

IN THE NAME OF THE REPUBLIC OF ARMENIA  
DECISION OF THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF ARMENIA

ON THE CASE OF CONFORMITY OF ARTICLE 233, PART 2 AND ARTICLE 233.1, PART 1, POINT 5 OF RA CIVIL PROCEDURE CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATIONS OF ALVARD GRIGORYAN AND KHACHIK GRIGORYAN, "MLL INDUSTRIES" LLC

Rapporteur A. Tunyan

Based on the review of the Case and governed by Point 1 of Article 100, and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), Articles 63, 64 and 69 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Part 2 of Article 233 of the RA Civil Procedure Code is in conformity with the Constitution of the Republic of Armenia in such constitutional legal content, according to which the decision on the return of the cassation complaint should indicate all those omissions existing in connection with the cassation complaint, which, according to the Law, serve as grounds for the return of the cassation complaint, and after correction of which the complaint will be considered as filed in due course.
2. Point 5 of Part 1 of Article 233.1 of the RA Civil Procedure Code is in conformity with the Constitution of the Republic of Armenia in such constitutional legal content according to which the decision on the return of the cassation complaint cannot be considered as a decision of the Court of Cassation already adopted on the same case on the grounds indicated in the complaint.
3. Based on Part 12 of Article 69 of the Law of the Republic of Armenia on the Constitutional Court, final judicial acts against the Applicants shall be reviewed in accordance with the procedure prescribed by Law on the basis of new circumstances, since:
  - a) Part 2 of Article 233 and Point 5 of Part 1 of Article 233.1 of the RA Civil Procedure Code were applied against the Applicant "MLL Industries" LLC in an interpretation different from the constitutional legal content revealed in the first and second Points of the final part of this Decision,
  - b) Point 5 of Part 1 of Article 233.1 of the RA Civil Procedure Code was applied against the Applicants Alvard Grigoryan and Khachik Grigoryan in an interpretation different from

the constitutional legal content revealed in the second Point of the final part of this Decision.

4. Pursuant to Part 2 of Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005) this Decision is final and enters into force from the moment of the announcement.

April 18, 2017

DCC-1363