



## The court has not suspended the construction permit validity for the “Batumi Riviera”

On 22<sup>nd</sup> January 2021, the Georgian Young Lawyers' Association filed a lawsuit in court on the "Batumi Riviera" case. Along with the annulment of the construction permit in court, it was requested to suspend the appealed act's validity. The court declared the claim admissible and did not grant the suspension of the construction permit until the final settlement of the dispute.

It should be noted that the application of the measure of security of a claim for a particular case has critical importance. This mechanism makes it possible by applying a temporary measure to ensure that construction is halted until the dispute is finally settled. Only in this case will the dispute in court have a relevant effect, and the enforcement of the decision favoring the plaintiffs will not be hindered.

The evidence and factual circumstances presented in the case confirm 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, the safety of life

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



and health, provision of a safe environment, protection and preservation of cultural heritage and publicity.

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

It should be noted that the court, in its ruling to refuse suspension of the disputed act, only indicated the legal norms in the abstract form, and the court's arguments are not readable in it. The court merely states in the ruling that "in the present case the party fails to substantiate the urgency of the suspension of the disputed act; the party fails to indicate the factual circumstances on which its urgent enforcement would substantially harm them or make it impossible to protect their legal rights or interests."

It is clear that if the construction work is not suspended before the end of the trial, the dispute will become completely illusory and may cause irreparable damage to the city as a whole. GYLA appealed the ruling of the Tbilisi City Court to the Court of Appeals.