



Press release

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## **Złota 44: Building Permit still to be confirmed by Voivod as Supreme National Court Dismisses Cassation Appeal**

The Złota 44 building permit, which is still valid after the Supreme National Court (NSA) dismissed Orco Property sp. z o.o.'s cassation appeal, must now be confirmed by the Governor of the Mazowieckie Voivodeship. Orco will continue to diligently pursue all legal means available to ensure that construction resumes as soon as possible.

Today's verdict ends the court case that began on June 20, 2008 when a group of seven people appealed to the Governor of Mazowieckie Voivodeship regarding the Złota 44 building permit that was granted on December 5, 2007. Based on this valid building permit, in 2008 Orco spent over 40 million euro starting construction of Złota 44 only to have the building permit subsequently revoked on July 29, 2009. This decision was appealed by Orco on September 23, 2009 thereby suspending the revocation.

"While we were hoping for a final decision confirming the building permit today, we are reassured because the NSA has confirmed the legality of so many essential elements of Złota 44's building permit. **The case records will now be delivered to the Governor of the Mazowieckie Voivodeship, who will re-examine the decision of the President of the City of Warsaw about the building permit.**" – commented Krzysztof Godleś, Orco Development Manager for Poland. .

**Sending the case to the Governor of the Voivodeship is a faster procedure than the option where the NSA sends a case to the Voivodeship Administrative Court. Under the current procedure, the Governor of the Voivodeship is obliged to make a decision regarding the Złota 44 building permit within thirty to sixty days.**

Critically, today's verdict ensures that the **building permit issued by the President of the City of Warsaw is still valid, although not effective.** The Court confirmed that Orco was validly granted the permit for derogation from the legal provisions. Orco submitted complete geological and

engineering documentation to the appropriate authority – the Poviast Geologist, reporting to the President of the City of Warsaw - who accepted it without any objections. However, the authority of the first instance, i.e. the President of the City of Warsaw, passing on the case records to the Governor of the Mazowieckie Voivodship during the appeal, delivered only the first page of the documentation, containing only the confirmation of the delivery of the complete set of documents. As a result of this, the NSA challenged the justification of the Governor's decision, since according to the Court it did not refer to sufficient information.

The second and last objection raised by the NSA was related to the adjustment made in the course of the project works regarding the number of parking spaces to the number of apartments in the building. In the Court's opinion the justification presented by the Governor lacked a sufficient reference to the circumstances.

The Court confirmed that Orco did not commit any errors. All charges of the NSA referred to the formal defects and procedures of the administrative authorities, not the actions of Orco.

“These administrative and judicial delays are not only creating a financial prejudice to Orco but are also causing a major reputational issue for Warsaw and Poland. We request the urgent confirmation of the effectiveness of the permit so as to resume the construction as soon as possible. The project, which was properly processed by Orco, has received the support of many Varsovians and authorities, as specifically demonstrated today by the encouraging comments of the Mayor of Warsaw's Central District, and show the importance of this project ” declared Krzysztof Godleś.

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