

C. Regarding the renewal of the term for cassation appeal

On July 10, 2014, Kyiv Administrative Court of Appeal issued a ruling on the case of International charitable organization “Environment-People-Law” against the Cabinet of Ministers of Ukraine and the State Geology and Minerals Service of Ukraine. On July 10, 2014, the court announced the introductory and operative parts of the decision.

According to the information provided by the employees of the office of the appellate court, contrary to the requirements of Part 3 of Art. 160 of the Code of Administrative Proceedings of Ukraine, as of July 16, 2014 the full text of the court ruling was not ready. It was not ready as of July 21, 2014.

On July 21, 2014, the representative of International charitable organization “Environment-People-Law” using a power of attorney sent to the address of the appellate court 1) a request for a decision (Annex 3), 2) an application for measures to expedite production of the decision and indicate the actual date of full text development (Annex 4).

At the same time, by letters dated August 5 and 13, 2014, the Chief of the Apparatus of the Court of Appeal informed International charitable organization “Environment-People-Law” that despite the registered applications, the case (under number 826/13710/13-a) on July 29, 2014 was transferred to Kyiv District Administrative Court, where the party should apply for a copy of the decision.

On August 20, 2014, the plaintiff's representative appealed to Kyiv District Administrative Court (Annex 5), which on September 1, 2014 issued a copy of the resolution of the appellate court in full (a note signed by the plaintiff's representative to confirm the receipt of a copy of the appellate court resolution for the first time is stored in the case file).

Based on the above, guided by paragraph 6 of Part 1 of Art. 223 and part 2 of Art. 227 of the Code of Administrative Proceedings of Ukraine, given that along with the violation of substantive law by the court of the first instance there were violations of procedural law, which made it impossible to establish the facts relevant to the proper resolution of the case, which were not corrected by the appellate court,

I ask the court:

1. To renew for the Plaintiff the term for cassation appeal,
2. To cancel the decision of the courts of the first and appellate instances and redirect the case for retrial to the court of the first instance.