

Clerk's Stamp

COURT FILE NO.

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, RSC
1985, C C-8, AS AMENDED

AND IN THE MATTER OF THE BANKRUPTCY OF MAHINDRA
JEWELLERS (AB) LTD.

APPLICANT YES PLAN AUTO FINANCE INC.

RESPONDENT MAHINDRA JEWELLERS (AB) LTD.

DOCUMENT **ORIGINATING APPLICATION (BANKRUPTCY ORDER)**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION
OF PARTY
FILING THIS
DOCUMENT

OGILVIE LLP
Barristers and Solicitors
#2800, 10220 – 103 Avenue NW
Edmonton AB T5J 0K4
Attention: Susy Trace
Phone: 780-429-6246
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Email: strace@ogilvIELAW.com
File: 73634.1 ST

NOTICE TO THE RESPONDENTS

This application is made against you.

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

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

Date: Wednesday December 17, 2025

Time: 2:00PM

Where: Virtual Courtroom 86
Edmonton Law Courts Building
1A Sir Winston Churchill Square
Edmonton, Alberta
Webex video link

<https://albertacourts.webex.com/meet/virtual.courtroom86>

Before Whom: The Honourable Justice G.S. Dunlop

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

Remedy claimed or sought:

1. The Applicant, Yes Plan Auto Finance Inc. ("**Yes Plan**"), a creditor of Mahindra Jewellers (AB) Ltd. (the "**Debtor**"), seeks a Bankruptcy Order substantially in the form attached to this Application as **Schedule "A"**, granting the following relief:
 - (a) abridging and deeming to be good and sufficient the time for service of this Application and the materials in support;
 - (b) declaring that the Debtor be adjudged bankrupt;
 - (c) declaring that BDO Canada Limited ("**BDO**"), a licensed insolvency trustee in the Province of Alberta, be appointed as the Trustee in Bankruptcy of the estate of the Debtor; and
 - (d) such further and other relief as counsel may advise and this Honourable Court may deem just and appropriate.

Grounds for making this application:

2. The Debtor is a corporation incorporated under the laws of Alberta , carrying on business as a retail jewellery store in Edmonton.
3. As at October 21, 2025 , the Debtor was and remains justly and truly indebted to creditors in excess of \$1,000, including indebtedness to Yes Plan in the principal sum of \$207,938.36, plus \$8,746.14 in outstanding GST/HST, for a total of \$216,684.51, with *per diem* interest accruing at \$38.08, together with costs and expenses on a solicitor-and-own-client basis.
4. The Debtor has, within the six months preceding the date of the filing of this Application committed the following acts of bankruptcy, namely:
 - (a) the Debtor has failed to meet its liabilities generally as they became due; and
 - (b) on April 25, 2025, BDO was appointed as receiver of the property, assets and undertaking of the Debtor pursuant to a Receivership Order of the Honourable Justice Simard in Court of King's Bench of Alberta File No. 2503-06252.

5. Yes Plan holds a security interest against the Debtor's 2024 Land Rover Range Rover, VIN SALK1BE97RA210460 (the "**Vehicle**"), pursuant to a Full Disclosure Lease Agreement dated on or about June 10, 2024. Yes Plan estimates the value of its security in the Vehicle at approximately \$180,000.00, resulting in an unsecured shortfall of at least \$36,684.51.
6. BDO is a person qualified to act as Trustee of the property of the Debtor and has indicated it will consent to act as trustee in bankruptcy of the Debtor's estate. The Consent to Act will be filed at or before the hearing of this Application.

Material or evidence to be relied on:

7. The Affidavit of Latha Thomas-Back, sworn December 5, 2025;
8. The Consent to Act as Trustee of BDO Canada Limited, to be filed;
9. The pleadings and materials filed in the within proceedings; and
10. Such further and other material as counsel for Yes Plan may advise and this Honourable Court may permit.

Applicable Acts and regulations:

11. *Alberta Rules of Court*, Alta Reg 124/2010, *Rules* 1.2, 1.3, 3.2(2)(d), 3.8, 6.3(1), 6.9(1), 11.27, and 13.5;
12. *Bankruptcy and Insolvency General Rules*, Sections 9-13, 70-72;
13. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended, Sections 42 and 43; and
14. Such further and other Acts and regulations as counsel may advise and this Honourable Court may permit.

How the application is proposed to be heard or considered:

15. Via Webex in Virtual Courtroom 86, accessible at the link <https://albertacourts.webex.com/meet/virtual.courtroom86>.

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 time shown at the beginning of this 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"**DRAFT ORDER**

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(AB) LTD.

APPLICANT YES PLAN AUTO FINANCE INC.

RESPONDENT MAHINDRA JEWELLERS (AB) LTD.

DOCUMENT **ORDER FOR BANKRUPTCY**

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File: 73634.1 ST

**DATE ON WHICH ORDER WAS
PRONOUNCED:** **DECEMBER 17, 2025**

**LOCATION AT WHICH ORDER WAS
MADE:** **EDMONTON, ALBERTA**

**NAME OF JUSTICE WHO GRANTED
THIS ORDER:** **THE HONOURABLE JUSTICE G.S. DUNLOP**

UPON THE APPLICATION FOR BANKRUPTCY ORDER filed by Yes Plan Auto Finance Inc. (“**Yes Plan**”), a creditor of Mahindra Jewellers (AB) Ltd. (the “**Debtor**”), in the Province of Alberta filed on December 8, 2025; **AND UPON READING** the Application and the Affidavit of Verification of Latha Thomas-Back, sworn December 5, 2025, filed, and the Affidavit of service of Trudy Deagle, sworn _____, 2025, filed, in support hereof; **AND UPON** being satisfied that the Debtor, BDO, the Office of the Superintendent in Bankruptcy and all other interested and affected parties have been served with notice of the within application; **AND UPON** noting the consent of the proposed trustee, BDO Canada Limited (“**BDO**”), to be appointed as trustee of the bankrupt estate of the Debtor and being satisfied that it is a person qualified to act; **AND UPON** hearing from counsel for Yes Plan, counsel for BDO as receiver of the Debtor and any other interested party appearing at the application; **AND UPON** being satisfied that the following acts of bankruptcy have been committed by the Debtor within six months preceding the filing of the Application seeking this Order:

- a. the Debtor has failed to meet its liabilities generally as they became due; and
- b. on April 25, 2025, BDO was appointed as receiver of the property, assets and undertaking of the Debtor pursuant to a Receivership Order of the Honourable Justice Simard in Court of King’s Bench of Alberta File No. 2503-06252.

IT IS HEREBY ORDERED:

1. The time for service of the Application and supporting materials is abridged, service is deemed good and sufficient, and this Application is properly returnable today.
2. Mahindra Jewellers (AB) Ltd. is adjudged bankrupt.
3. BDO (the “**Trustee**”), be and is hereby appointed trustee of the estate of the Debtor without the requirement to give security under the *Bankruptcy and Insolvency Act*.

Justice of the Court of King’s Bench of Alberta