

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
[COMMERCIAL LIST]**

THE HONOURABLE ) TUESDAY, THE 18th  
 )  
JUSTICE KIMMEL ) DAY OF OCTOBER 2022  
 )

B E T W E E N:

**THE TORONTO-DOMINION BANK**

Applicant

- and -

**9052526 CANADA INC.**

Respondent

APPLICATION UNDER SUBSECTION 243(1) OF THE BANKRUPTCY AND  
INSOLVENCY ACT, R.S.C. 1985, c B-3, AS AMENDED, AND SECTION 101 OF THE  
COURTS OF JUSTICE ACT, R.S.O. 1990, C.43, AS AMENDED

**ORDER**

**THIS MOTION**, made by BDO Canada Limited, in its capacity as Court-appointed receiver (the “**Receiver**”), without security, of all of the undertakings, properties and assets of 9052526 Canada Inc. (the “**Debtor**”), for an order, *inter alia*:

1. compelling Sad Alam Sheikh, a/k/a Saad Sheikh. (“**Mr. Sheikh**”) to deliver to the Receiver certain information in respect of the business of the Debtor within two (2) business days of this Order;
2. compelling 1890194 Ontario Inc. o/a Jamuna Foods (“**Jamuna**”) and all of its directors, officers, shareholders employees, representatives and any other person affiliated with Jamuna to grant access to the Receiver to its premises to remove the Debtor’s Chattels (as defined herein), and authorizing and directing the Receiver to enlist the assistance of the

law enforcement authorities to assist the Receiver in carrying out access to the Premises and repossession of the Debtor's Chattels; and

3. compelling 11347314 Canada Inc. o/a Victoria Supermarket ("**Victoria Supermarket**") and all of its directors, officers, shareholders employees, representatives and any other person affiliated with Victoria Supermarket to report to the Receiver as to inventory acquired from the Debtor after June 24, 2022 and to pay any and all amounts due or coming due to the Debtor to the Receiver,

was heard virtually by "Zoom" videoconference on this day in Toronto, Ontario.

**ON READING** the First Report and the appendices thereto, and on hearing the submissions of counsel for the Receiver and such other counsel as listed on the counsel slip, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Amanda Adamo sworn October 12, 2022, filed:

1. **THIS COURT ORDERS** that the time for service of the notice of motion and motion materials in respect of this motion is hereby abridged and validated so that this application is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that Mr. Sheikh is hereby directed to deliver to the Receiver the following documentation by no later than October 24, 2022:

- a. copies of all customer invoices that comprised the accounts receivable of the Debtor outstanding as at June 24, 2022 (the "**Receivership Effective Date**"), and any accounts receivable rendered thereafter (collectively, the "**Accounts**"; and each, an "**Account**"); and
- b. a comprehensive list detailing all information in respect of all Accounts, including (to the extent not included on the face of the Accounts) (i) the contact person and contact details of each Account payor; (ii) an itemized list of the goods and/or services included in each such Account; (iii) quantum of each Account; and, (iv) any payment terms extended to an Account payor not reflected on an Account; and

- c. an accounting of all financial transactions of the Debtor (or made by Mr. Sheikh on behalf of the Debtor) recorded in the Debtor's bank statements or elsewhere, taking place on and after the Receivership Effective Date, including disclosing the name and contact information for any recipient of funds.

3. **THIS COURT ORDERS** that the Receiver may, by delivering a notice of examination on reasonable notice to such person, require Mr. Sheikh or any person receiving payments through the financial transactions referenced in paragraph 2(c) above to sit for an examination under oath in respect of any of the matters set out in paragraph 2 hereof or any matter pertaining to the assets, undertakings or business of the Debtor.

4. **THIS COURT ORDERS** that the Receiver is entitled to possession of those assets of the Debtor enumerated in schedule "A" hereto (collectively, the "**Debtor's Chattels**").

5. **THIS COURT ORDERS** that Jamuna and all of its directors, officers, shareholders, employees, representatives and any other person affiliated with Jamuna be and are hereby directed, upon being provided with a copy of this Order, to grant to the Receiver (as well as its representatives, bailiffs, and such other person as the Receiver may designate) immediate and continuing access to the premises located at 760 Birchmount Road – Unit 42, Scarborough, Ontario (the "**Premises**"), for the limited purpose of removing the Debtor's Chattels. Notwithstanding the foregoing, this Court orders that (i) access to the Premises shall be given between the hours of 9:00am and 5:00pm (Toronto time) unless otherwise agreed to by Jamuna, provided that Jamuna shall have no ability to deny access during such times; and, (ii) in removing the Debtor's Chattels from the Premises, the Receiver and its representatives shall do so in a workmanlike manner, exercising prudent care, so as to interfere with the affairs of Jamuna as little as possible

6. **THIS COURT ORDERS** that the Receiver and its representatives and/or its bailiffs may use the means necessary to carry out the provisions of paragraph 5 of this Order and obtain possession of the Debtor's Chattels including, where necessary, entering into any locked premises, and the police, the sheriff or other law enforcement entities of the Ontario jurisdiction, including but not limited to the Toronto Police Service, shall assist the Receiver and its agents in obtaining possession of the Debtor's Equipment, and this Order shall be sufficient authority for the Receiver

to request the cooperation of the police or sheriff and no further order, writ or other document shall be required.

7. **THIS COURT ORDERS** that Victoria Supermarket and all of its directors, officers, shareholders employees, representatives and any other person affiliated with Victoria Supermarket be and are hereby directed, upon being provided with a copy of this Order by way of email to [management@victoriasupermarket.ca](mailto:management@victoriasupermarket.ca), to:

- a. provide to the Receiver a current list of the inventory acquired from the Debtor by Victoria Supermarket after June 24, 2022, detailing inventory sold and held by Victoria Supermarket, updated weekly by email to the Receiver; and
- b. pay any and all amounts due or coming due to the Debtor to the Receiver, including but not limited to any amounts payable in respect of the five (5) invoices issued by the Debtor to Victoria Supermarket attached to the First Report as Appendix “M” or any future or other invoices.

8. **THIS COURT ORDERS** that this Order is effective from today’s date and is enforceable without the need for entry and filing.

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**SCHEDULE "A"**  
**DEBTOR'S CHATTELS**

| <b>I#</b> | <b>QTY</b> | <b>PIC</b> | <b>DESCRIPTION</b>   | <b>MODEL</b> | <b>S/N</b>    |
|-----------|------------|------------|--|--------------|---------------|
| 1         | 1          | 1-7        | WALKER IN FREEZER, DIMENSIONS (L,W,H) 76' X 48' X 16', 1 MAN DOOR, 1 DRIVE IN DOOR, (3) 3-FAN EVAPORATORS, (2) ROOF MOUNTED CONDENSERS, 2019 | N/A          | N/A           |
| 2         | 1          | 8-16       | LOT OF PALLET RACKING  | N/A          | N/A           |
| 3         | 1          | 17         | <b>RAYMOND</b> , 2500 LBS., 24 VOLT, BATTERY POWERED REACH TRUCK, 205" MAXIMUM LIFT  | FASI-DR-25TT | ET-D-01-10118 |
| 4         | 1          | 18         | <b>CROWN</b> , 2500 LBS, 24V, BATTERY POWERED, HIGH MAST, WALKIE, 154" MAXIMUM LIFT  | ST300-25     | 5A552902      |
| 5         | 2          | 19-20      | <b>TOYOTA</b> , 4500 LBS, 24V, BATTERY POWERED, WALKIE   | 8HBW23       | 268229 13960  |
| 6         | 1          | 21         | <b>FERRO</b> , 48 VOLT, BATTERY CHARGER, 575/3/60  | VFR24L510    | MPI-259-307   |
| 7         | 1          | 22         | <b>CD TECHNOLOGIES</b> , 24 VOLT, BATTERY CHARGER, 575/3/60  | FR12L550A    | CPIC9013378   |
| 8         | 1          | 23         | <b>EXIDE</b> , 24 VOLT, BATTERY CHARGER, 575/3/60  | 6P12-3-800   | 128266        |

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**Court File No. CV-21-00667820-00CL**

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
**[COMMERCIAL LIST]**

**Proceedings commenced at Toronto**

**ORDER**

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