

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Royal Bank of Canada, Applicant

AND:

Suhanna Freight Services Inc., 2815872 Ontario Inc., 2826466 Ontario Inc., Randeep Mann, Vibhu Annaswamy, Onka Bagga, and Surinder Ghuman, Respondents

BEFORE: Kurz J.

COUNSEL: Rachel Moses, for the Applicant

No one appeared for the respondents

HEARD: 2024-10-22

ENDORSEMENT

[1] This is an application for a receivership order as well as judgment against a number of Respondents. The personal Respondent, Jasdeep Mann (“Mann”) was served on October 9, 2024 by service on a person who appeared to be a member of his household, with another copy mailed to him the following day.

[2] The other personal Defendants have counsel, Michael Cohen, who indicated to counsel for the Applicant, RBC, that his clients are not opposing the order and judgment being requested by RBC. However, his clients wished to obtain the consent of the proposed receiver, msi Spergel Inc. (“Spergel”) to the continuance of their action against Mann and Suhanna Freight Services.

[3] Counsel for Spergel has indicated in her email exchange with Michael Cohen, of October 21, 2024 that Spergel will consent to the action continuing subject to the following:

- a. If the receiver does not defend the action, it shall not be subject to discovery or production documents nor shall any costs be awarded against it; and
- b. Any judgment obtained shall not be enforced against Suhanna Freight Services Inc. without further order of this court or consent of the receiver.

[4] Mr. Cohen accepted those terms.

[5] With regard to service on the corporate Respondents, each was served by ordinary mail at the locations listed as their head offices with the Ministry of Public and Business Service Delivery. Personal service was attempted at those locations but they were not in fact those corporations' places of business. If necessary I approve the method of service on those corporate Respondents.

[6] I find that it is appropriate in the circumstances set out in the application materials to make the order requested. RBC is a secured creditor of the Respondents. The Respondents are in default of the credit agreements and GSA. The proper payment demands and notices have been served, with no further payments made. Accordingly, I find that the Respondents are insolvent. The applicable GSA grants RBC the right to appoint a receiver over all of the property of the Respondents in the event of default.

[7] I agree with RBC that a receiver is required to preserve the property of the Respondents, complete an orderly sale of that property, and ensure that the proceeds of such sale or sales are applied appropriately to the Respondents' obligations. Further, the appointment of a receiver is necessary to deal with any subsequent claims to the proceeds.

[8] I add that Spergel has consented to its appointment as receiver in these proceedings.

[9] Order to go appointing Spergel as a receiver per the terms of the draft order, which I have signed.

[10] Order to go for judgment per draft judgment, as amended as to costs (with the consent of counsel for the Applicant), which I have signed.

[11] Ms. Moses will arrange for service of my endorsement upon the Respondents not represented by Mr. Cohen and place affidavits of service of my endorsement on Caselines.

A handwritten-style electronic signature in black ink, consisting of a series of connected loops and strokes.

Electronic Signature of Justice Marvin Kurz

Date: 2024-10-22