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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

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File No.: 063227-00011/SOT

**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:

Date:	August 5, 2020
Time:	10:00 a.m.
Where:	Edmonton Law Courts 1A Sir Churchill Square Edmonton, AB, T5J 0R2
Before Whom:	The Honourable Mr. Justice D.R. Mah

**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:

- (a) approving the First 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 First Report of the Trustee;
- (b) granting an Order for:
  - (i) 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;
  - (ii) granting to the Trustee the power and authority to conduct examinations of any person reasonably thought to have knowledge of the Questioned Transactions in the manner, without the requirement of an ordinary resolution passed by the creditors of the Company, and subject to the limitations as provided to a Trustee in Bankruptcy pursuant to s.163 of the BIA; and
  - (iii) 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. At the present stage of the Bankruptcy proceedings, it is 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.
6. In the circumstances, 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.
7. The Trustee is requesting, without the requirement of an ordinary resolution passed by the creditors of the Company, additional powers of investigation by allowing the Trustee to examine any party having knowledge of the Questioned Transactions in the manner set out in s.163 of the BIA.

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

8. The First Report of the Receiver and the Trustee, to be filed.
9. Such further and other material as counsel may advise and this Honourable Court may allow.

**Applicable rules:**

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

**Applicable Acts and regulations:**

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

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

14. Not applicable to this Application.

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

15. By Webex hearing, before the Honourable Mr. Justice D.R. Mah.

**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.