

**By the Judgement of 3 February 2021 No. 5-II the Constitutional Court assessed constitutionality of Article 61.2, item 1 and Article 189.40, item 11 of the Federal Law "On Insolvency (Bankruptcy)".**

These provisions were subject to examination since they served as legal basis to recognise void the contract of sale of a living premises concluded by the debtor within one year prior to the acceptance of the application for recognition as bankrupt (taking into account the special procedure for calculating this period for banks) with the buyer - a citizen for whom this living premises is the only one suitable for permanent residence, due to the unequal value of obligations by the citizen as a party to the transaction.

The challenged norms as allowing to recognise such a contract of sale of living premises as invalid as a suspicious transaction with unequal counter-performance of obligations, within one year prior to the adoption of the said application (taking into account the special procedure for calculating this period for banks), are recognised as corresponding to the Constitution of the Russian Federation.

The challenged norms in their connection were recognised to not be in conformity with the Constitution of the Russian Federation insofar as they under the meaning to recognize such a contract of sale of living premises invalid in these circumstances, in the system of current legal regulation do not guarantee an actual receipt by a citizen of the money previously paid by him under this contract, which could be used to meet his need for housing.