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К вопросу о позиции кредитной организации в деле о банкротстве заемщика

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При рассмотрении дел о банкротстве арбитражным судом одно из ключевых значений придается позиции кредитора, поскольку именно решения собраний кредиторов призваны определять судьбу должника. Собственно, и качество контроля за деятельностью арбитражного управляющего зависит от позиции кредиторов, особенно тех, кто получил большинство голосов для принятия решений. Изучая конкурсный процесс, невозможно не затрагивать тему мотивов и логических предпосылок поведения кредиторов в рамках процесса и вне его. Авторы настоящей статьи анализируют те принципы и мотивы позиции кредитных организаций при банкротстве, которые чаще всего приводят должников в конкурсное производство.

Ключевые слова: банкротство, кредитные организации, оздоровительные процедуры, резервы, возможные потери по ссудам, Банк России, позиция кредитора, мажоритарный кредитор, решения собраний, контроль в процедуре.

**ON THE ISSUE OF A CREDIT ORGANIZATION POSITION
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When considering bankruptcy cases by an arbitration court, one of the key values is given to the position of the creditor, because the decisions of the meetings of creditors are designed to determine the fate of the debtor. Actually, the quality of control over the activities of the insolvency practitioner depends on the position of creditors, especially those who received the majority of votes for making decisions. Moreover, proceeding from the adversarial principle of the arbitration process, the result of one or another separate dispute entirely depends on the participation of creditors in it, who present evidence to the court, substantiate their positions, petition the court to request certain evidence, monitor the fulfillment of the duties imposed on the law on the bankruptcy commissioner. The active position of creditors always pursues the same goal — to obtain satisfaction of claims at the expense of the debtor's property, which is available at the very beginning and which can be obtained as a result of measures provided for by law for a particular bankruptcy procedure.

So, when we are studying the bankruptcy process, it is impossible not to think about of those motives and logical prerequisites for the behavior of creditors within the process and outside it. The insolvency process itself does not exist in isolation, outside the legal and economic reality, it is, of course, associated with other processes that encourage participants in legal relations to do this and not otherwise. The authors of this article analyze the principles and motives of the position of credit institutions in bankruptcy, which most often bring debtors into bankruptcy proceedings.

Keywords: bankruptcy, credit institutions, health procedures, reserves, possible loan losses, Bank of Russia, creditor position, majority creditor, decisions of meetings, control in the procedure.