 07/15/2019 in case No. A57-12788 / 2018.
13. Resolution of the Twelfth Arbitration Court of Appeal dated 08.19. in case No. A57-14818 / 2018.
14. Resolution of the Twelfth Arbitration Court of Appeal dated 15.07.2019 in case No. A57-16161 / 2018.
15. Resolution of the Twelfth Arbitration Court of Appeal dated 13.08.2019 in case No. A57-28364 / 2018.
16. Resolution of the Twelfth Arbitration Court of Appeal dated 05.08.2019 in case No. A57-29166 / 2018.
17. Resolution of the Arbitration Court of the Volga District of 25.07.2019 in case No. A57-233 / 2017.
18. The decision of the Arbitration Court of the Saratov Region in case No. A57-3463 / 2019 dated 09.09.2019.
19. The decision of the Arbitration Court of the Saratov Region in the case No. A57-11290 / 2019 dated 27.08.2019.
20. Determination of the Arbitration Court of the Saratov Region in case No. A57-233 / 2017 dated 05/08/2019.
21. Resolution of the Twelfth Arbitration Court of Appeal on October 29, 2019. in case No. A57-233 / 2017.
22. The decision of the Arbitration Court of the Saratov Region dated June 16, 2017. in case No. A57-29199 / 2016.
23. The decision of the Arbitration Court of the Voronezh Region of 11/29/2017. in case No. A57-9558 / 2016.
24. The decision of the Arbitration Court of the Saratov Region dated 10.04.2018. in case No. A57-23370 // 2016.
25. The decision of the Arbitration Court of the Saratov Region dated 05/15/2019. in case No. A57-23370 // 2016.
26. Resolution 12ACA dated 10/03/2019. in case No. A57-23370 / 2016.
27. Resolution of the Volga Region AC dated 06.02.2020. in case No. A57-23370 / 2016.
28. The decision of the Arbitration Court of the Voronezh Region dated 20.05.2014. No. A14-2670 / 2014.
29. The decision of the Arbitration Court of the Saratov Region dated 09.10.2014. in case No. A57-9276/2014.
30. Determination of the Arbitration Court of the Voronezh Region dated 04/14/2015. on businessNo. A14-835 / 2015.
31. The decision of the Arbitration Court of the Voronezh Region dated 01.09.2016. on businessNo. A14-13744 / 2015.
32. Resolution of the Nineteenth Arbitration Court of Appeal dated 21.06.2016. in case No. A14-2754 / 2014.
33. Resolution of the Nineteenth Arbitration Court of Appeal dated 09/17/2019 in case No. A14-5417 / 2018.
34. Resolution of the Nineteenth Arbitration Court of Appeal from 20.09. in case No. A14-470 / 2017.
35. A copy of the decree of the Kirovskiy ROSP of the city of Saratov of the Federal Bailiff Service of Russia in the Saratov region on the end of the enforcement proceedings dated 07/29/2019.
36. The decision of the Arbitration Court of the Saratov Region of 10.12. in case No. A57-19378 / 2019.
37. Resolution 12 ACA dated 13.02.2020. in case No. A57-19378 / 2019.
38. Decree of the Volga Region AC of 07/09/2020. in case No. A57-19378 / 2019.
39. Decision of the Arbitration Court of the Saratov Region from 22.01.2020 in case No. A57-19376 / 2019.
40. Decision of the Arbitration Court of the Saratov Region from 02/19/2020 in case No. A57-19374 / 2019.
41. Regulation 12ACA from 05/18/2020 in case No. A57-19376 / 2019.
42. Regulation 12ACA from 02.06.2020 in case No. A57-19374 / 2019.