

**SUPREME COURT OF KOSOVO
GJYKATA SUPREME E KOSOVËS
VRHOVNI SUD KOSOVA**

**KOSOVO PROPERTY AGENCY (KPA) APPEALS PANEL
KOLEGJI I APELIT TË AKP-së
ŽALBENO VEĆE KAI**

Cases file No GSK-KPA-A-63/12

Prishtinë/Priština, 17 January 2013

In the proceedings of:

E. H.

Appellant

The KPA Appeals Panel of the Supreme Court of Kosovo, composed of Anne Kerber, Presiding Judge, Elka Filcheva - Ermenkova and Sylejman Nuredini, Judges, on the appeal of Elfete Hadhiu, dated 14 May 2012, pursuant to section 13.3, section 12.2 of REG/UNMIK/2006/50 as amended by law No.03/L-079 and art. 196 of the Law on contested procedure, after deliberation held on 17 January 2013, issue the following:

JUDGEMENT

1- The appeal of E. H. dated 14 May 2012 is dismissed as impermissible.

3- The appellant has to pay the costs of the proceedings which are determined in the amount of € 60 (€ sixty) within 15 (fifteen) days from the day the ruling is delivered or otherwise through compulsory execution.

Procedural and factual background:

On 14 May 2012 the appellant, Mrs E. H. filed an appeal against, as formulated in the document, “KPA decisions in regard to her property”. She refers to an HPCC decision- HPCC/D/93/2003 from 17 October 2003 and another HPCC decision, namely decision HPCC/REG/95/2007 (with which a request for request for reconsideration of the first one - HPCC/D/93/2003 was rejected). She also appeals against a letter, dated 3 March 2008, signed by the Deputy Executive Director of the Kosovo property Agency.

Legal reasoning:

The above mentioned decisions were issued under REG/UNMIK/2000/60 (hereafter the Regulation). With decision HPCC/REG/95/2007 a request for reconsideration against decision HPCC/D/93/2003, filed by the present appellant was rejected. This means that decision HPCC/REG/95/2007 is final and cannot be appealed. The provisions of the Regulation do not preview any legal remedies (appeals or extraordinary legal remedies) against the final decisions of the Housing and Property Claims Commission – argument ex. Sections 22 and 25 *ibid*. In this respect is also the jurisprudence of the Constitutional Court of Kosovo – see Case No. KI104/10, para 64, 74 and 75).

Therefore the present appeal as filed against a decision which is final is impermissible and stands to be dismissed.

Costs of the proceedings:

As foreseen by the Law on Court Fees (Official Gazette of the SAPK-3 October 1987) and by AD No. 2008/02 of the Kosovo Judicial Council on Unification, the following court fee apply to the present appeal proceedings:

- court fee tariff for the filing of the appeal (Section 10.11 of AD 2008/2): € 30
- court fee tariff for the issuance of the judgment: € 30. This amount is calculated in accordance with Sections 10.21 (related to fees, payable for the issuance of a decision in appeals proceedings), 10.15 (related to fees, payable in cases of dismissal of a suit) and 10.1 (describing the general rule of calculating fees) of AD 2008/2.

These court fees are to be borne by the appellant within 15 days from the day the ruling is delivered to her. Article 47.3 provides that in case the party fails to pay the fee within the deadline, the party will have to pay a fine of 50% of the amount of the fee. Should the party fail to pay the fee in the given deadline, enforcement of payment shall be carried out.

Legal Advice:

Pursuant to Section 13.6 of UNMIK Regulation 2006/50 as amended by Law 03/L-079, this ruling is final and enforceable and cannot be challenged through ordinary or extraordinary remedies.

Anne Kerber, EULEX Presiding Judge

Sylejman Nuredini, Judge

Elka Filcheva - Ermenkova, EULEX Judge

Urs Nufer, EULEX Registrar