

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

**ON THE CASE OF CONFORMITY OF PARTS 1 AND 4 OF ARTICLE 132, POINT 3
OF PART 1 OF ARTICLE 136 OF THE RA ADMINISTRATIVE PROCEDURE CODE
WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF
THE APPLICATION OF LALA ASLIKYAN**

Rapporteur A. Petrosyan

Proceeding from the results of consideration of the case and ruled by Article 100, Point 1, Article 102 of the Constitution of the Republic of Armenia, Articles 63,64 and 69 of the RA Law on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

1. The provision “The judgment on the merits may be appealed before the date of its entry into force ...” of Article 132 Part 1 of the RA Administrative Procedure Code is in conformity with the Constitution of the Republic of Armenia insofar as in consistence with legal positions on the same issue expressed by the Constitutional Court in its DCC-1052, DCC-1062 and DCC-1254 decisions, it guarantees providing the appellant with the judgment in accordance with the procedure and time-period prescribed by law and missing the term for reasons not depending on him/her is declared as valid ex jure, in case of availability of the appropriate motion and evidences.
2. To declare Part 4 of Article 132 of the RA Administrative Procedure Code as contradicting the requirements of Article 61, Part 1 and Article 63, Part 1 of the Constitution (with amendments of 2015) of the Republic of Armenia and invalid in regard to leaving the restoration of the missed term for lodging an appeal for the reasons not depending on an appellant to the discretion of the court and not considering it as valid ex jure, in case of availability of appropriate motion and evidences.
3. Point 3 of Part 1 of Article 136 of the RA Administrative Procedure Code is in conformity with the Constitution of the Republic of Armenia insofar as in consistence with legal positions on the same issue expressed in the DCC-1249 and DCC-1254 Decisions of the RA Constitutional Court it guarantees providing the appellant with the judgment in accordance with the procedure and time-period prescribed by law and the missing of term for the reasons not depending on him/her is declared as valid ex jure in case of availability of appropriate motion and evidences.
4. Pursuant to Article 102, Part 2 of the Constitution of the Republic of Armenia this Decision is final and enters into force from the moment of the announcement.

April 26, 2016
DCC-1268