

From: Vakhtang Machavariani <v.s.machavariani@vtb.ge>
To: "amcro@adb.org" <amcro@adb.org>,
Date: 20/10/2016 04:10 PM
Subject: to Complaint Receiving Officer

Dear Sir / Madam,

I have to file this complaint, as my applications to ADB representative office in Tbilisi, Georgia, had not given any results.

The project: Rustavi-Tbilisi Highway (Georgia) - financed and leaded by Asian Development Bank.

I am an owner of the land plot and construction of Rustavi-Tbilisi Highway closed the access to my land plot. I applied to the ADB representative office in Tbilisi, but their answer was, that due to some technical norms they could not open direct access to my land plot (please see attachments). This was harmful for me, for my business. After some time I was informed, that there were some exceptions from that technical rules for other land plots nearby.

After I applied to the ADB representative office in Tbilisi in regard to a slope from the bypass road of Tbilisi (the so-called Gachiani road) (please see attachments).

There was a rise-slope from the road to my land plot, which was not subject to destruction. The rise-slope was not from the high-speed line. Representatives of the Municipal Development Fund of Georgia (who are in charge of construction) many times promised, that the slope from the ramp of the bypass road would certainly remain and that it would be possible without hindrance to go down by any kind of vehicle from the ramp directly to our land plot (to the newly constructed secondary road). The Fund was aware of this our demand from the very beginning and their clear promise was, that the slope would not be cancelled. A corresponding permit had been obtained from the relevant state authorities in regard to the mentioned slope.

The road was destructed in result of the works proceeded by the Fund. One cannot get to the territory of our plot by the road from the direction of Gachiani unless he/she makes a roundabout way of several kilometers. Consequently, the motor vehicles driving from the roundabouts will undoubtedly get on territories of competitor companies.

It should be taken into consideration, that the plots are of commercial purpose (a car market is arranged there, which required several million investment in due time). There are two other rival car markets on the nearby territory. Whereas the Fund and the Asian Development Bank created all conditions to these two car markets, and rise-slopes were constructed directly from the high-speed highway as they desired, we are placed in an absolutely uncompetitive condition, and even the existing slope from the non-high-speed ramp of the roundabout way was cancelled. I had leased my land plot to the "Caucasus Auto Center" LLC, and director of the company told us, that they would probably terminate the lease contract if the issue of the road is not settled. I am pensioner and the lease amount is my only real source of income.

According to our information, the Asian Development Bank is functioning under the principle, that the state of already existing business should not be worsened. In our case not just worsening happened, but we are intentionally placed in a very disadvantageous state in comparison with our competitors. This looks very much like creation of an artificial obstacle and attempt to destroy business.

Nurzhan Jumabaev (ADB safeguard officer) knows about our problem. He saw the place himself and I sent him information by e-mail, but I have no feedback from him or ADB Tbilisi office. I have some

response from MDF. Sending you translation of my response to their response (please see attached). I'm ready to translate also MDF response to me in English and send to you, if you find it necessary.

We kindly ask you to learn deeply the case and order ADB Tbilisi office to give appropriate sum to Municipal Development Fund of Georgia to re-construct the slope from the ramp so that a car (and truck also) driving from the "Gachiani road" (Tbilisi bypass highway) might directly get to the secondary road adjacent to my land plot: There are all technical capabilities for that (it is also possible to make an acceleration line as well), however, we had consultations with specialists (of the Roads Department and Patrol Police), and it is possible to make a slope even without addition of the acceleration line. In any case, with acceleration line or with not, the budget of this reconstruction won't be much.

Kind Regards,

Simon Machavariani