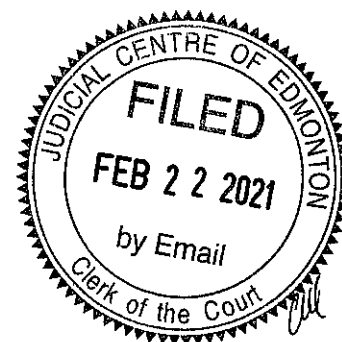


Clerk's stamp:



COURT FILE NUMBER 1803-23072  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF HSBC BANK OF CANADA  
DEFENDANTS CHATUR HOLDINGS LTD., GLOBE IMPORTS (ONTARIO) LTD., 895102 ALBERTA LTD., FARHAN CHATUR, NAZIR JAVER, FEIZAL CHATUR, AL-KARIM CHATUR, SALIM CHATUR, AMIRALI CHATUR, ZARIAN CHATUR and NASSIM CHATUR

COURT FILE NUMBER Q.B. No. 24-2476632  
Estate No. 24-2476632  
JUDICIAL CENTRE EDMONTON  
APPLICANT THE BOWRA GROUP INC.  
STYLE OF CAUSE IN THE MATTER OF THE BANKRUPTCY OF CHATUR HOLDINGS LTD.

COURT FILE NUMBER Q.B. No. 32-2483613  
Estate No. 32-2483613  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
APPLICANT THE BOWRA GROUP INC.  
STYLE OF CAUSE IN THE MATTER OF THE BANKRUPTCY OF GLOBE IMPORTS (ONTARIO) LTD.

**DOCUMENT**

**APPLICATION**

**ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT**

**LICENSED INSOLVENCY TRUSTEE**

Doug Chivers / Kristin Gray  
The Bowra Group Inc.  
1411 TD Tower  
10088 – 102<sup>nd</sup> Avenue NW  
Edmonton, ATB T5J 2Z1  
Phone: 780.705.0073  
Fax: 780.705.1946  
Email: kgray@bowragroup.com

**COUNSEL**

Jerritt Pawlyk  
DLA Piper (Canada) LLP  
Barristers and Solicitors  
Suite 2700, Stantec Tower  
10220 – 103<sup>rd</sup> Avenue NW  
Phone: 780.429.6835  
Fax: 780.670.4329  
Email: Jerritt.pawlyk@dlapiper.com  
File No.: 063227-00011

**NOTICE TO RESPONDENT(S)**

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Master.

To do so, you must be in Court when the application is heard as shown below:

<b>Date:</b>	March 2, 2021
<b>Time:</b>	2:00 p.m.
<b>Where:</b>	Edmonton Law Courts 1A Sir Churchill Square Edmonton, AB, T5J 0R2
<b>Before Whom:</b>	The Honourable Mr. Justice D.S. Dunlop

**Go to the end of this document to see what else you can do and when you must do it.**

**Remedy claimed or sought:**

1. An Order in substantially the form attached hereto as Schedule "A":

- (a) approving the Second Report of The Bowra Group Inc. (the "**Bowra**"), in their capacity as Receiver and Licenced Insolvency Trustee of Chatur Holdings Ltd. ("**Chatur**") and Globe Imports (Ontario) Ltd. ("**Globe**") (Chatur and Globe are collectively referred to herein as the "**Company**") and approving Bowra's activities as described in the Second Report of the Trustee;
- (b) granting an Order:
  - (i) extending the Order granted by Justice Mah on August 5, 2020 with respect to the suspension of all limitation periods, respecting potential claims by the Receiver and Trustee (as defined below), and any creditor with respect to transfers, conveyances, preferences and conveyances at under value of any property of the Company (the "**Questioned Transactions**") including without limitation, claims arising pursuant to Sections 95 to 101 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (the "**BIA**"), the *Fraudulent Preferences Act*, RSA 2000, c F-24 and the *Statute of Elizabeth*, 1571 (UK), 13 Eliz I, c 5; and
  - (ii) abridging, if necessary, the time for service of this Application and deeming service good and sufficient.
- (c) granting such further and other relief as this Honourable Court deems just in the circumstances.

**Grounds for making this application:**

- 2. On December 12, 2018, HSBC Bank of Canada, the Company's senior secured lender, appointed Bowra Receiver of the Company by Order of the Court of Queen's Bench of Alberta (the "**Receiver**").
- 3. Subsequently, on February 20, 2019, Bowra, as the Receiver of Chatur, assigned Chatur into Bankruptcy. On March 8, 2019, Bowra, as the Receiver of Globe, assigned Globe into Bankruptcy. Bowra was appointed Licenced Insolvency Trustee (the "**Trustee**") of both Chatur and Globe.
- 4. The BIA empowers the Trustee to make inquiries and report upon any transactions to which sections 95 to 101 of the BIA may apply.
- 5. On August 5, 2020 the Honourable Mr. Justice Mah granted an Order:
  - (a) suspending all limitation periods applicable against the Receiver, Trustee and the creditors of the Debtor to commence actions pursuant to the provisions of the BIA, the FPA, the Statute or any other provincial legislation or regulations in force in Alberta, Ontario or Canada to challenge, set aside or impugn any Questioned Transactions until March 5, 2021, except as may be extended by further Order of this Honourable Court;
  - (b) granting the Receiver and Trustee the power and authority to conduct examinations of any person reasonably thought to have knowledge of the Questioned Transactions or any one or more of them all in the manner and subject to the limitations as provided to a Trustee in bankruptcy pursuant to section 163 of the BIA; and
  - (c) approving and ratifying the First Report to Court of the Receiver and the Trustee;
- 6. It continues to be questionable whether the effort and expense in pursuing further investigations and possible applications to set aside the Questioned Transactions would provide any benefit to the creditors of the Company.

7. Bowra, in its capacity as Receiver and Trustee proposes that all rights of the parties be preserved including rights to bring applications to set aside the Questioned Transactions until it is determined whether such proceedings would result in a benefit to the creditors of the Company.

**Material or evidence to be relied on:**

8. The Order granted by Justice D.R. Mah on August 5, 2020 and filed on September 22, 2020.
9. The Second Report of the Receiver and the Trustee, to be filed.
10. Such further and other material as counsel may advise and this Honourable Court may allow.

**Applicable rules:**

11. *Alberta Rules of Court*, Rules 1.2, 1.4, 6.1, 6.2 and 11.27.

**Applicable Acts and regulations:**

12. *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, including, but not limited to, sections 95 to 101 and 163;
13. *Fraudulent Preferences Act*, RSA 2000, c F-24; and
14. *Statute of Elizabeth*, 1571 (UK), 13 Eliz I, c 5, c F.29.

**Any irregularity complained of or objection relied on:**

15. Not applicable to this Application.

**How the application is proposed to be heard or considered:**

16. By Webex hearing, before the Honourable Mr. Justice D.S. Dunlop.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

**SCHEDULE "A"**

[Proposed form of Order]

Clerk's stamp:

COURT FILE NUMBER 1803-23072  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF HSBC BANK OF CANADA  
DEFENDANTS CHATUR HOLDINGS LTD., GLOBE IMPORTS (ONTARIO) LTD., 895102 ALBERTA LTD., FARHAN CHATUR, NAZIR JAVER, FEIZAL CHATUR, AL-KARIM CHATUR, SALIM CHATUR, AMIRALI CHATUR, ZARIAN CHATUR and NASSIM CHATUR

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DOCUMENT

ORDER

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LICENSED INSOLVENCY TRUSTEE

Doug Chivers / Kristin Gray  
The Bowra Group Inc.  
1411 TD Tower  
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Phone: 780.705.0073  
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COUNSEL

Jerritt Pawlyk  
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Suite 2700, Stantec Tower  
10220 – 103<sup>rd</sup> Avenue NW  
Phone: 780.429.6835  
Fax: 780.670.4329  
Email: Jerritt.pawlyk@dlapiper.com  
File No.: 063227-00011

**DATE ON WHICH ORDER WAS PRONOUNCED:** March 2, 2021

**LOCATION WHERE ORDER WAS PRONOUNCED:** Edmonton, Alberta

**NAME OF JUSTICE WHO MADE THIS ORDER:** The Honourable Mr. Justice D.S. Dunlop

**UPON THE APPLICATION** of The Bowra Group Inc. in its capacity as Court Appointed Receiver (the "Receiver") of Chatur Holdings Ltd. ("Chatur") and Globe Imports (Ontario) Ltd. ("Globe") (Chatur and Globe are collectively referred to herein as the "Debtor"); **AND UPON THE APPLICATION** The Bowra Group Inc. in its capacity as Licenced Insolvency Trustee of Chatur and Globe pursuant to Section 49 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 ("BIA") (the "Trustee"); **AND UPON** reading the Second Report to Court of the Receiver and the Trustee filed in these proceedings (the "Second Report"); **AND UPON** noting that prior to the commencement of these proceedings, property of the Debtor was transferred, charged or otherwise dealt with in circumstances which may give rise to transactions that could be challenged by the Trustee or creditors of the Debtor (the "Questioned Transactions"); **AND UPON** noting that further investigation is required in order to determine if the Trustee ought to apply to this Honourable Court

to set aside or otherwise impugn the Questioned Transactions; **AND UPON** noting that the Trustee's authority to challenge any of the Questioned Transactions is pursuant to Sections 95-101 of the BIA, and Provincial legislation including, without limitation the *Fraudulent Preferences Act*, RSA 2000, c F-24 (the "FPA") and the *Statute of Elizabeth, 1571* (UK), 13 Eliz I, C 5 (the "**Statute**") and that creditors of the Debtor may have additional ability to challenge the Questioned Transactions under provincial or other legislation; **AND UPON** noting that on August 5, 2020 the Honourable Mr. Justice Mah granted an Order suspending all limitation periods applicable against the Receiver, Trustee and the creditors of the Debtor to commence actions pursuant to the provisions of the BIA, the FPA, the Statute or any other provincial legislation or regulations in force in Alberta, Ontario or Canada to challenge, set aside or impugn any Questioned Transactions until March 5, 2021; **AND UPON** noting that it would be desirable to extend the suspension of the operation of all limitation periods until the economic benefit of challenging any of the Questioned Transactions can be determined; **UPON** hearing counsel for the Receiver and Trustee, counsel for the Debtor, and counsel for certain creditors of the Debtor; **AND UPON** being advised of the consent of counsel for Chatur, Globe, 895102 Alberta Ltd., Farhan Chatur, Nazir Javer, Feizal Chatur, Al-Karim Chatur, Salim Chatur, Amirali Chatur, Zarian Chatur And Nassim Chatur; **AND UPON** being advised by counsel for the Receiver and the Trustee of service of this Application and the Second Report to Court of the Receiver and the Trustee;

**IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. Service of notice of this Application and all materials in support by the method described in the Affidavit of Service filed in support of this Application be and is hereby deemed good and sufficient, no other person is required to have been served with notice of this Application, the time for service of the said documents is abridged to the time actually given and the requirement for further service thereof is hereby dispensed with.
2. All limitation periods applicable against the Receiver, Trustee and the creditors of the Debtor to commence actions pursuant to the provisions of the BIA, the FPA, the Statute or any other provincial legislation or regulations in force in Alberta, Ontario or Canada to challenge, set aside or impugn any Questioned Transactions continue to be suspended and tolled until September 5, 2021, except as may be extended by further Order of this Honourable Court.
3. The Second Report and the activities of the Receiver and Trustee as described therein are hereby ratified and approved.
4. This Court requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada to give effect to this Order and to assist the Trustee and



the Receiver, and their respective agents in carrying out the terms of this Order. All courts, tribunals, and regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Trustee and the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order, or to assist the Trustee and the Receiver and their respective agents in carrying out the terms of this Order.

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**JUSTICE OF THE COURT OF QUEEN'S  
BENCH OF ALBERTA**