



## The Tbilisi Court of Appeals has partially upheld the private appeal on the Batumi Riviera case

On 22<sup>nd</sup> January 2021, the Georgian Young Lawyers' Association filed a lawsuit in the "Batumi Riviera" case. Along with the annulment of the construction permit in court, it was requested to suspend the validity of the appealed act. The court declared the lawsuit admissible and rejected the motion to suspend the construction permit until the final settlement of the dispute.

The mentioned ruling was appealed by a private lawsuit to the Tbilisi Court of Appeals.

The Chamber of Administrative Cases of the Tbilisi Court of Appeals, after reviewing

the case file, mostly shared GYLA's views and considered that the appealed ruling should be overturned and the case returned to the Tbilisi City Court for reconsideration. The judgment of the Court of Appeals was served to GYLA on June 22, 2021. According to the Court of Appeals, the ruling does not indicate the specific and convincing motives for refusing the suspension; simultaneously, the evidence presented by the plaintiffs is left without any assessment, and only an abstract analysis of the norm is proposed.

In the opinion of the Tbilisi Court of Appeals, in case of suspension of the validity of the disputed act, it will be necessary to maintain a fair balance between the interests of the plaintiff, the defendant and the third party. Considering the case's specific circumstances, the higher instance considered it expedient to suspend the validity of the act to be fulfilled not before the entry into force of the court judgment/ruling but - before the judgment of the court of the first instance is delivered.

It should be noted that the suspension of the validity of the appealed act is of critical importance. Evidence and factual circumstances presented in court confirmed that the issuance of a construction permit and the imposition of permit conditions were carried out in gross violation of the law and ignored fundamental principles on health and safety, ensuring a safe environment, protection and preservation of cultural heritage sites and providing the publicity.

The construction permit is issued in the absence of environmental impact and strategic environmental assessment reports; therefore, the project's impact on the environment, the boulevard, the sea, the coast, human health, the city's historical and cultural heritage, and the economy are not studied. This is in the context that construction activities are planned to be located in an area located off the coastal line. Therefore, if the project is implemented, the historical part of Batumi will actually lose its connection with the sea.

The Tbilisi City Court must re-examine the matter and issue a new ruling suspending the appealed act.