

Zoisova 2, 4000 Kranj

St 2704/2019

SKLEP
o začetku stečajnega postopka nad pravno osebo

Okrožno sodišče v Kranju je v stečajnem postopku nad dolžnikom:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o., Brnik - Aerodrom Zgornji Brnik 130 H, 4210
Brnik - Aerodrom

dne 2.10.2019

s k l e n i l o

1. Začne se stečajni postopek nad dolžnikom:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o., Brnik - Aerodrom
Zgornji Brnik 130 H, 4210 Brnik - Aerodrom
matična številka: 5156505000
davčna številka: 51049406

2. Za upravitelja se imenuje Janez Pustatičnik

3. Ugotovi se, da upravitelj opravlja naloge in pristojnosti upravitelja v postopku prek pravnoorganizacijske oblike, ki je v poslovni register vpisana s temi podatki:
INSOLVIA, poslovno svetovanje in storitve, d.o.o.
matična številka: 6262414000

4. Iz proračuna sodišča se opravi plačilo predujma za kritje začetnih stroškov stečajnega postopka v višini:

- 122,00 eurov za kritje pavšalnega nadomestila za objave,
- 2.159,10 eurov za nadomestila upravitelja in kritje drugih stroškov stečajnega postopka, ki se nakaže v dobro fiduciarnega računa stečajnega upravitelja.

Obrazložitev

Dolžnik je vložil predlog za začetek stečajnega postopka, katerega vsebina je v skladu s prvim odstavkom 232. člena ZFPPIPP. Dolžnik je oproščen založitve predujma za kritje stroškov začetka stečajnega postopka v skladu s prvim odstavkom 233. člena ZFPPIPP. Zato je sodišče odločilo, da se iz njegovega proračuna opravijo izplačila, navedena v 4. točki izreka tega sklepa.

Če začetek stečajnega postopka predlaga dolžnik, se po prvem odstavku 234. člena ZFPPIPP domneva, da je dolžnik insolventen. Zato je sodišče odločilo, da se nad dolžnikom začne stečajni postopek (1. točka prvega odstavka 239. člena ZFPPIPP).

Sodišče je s sklepom o začetku postopka tudi imenovalo upravitelja v skladu s prvim odstavkom 115. člena in s 116. členom ZFPPIPP.

Pouk družbenikom dolžnika:

Družbenik dolžnika lahko izpodbija domnevo insolventnosti iz prvega odstavka 234. člena ZFPPIPP s pritožbo proti temu sklepu, ki ji mora priložiti dokaze o tem, da dolžnik ni insolventen (četrti odstavek 234. člena ZFPPIPP).

Pravni pouk:

1. Proti temu sklepu je dovoljeno vložiti pritožbo v 15 dneh. Rok za vložitev pritožbe teče za osebe, ki se jim ta sklep vroči, od dneva vročitve, za druge osebe pa od dneva objave tega sklepa.
2. Pritožbo je treba vložiti pri sodišču, ki je izdalo ta sklep. Vložiti jo je treba v enem izvodu.
3. Pritožba mora obsegati:
 - pravilno številko in datum tega sklepa,
 - izjavo pritožnika, ali sklep izpodbija v celoti ali samo v določenem delu,
 - pritožbene razloge in
 - podpis pritožnika.
4. Če pritožbo vlaga odvetnik, jo mora vložiti v elektronski obliki, podpisani z varnim elektronskim podpisom, overjenim s kvalificiranim potrdilom. Če pritožba ni vložena v elektronski obliki, se zanjo ne uporabljajo pravila o nepopolni vlogi in jo sodišče zavrže (123. a člen ZFPPIPP).
5. V postopku s pritožbo se ne uporabljajo pravila 108. člena ZPP o dopolnitvi nepopolne vloge.
6. Ob vložitvi pritožbe je treba plačati sodno takso. Če sodna taksa ob vložitvi pritožbe ni plačana in je pritožnik tudi ne plača v roku, ki mu ga z nalogom za plačilo takse določi sodišče, ter ni pogojev za oprostitev, odlog ali obročno plačilo sodnih taks, se šteje, da je pritožba umaknjena.

Ta pisni odpravek se ujema z elektronskim izvirnikom sklepa.

Sodnica:
Brigita Porenta



This translation consists of
2 pages/ 4 sheets
No of ver.: 529-2/19
Date: 7 October 2019

Certified translation of the Slovenian language

Document: DECISION on the commencement of bankruptcy proceedings against legal person

REPUBLIKA SLOVENIJA
OKROŽNO SODIŠČE V KRANJU

/REPUBLIC OF SLOVENIA, KRANJ DISTRICT COURT, TN/

Zoisova 2, 4000 Kranj

St 2704/2019

DECISION
on the commencement of bankruptcy proceedings against legal person

The Kranj District Court, in bankruptcy proceedings against the debtor:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o. /*ADRIA AIRWAYS, Slovenian air carrier, Ltd., TN/*, Brnik - Zgornji Brnik Airport 130 H, 4210 Brnik - Airport

on 2 October 2019

reached the following Decision

1. Bankruptcy proceedings are initiated against the debtor:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o., Brnik - Zgornji
Brnik Airport 130 H, 4210 Brnik - Airport
registration No. (MB): 5156505000
tax no.: 51049406

2. Janez Pustatičnik is appointed as the manager.

3. It is established that the manager performs his tasks and responsibilities in the procedure through the legal organisational form, which is entered in the business register with the following information:

INSOLVIA, poslovno svetovanje in storitve, d.o.o.
/INSOLVIA, business consulting and services, Ltd., TN/
registration no.: 6262414000

4. An advance payment is made from the budget of the court to cover the costs of initiating bankruptcy proceedings in the amount of:

- EUR 122.00 to cover the flat-rate fee for publications,
- EUR 2,159.10 to cover the manager's fee and other costs of bankruptcy proceedings, which shall be allocated to the fiduciary account of the bankruptcy proceedings manager.

Explanation

The debtor filed a proposal for the initiation of a bankruptcy proceeding, the contents of which are in accordance with the first paragraph of Article 232 of the ZFPPIPP-a /*Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act, TN/*. The debtor shall be exempt from payment of the advance for covering the costs of bankruptcy proceedings initiation in accordance with the first paragraph of Article 233 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act. Therefore, the court decided to make the payments referred to in point 4 of this dictum from its budget.

If the bankruptcy proceedings are initiated by the debtor, in accordance with the first paragraph of Article 234 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act, the debtor is presumed to be insolvent. Therefore, the court decided to institute bankruptcy proceedings against the debtor (point 1 of the first paragraph of Article 239 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

By the decision on the commencement of the bankruptcy proceedings, the court has also appointed the manager in accordance with the first paragraph of Article 115 and Article 116 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act.

Instruction to the members of the debtor's company:

The member of the debtor's company may dispute the presumption of insolvency from the first paragraph of Art. 234 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act, by filing an appeal to this decision, which must be accompanied with the enclosed evidence proving that the debtor is not insolvent (fourth paragraph of Article 234 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

Legal remedy:

1. An appeal may be filed against this Decision within the deadline of 15 days. The deadline for filing an appeal for the persons to whom this decision is delivered begins to run from the date of delivery, and for other persons, from the date of publication of this Decision.
2. An appeal shall be filed with the court that issued this Decision. It should be filed in a single copy.
3. An appeal must contain the following:
 - Reg.no. and date of this Decision,
 - Appellant's statement whether the Decision is disputed in whole or in part,
 - Grounds for appeal, and
 - Appellant's signature.
4. If an appeal is filed by an attorney, the same must be filed in electronic form, signed with secure electronic signature and certified by qualified certificate. If the appeal is not provided in electronic form, the rules on incomplete submission shall not apply and such appeal shall be rejected by the court (Art. 123.a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).
5. The rules on supplementing incomplete submissions from Article 108 of the Civil Procedure Act shall not apply in the appeal process.
6. When filing an appeal, a court fee must be paid. If the court fee is not paid at the time of filing the appeal and the appellant fails to pay it within the time limit set by the court, and if there are no conditions for exemption from payment of such fee, or for delay or instalment payment of such fee, the appeal shall be deemed withdrawn.

This written copy of the Decision matches the electronic original copy thereof.

Judge:
Brigita Porenta
/handwritten signature/

*/Seal bearing the coat of arms of the
Republic of Slovenia and the following
text:/*

REPUBLIC OF SLOVENIA
KRANJ DISTRICT COURT
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-end of the translation-

I, Marija Jelaska court interpreter for English (Croatian, Slovenian, Polish, Macedonian, Serbian and Bosnian), appointed by the President of the County Court in Split, Croatia Decree No. 4 Su-237/17 of 28 March 2017 and 4 Su-961/2017 of 20 March 2018 do hereby certify that the above translation is a faithful and complete translation of the original document written in the Slovenian language.

No of verification: 529-1/19
Split, 7 October 2019



