

In the first quarter, the Russian Supreme Court clarified how providing false information to a bank when obtaining a loan affects a citizen's ability to be released from debts during insolvency proceedings; it stated that a subsidiary has the right to an extraordinary appeal against a judgement adopted outside of insolvency proceedings, despite not having the status of a creditor or a secured creditor, and clarified how to apply the new rules for calculating stamp duty.

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Case Law Review of Russian Supreme Court for Q1 2026: the most important issues for banks

Discharge of a citizen from debts



What cannot be written off: how providing false information when taking out a loan affects the possibility of from debts during insolvency¹?

Case summary

In the context of a citizen's insolvency case, the debtor's financial administrator made a claim to the court to conclude the property realisation procedure, insisting on the debtor's discharge from further fulfilment of creditors' claims.

Objecting to the claim, the bank (the creditor) demanded that the rule on debt discharge not be applied to the debtor on the grounds that false information regarding income had been provided when the loan was taken out.

Legal issue

The task of the courts in the case in question was to allocate risks correctly and to assess the conduct of the bank and the debtor correctly from the perspective of the principles of good faith and cooperation.



¹ Ruling of the Civil Chamber of the Russian Supreme Court of 12 March 2026 No. 308-ES25-8904.

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The first instance court, in rejecting the financial administrator's claim, noted the deliberate provision of false information regarding income to the bank.

Overturning the lower court's judgement, the Appellate Court and Cassation Court placed the risk of the borrower providing false information regarding income on the bank. The courts pointed out that the bank, as a professional participant in the lending market, had a wide range of tools at its disposal to assess the borrower's creditworthiness.

Position of the Russian Supreme Court

The Russian Supreme Court quashed the judgements of the Appellate Court and the Cassation Court, upholding the judgement of the First instance court, and reached the following conclusions.

The Russian Supreme Court noted that a debtor and a creditor acting in good faith must cooperate with one another, in particular by providing each other with the necessary information. The provision by the debtor to the other party of incomplete or inaccurate information during negotiations on the conclusion of a transaction, as well as the omission of circumstances which, by virtue of the nature of the Contract, must be disclosed to the other party, constitute bad faith conduct.

The debtor, for his part, provided knowingly false information about his own income and significantly exaggerated its amount, thereby (1) breaching the principle of good-faith cooperation, and (2) forfeiting his right to discharge his debts through insolvency proceedings, which would have been available to him had there been no breach.

The fact that the bank had the opportunity to verify the information provided by the borrower does not relieve the latter of the obligation to cooperate in good faith.

Furthermore, the Russian Supreme Court noted that on the same day the debtor took out a loan not only from the bank but also from another credit institution, as a result of which the creditors were unable to check the borrower's credit history, since such information is included in the credit information database within one working day of receiving the details from each of the banks.

Thus, the Russian Supreme Court upheld the interests of the bank, which had reasonably relied on the borrower's good faith, and stated that the legal system should not facilitate the discharge of debts for persons who conduct negotiations contrary to fair business practice.

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Extraordinary Appeal against judgements

A subsidiary company is entitled to an extraordinary appeal against a judgement adopted outside insolvency proceedings, despite not having the status of a creditor or a secured creditor¹.

Case summary

Debts and interest were recovered from a foreign company in favour of a Russian company. On the basis of this judgement, insolvency proceedings were initiated against the foreign company.

As part of the insolvency proceedings against the foreign company, interim relief was adopted restricting the powers of the insolvent company's subsidiary in relation to its property. The adoption of this interim relief was due to the fact that the foreign company holds a share in the subsidiary's authorised capital. The subsidiary, in accordance with Article 42 of the CPC RF and Judgement No. 35(24)² of the Plenum of the Russian Supreme Arbitration Court dated 22 June 2012, which provides for the right to an extraordinary appeal against judgements adopted outside insolvency proceedings, appealed against the judgement.

Legal issue

The courts were faced with the question: is a subsidiary company entitled to appeal against a judgement adopted outside insolvency proceedings if such a subsidiary company is not a creditor of the debtor or a person controlling the debtor?

The Court of Appeal, supported by the Court of Cassation, terminated the proceedings on the grounds that the appellant did not have the right to appeal. In the courts' view, the subsidiary has no right to appeal as it does not have the status of a creditor in the company's insolvency proceedings and is not liable for its debts.

Position of the Russian Supreme Court

The Russian Supreme Court quashed the judgments of the lower courts and referred the case back for consideration of the appeal on its merits, drawing the following conclusions.

¹ Ruling of the Judicial Chamber of the Russian Supreme Court of 22 January 2026 No. 305-ES25-10512.

² "On certain procedural issues relating to the consideration of insolvency cases". This approach is currently confirmed in Judgement No. 40(45) of the Plenum of the Russian Supreme Court dated 17 December 2024 "On certain issues relating to the entry into force of Federal Law No. 107-FL of 29 May 2024 "On Amending the Federal Law "On Insolvency (Bankruptcy)" and Article 223 of the Commercial Procedural Code of the Russian Federation".

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In an insolvency case involving a foreign company, where a subsidiary had filed motions to be joined as a party and to have interim relief set aside, its arguments were countered by the fact of the existence of a debt, confirmed by a judgement in a case in which the applicant had not participated.

In such a situation, the subsidiary should have the opportunity to present arguments and evidence on the issue decided in that case, and the courts were required to rule on how the applicant's right to judicial protection could be ensured.

One way of ensuring the applicant's protection in such a situation is to grant him the right to appeal against the relevant judgement.

The applicant could not be denied the right to appeal the judgement on the grounds that it did not directly affect his rights and legitimate interests, as required by Article 42 of the CPC RF, since:

- the debt awarded by this judgement formed the basis for initiating insolvency proceedings against the parent company;
- within the framework of that case, interim relief was adopted restricting the applicant's rights in respect of the property belonging to it.

The courts wrongly terminated the proceedings on the applicant's appeal on formal grounds, disregarding the arguments put forward by the subsidiary.

Recovery of legal costs

When recovering legal costs from a person acting in both the capacity of a creditor's representative and as chair of the creditors' committee in a separate dispute, it is relevant in whose interests the person was acting¹.

Facts of the case

The chair of the creditors' committee (who also served as the head of one of the creditors) applied to the court for a ruling regarding a dispute concerning the budget for the current expenses of the bank (the debtor). The claim was signed both on behalf of the chair of the creditors' committee and on behalf of the head of the creditor.

¹ Ruling of the Russian Supreme Court dated 28 January 2026 No. 308-ES21-13649(30).

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By a ruling of the first instance court, which was upheld by the appeal and cassation courts, the claim was dismissed.

Subsequently, the bank's insolvency administrator filed a claim for the joint and several recovery from the chairman of the creditors' committee and the creditor (of which the chairman of the creditors' committee was the director) of the legal costs incurred in connection with the consideration of the claim for the resolution of the dispute.

Legal issue

Given that the applicant acted simultaneously as the chair of the creditors' committee and as the head of one of the creditors, The courts were required to rule on whose rights and legitimate interests the applicant was acting to protect when applying to the court for the resolution of disputes, as this issue was of material importance for determining the appropriate party from whom court costs should be recovered.

The courts of three instances concluded that the applicant was acting on behalf of the creditors' committee, since (1) the applicant is not a creditor himself and (2) he is authorised to represent the interests of the creditors' committee, which does not bear the legal costs. Consequently, the claim for legal costs was dismissed.

Position of the Russian Supreme Court

The Russian Supreme Court quashed the decisions of the lower courts and remitted the case for reconsideration, supporting its position with the following explanations.

Firstly, the Russian Supreme Court noted that the case files contained decisions of the creditors' committee regarding the approval of the budget for current expenses, which had not been examined by the lower courts. Since these documents did not receive a proper legal assessment, the courts failed to establish the actual intention of the creditors' committee regarding the budget for current expenses submitted for approval for the disputed periods.

Consequently, the courts' conclusion that the applicant acted in the interests of the creditors' committee and should not bear the legal costs cannot be regarded as reliable.

Secondly, the Russian Supreme Court drew attention to the inconsistency in the courts' position regarding the recognition of the applicant as a party to the insolvency proceedings. On the one hand, such a party was not considered to be a principal

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party to the insolvency proceedings, nor a party to the arbitration proceedings in the insolvency case. On the other hand, the claim for the resolution of contradictions was considered on its merits.

Taking into account the conclusions of the Russian Supreme Court, it appeared necessary to establish in what capacity and in defence of whose rights and legitimate interests a person vested with powers of a different nature acts.

Thus, if a person, as a representative of the creditors' committee, applied to the Commercial Court with a claim differing from the creditors' committee's position, there are no grounds to regard them as acting in the interests of the creditors' committee.

Consequently, in such a case, the court costs would be borne by the creditor of which the applicant was the head.

Calculation of state fees when filing a claim

The new rules for calculating court fees apply only to the amount of the claims increased following the reform, and not to the total value of the claim¹.

Facts of the case

In March 2024, the claimant filed a claim seeking to recover 55 million roubles from the defendant and paid the maximum state duty applicable at the time of filing the claim, amounting to 200,000 roubles²

In September 2024, the rules for calculating state fees payable upon filing a claim were amended³. Thus, Article 333.21(1) of the Tax Code of the Russian Federation was revised — the amount of the state fee for filing a property-related claim subject to valuation was increased and is calculated based on the value of the claim.

At the last court hearing, held in October 2024, the claimant increased the claim by 2 million roubles.

The first instance court dismissed the claim and ordered the claimant to pay the outstanding state duty (in connection with the claimant's increase in the amount of the claim).

¹ Ruling of the Russian Supreme Court No. 307-ES25-13365 of 19 February 2026.

² The maximum amount of state duty when filing a claim of a pecuniary nature subject to valuation, in accordance with sub-clause 1 of clause 1 of Article 333.21 of the Tax Code of the Russian Federation in the version in force at the time of filing the claim.

³ See: Not Numbers, but Skill: What the Increase in Court Fees Has Led To // Legal Work in a Credit Organisation. 2025. No. 1.

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The claimant disagreed with the judgement of the first instance court, including regarding the correctness of the calculation of the court fee, and appealed against the judgement.

Legal issue

In the case in question, the courts considered the issue of how to correctly determine the amount of state duty to be recovered from the claimant in the event of an increase in the claims:

- the first option – to calculate the state duty under the new rules based on the total amount of the claims (57 million roubles) and deduct the state duty already paid (200,000 roubles);
- the second option – to calculate the state duty under the new rules only on the amount by which the claims have been increased (from 2 million roubles), rather than on the total value of the claim.

The first instance courts, Appellate Court and cassation held that the first method of calculating the state duty was correct.

Position of the Russian Supreme Court

The Russian Supreme Court overturned the judgements of the lower courts regarding the calculation of the state duty and concluded that the second method of calculation is correct.

Thus, pursuant to Article 19(28) of Law No. 259-FL¹, the provisions of Article 333.21 of the Tax Code of the Russian Federation apply to cases initiated on the basis of claims and complaints submitted to the court after the date on which those provisions came into force (i.e. from 9 September 2024). The new rates of state duty established by Law No. 259-FL cannot be applied to claims filed before the amendments came into force.

Accordingly, since, following the reform of state fees, the claimant increased the amount of the claim by 2 million roubles, the court was required to rule on the amount of the state fee at the new rates only on this sum, and not on the total value of the claim filed by the claimant prior to the amendments to the tax legislation.

Any other interpretation would have meant applying the new rate of state duty to the entire amount of claims brought before the amendment to the tax legislation, which would effectively have given the provisions adopted in the new version retroactive effect and would have worsened the taxpayer's position.

¹ Federal Law No. 259-FL of 8 August 2024 "On Amending Sections One and Two of the Tax Code of the Russian Federation and Certain Legislative Acts of the Russian Federation on Taxes and Levies".