

To Judge Chumachenko T.A.
Supreme Administrative Court of
Ukraine
01029, Kyiv, 8 Moscovska St., building.
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Explanation on the implementation of the ruling of the Supreme Administrative Court of Ukraine of September 16, 2014

On September 16, 2014, the Supreme Administrative Court of Ukraine by its ruling left without consideration the cassation appeal of the plaintiff (with a deadline for elimination of deficiencies) given the lack of proper evidence to support the plaintiff's request to renew the deadline for cassation appeal.

In this regard, we note the following:

On August 20, 2014, the plaintiff's representative appealed to Kyiv District Administrative Court (Annex 5 to the cassation appeal) with a request to provide a decision of the appellate court for the first time. On September 1, 2014, Kyiv District Administrative Court **issued a copy of the resolution of the appellate court to the representative of the plaintiff**. At the same time, a signature by the plaintiff's representative confirming the receipt of a copy of the decision of the appellate court for the first time was made at the request of the secretary of the court session **on the case file**. The secretary of the court session refused to affix the date of receipt of the decision on the copy issued to the plaintiff, referring to the fact that it is not provided by the rules of record keeping.

According to Art. 69 of the Code of Administrative Proceedings of Ukraine, evidence in administrative proceedings are any factual data on the basis of which the court establishes the presence or absence of circumstances justifying the claims and objections of persons involved in the case, and other circumstances relevant to the proper resolution of the case. These data are established by the court **on the basis of explanations of the parties**, third parties and their representatives, testimony of witnesses, written and physical evidence, expert opinions.

Moreover, according to Part 2 of Art. 69 of the Code of Administrative Proceedings of Ukraine, the court may offer to provide additional evidence or **require additional evidence** at the request of persons involved in the case, or **on its own initiative**.

Given that the Plaintiff cannot independently demand and submit to the cassation court materials of the administrative case, which contains the only material evidence of the validity of the reasons for missing the deadline for cassation appeal - the signature of the Plaintiff confirming the receipt of the text of the decision -

I ask the court:

1. To recognize the provided explanations by the Plaintiff sufficient to recognize valid the reasons for missing the deadline and to open cassation proceedings in the case.

Representative of the plaintiff
by power of attorney Aleksyeyeva E. A.

September 23, 2014