

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

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

GSK-KPA-A-153/2014

**Prishtinë/Priština,
4 May 2016**

In the proceedings of:

R. A.

Appellant

The KPA Appeals Panel of the Supreme Court of Kosovo composed of Sylejman Nuredini, Presiding Judge, Anders Cedhagen, EULEX Judge and Beshir Islami, Judge, on the appeal against the decision of the Kosovo Property Claims Commission KPCC/D/R/223/2013 (case file registered at the KPA under No. KPA28813), dated 27 November 2013, after deliberation held on 4 May 2016 issues the following

JUDGMENT

The appeal of R. A., against the decision of the Kosovo Property Claims Commission KPCC/D/R/223/2013, regarding case file registered at the KPA under the number KPA28813, dated 27 November 2013, is dismissed as belated.

Procedural and factual background:

1. On 5 June 2007, R. A. (hereinafter: the Appellant) filed a claim with the Kosovo Property Agency (hereinafter: the KPA), seeking the repossession over the apartment with located in Jovana Djordjevica street no.13 in Gjakovë/Djakovica (hereinafter: the claimed property). In his claim he did not mention the surface of the property and stated that the date of the loss of the property was 12 June 1999.
2. To support his claim he provided the KPA with:
 - A handwritten sketched map
3. According to the records of the KPA the Appellant was contacted to submit additional documents to prove his alleged ownership. The Appellant did not submit any further document within given dead-lines.
4. The notification of the claim was carried out on 14 February 2008. The property was found occupied by Ramë Sadik Gashi (hereinafter: the Appellee), who was present at the property. The Appellee did not claim a legal right over the property and signed the notice of participation on the date of notification.
5. On 27 November 2013, the Kosovo Property Claims Commission (hereinafter: the KPCC), through its decision KPCC/D/R/223/2013 refused the claim. In the reasoning of the decision (paragraph 32), the KPCC underlined that the Appellant had failed to submit any evidence that could be verified by the Executive Secretariat, that the alleged property right holder enjoys any property rights over the claimed property.
6. The KPCC decision was served upon the Appellant on 24 February 2014. On 14 April 2014 the Appellant filed an appeal against the KPCC decision.

Allegation of the appellant

7. The Appellant with his appeal requests the Supreme Court of Kosovo to annul the KPCC decision as it is unlawful and was made in violation of the rules of procedure or to amend it in a manner to issue a decision based on established factual situation. The Appellant also asked from the court to provide a decision from 1969, based on which he alleges the claimed property was allocated to him

Legal Reasoning

8. The Appeal is belated. Section 12.1 of the UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property as amended by Law No. 03/L-079 (hereinafter: UNMIK Regulation 2006/50) provides as follows: *“Within thirty (30) days of the notification to the parties by the Kosovo Property Agency of a decision of the Commission on a claim, a party may submit through the Executive Secretariat of the Kosovo Property Agency to the Supreme Court of Kosovo an appeal against such decision”*.
9. The Appellant was served with the decision of the KPCC on 24 February 2014. The Appellant filed the appeal only on 14 April 2014, which means that the appeal was filed outside the time limit provided for by law. The Appellant did not give any reasons for filing a late appeal and the Court cannot detect any reason for the delay.
10. Therefore the appeal had to be dismissed as inadmissible on procedural grounds on the basis of the UNMIK Regulation 2006/50. As a consequence the Supreme Court could not examine the grounds indicated in the appeal.

Legal Advice

Pursuant to Section 13.6 of UNMIK Regulation 2006/50, this judgment is final and enforceable and cannot be challenged through ordinary or extraordinary remedies.

Sylejman Nuredini, Presiding Judge

Beshir Islami, Judge

Anders Cedhagen, EULEX Judge

Sandra Gudaityte, EULEX Registrar