

SUPREME ADMINISTRATIVE COURT OF UKRAINE

RULING

October 16, 2014

Kyiv

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Judge of the Supreme Administrative Court of Ukraine Chumachenko T.A., having checked the materials of the cassation appeal of International charitable organization "Environment-People-Law" on the decision of the Kyiv Administrative Court of Appeal of July 10, 2014 in the lawsuit of International charitable organization "Environment-People-Law" against the Cabinet of Ministers of Ukraine, the State Geology and Minerals Service of Ukraine on recognizing illegal omissions and obliging to take action, -

determined that:

International charitable organization "Environment-People-Law" appealed to the Supreme Administrative Court of Ukraine with a cassation appeal against the decision of Kyiv Administrative Court of Appeal of July 10, 2014.

The plaintiff also applied for an extension of the time-limit for a cassation appeal against the judgment.

By the ruling of the judge of the Supreme Administrative Court of Ukraine of September 16, 2014, the cassation appeal of International charitable organization "Environment-People-Law" was left without proceedings with a set deadline to eliminate the shortcomings.

At the same time, the appellant did not indicate the grounds for renewing the term of the cassation appeal, which could be considered valid, and did not provide evidence to support them.

Thus, in the petition for renewal of the term for cassation appeal, the appellant notes that the decision of Kyiv Administrative Court of Appeal of 10 July 2014, the full text of which was drawn up on 15 July 2014, was received directly in the court of the first instance only on 1 September 2014.

At the same time, the impugned resolution of Kyiv Administrative Court of Appeal of 10 July 2014 shows that it was adopted in open court with the participation of the plaintiff's representative (International charitable organization "Environment-People-Law"), and therefore the appellant was informed about the decision mentioned above.

According to part 2 of Article 212 of the Code of Administrative Proceedings of Ukraine, a cassation appeal against court decisions shall be filed within twenty days after the entry into force of the ruling of the appellate court, except in cases provided for by this Code, and in the case of drafting the resolution in full in accordance with Article 160 of this Code- from the date of drawing up the resolution in full.

Consequently, the requirements of the above ruling have been fulfilled neither before the deadline set by the court, nor until now

(taking into account the time of postal circulation of correspondence).

According to part 4 of Article 214 of the Code of Administrative Proceedings of Ukraine, the cassation appeal remains without proceeding also if it is filed after the expiration of the terms established by

Article 212 of this Code, and the person who submitted it does not raise the issue of renewal of this term, or if the grounds specified in the application are considered invalid. In this case, within thirty days from the date of receipt of the ruling on leaving the cassation appeal without proceeding, the person has the right to apply to the court of cassation with a request to renew the term or indicate other grounds for renewal.

If the application is not filed by the person within the specified period or the grounds for renewal of the term of the cassation appeal are deemed invalid, the judge-rapporteur shall refuse to initiate cassation proceedings.

According to part 6 of Article 214 of the Code of Administrative Proceedings of Ukraine, a copy of the decision to return the cassation appeal or to refuse to open cassation proceedings together with the materials attached to the appeal shall be sent to the person who filed the cassation appeal, and the cassation appeal shall remain in the court of cassation.

Guided by Art. 211, 214 of the Code of Administrative Proceedings of Ukraine, -

ruled:

To refuse to open cassation proceedings on the cassation appeal of International charitable organization "Environment-People-Law" against the ruling of Kyiv Administrative Court of Appeal of July 10, 2014 in the lawsuit of International charitable organization "Environment-People-Law" against the Cabinet of Ministers of Ukraine, State Geology and Minerals of Ukraine on recognizing illegal omissions and obliging to take action.

The ruling is not subject to appeal.

Judge T. A. Chumachenko