

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Singh v. Gupta*,
2025 BCSC 1244

Date: 20250617
Docket: S242969
Registry: Vancouver

Between:

**Jitendra Singh, Roselina Kumari Singh
and Vimla Wati Raman**

Plaintiffs

And

**Shrey Gupta, Jam Equity Management Ltd.
and Lee United Petroleum Inc.**

Defendants

Before: Associate Judge Robertson

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiffs:

J. Epp

Counsel for the Defendants Shrey Gupta
and Jam Equity Management Ltd.:

R. Atwal

No other appearances

Place and Date of Hearing:

Vancouver, B.C.
June 17, 2025

Place and Date of Judgment:

Vancouver, B.C.
June 17, 2025

[1] **THE COURT:** When I issued these oral reasons for judgment, I reserved the right to edit them as to grammar, background and citations should a transcript be ordered. I have made such edits, without affecting the substance or final disposition, including specifically by adding the background as I did not do that during my oral reasons, in the interest of time.

[2] The application before the court today is for document production of third-party documents, specifically with respect to the financial records, primarily bank statements, of the defendants, and records of advances made by them to the third parties, Rose Morgan Holdings Inc. (“Rose Morgan”) and Capital Q Wealth Ltd. (“Capital Q”).

[3] The application originally came on for hearing on May 6, 2025, and partial relief was granted, primarily in respect of the third-party production by Rose Morgan and Capital Q, with the remainder of the relief adjourned given limited court time. The remaining documents being sought are “unredacted” bank statements as sought in paras. 1(c), (d) and (e) of the notice of application (excluding the RBC account ending in 6532, and TD Account ending in 8129, which have been produced)

Background

[4] The underlying cause of action is one in debt, based on the allegation that the plaintiffs lent the defendants the Canadian dollar equivalent of approximately \$1 million between 2019 and 2022, with the advances being documented through promissory notes or loan agreements that the personal defendant, Shrey Gupta (“Mr. Gupta”), prepared.

[5] There is no dispute that the advances were made as alleged. Rather, the dispute is as to the purpose of the advances, and the terms by which they were advanced.

[6] Specifically, in the current response as filed by the defendants, they say the advances arose after the plaintiffs approached Mr. Gupta looking to invest in the corporate defendant, Jam Equity Management Ltd (“Jam Equity”), with such

investment being in exchange for “profit income”. As Jam Equity never did become profitable, no funds are owing.

[7] During their submissions, the defendants indicated that they intended to amend pleadings to refine their defence given evidence that was given during examinations for discovery. The revised defence is that the agreement was that the funds advanced by the plaintiffs, whether partially or wholly was not clear, were paid forward into other ventures such as those involving the third-party document holders, Rose Morgan and Capital Q, with Mr. Gupta and/or Jam Equity acting as an intermediary for that purpose. As a result, the defendants are of the view that their pleadings will need to be amended, and other entities may need to be added as parties.

[8] For the purposes of today’s application, I am proceeding based on the pleadings as they exist. That is the basis on which relevance is determined, not on the basis of potential amendments that may be made.

Analysis

[9] The defendant object to the application as the procedural requirements in the *Rules of Court* were not met; specifically, that a demand setting out the basis for the relevance of the *specific* documents sought was not made as required in R. 7-1(11).

[10] The initial written demand for further documents made by the plaintiffs on July 19, 2024 included the following:

- (1) The documents that identify the receipt of each of the payments referred to in Part 1, paragraph 6(a) to (f) and 8(a) to (b) of the notice of civil claim.
- (2) The payment referred to in Part 1, Division 3, paragraph 24 of the response to civil claim.
- (3) Any and all payments of “monthly profit” referred to in Part 1, Division 3, paragraph 29 of the response to civil claim; and
- (4) The payment referred to in Part 1, Division 3, paragraph 30 of the response to civil claim that the records have been produced in that respect, and specifically various documents of the CIBC and BMO

had been produced but redacted to disclose only those matters identified in those four paragraphs.

[11] By order pronounced October 3, 2024 (the “October 2024 Order”) those specific documents were ordered to be produced, as well as others relating to the finances of Jam Equity. Subsequently, given that the plaintiffs found disclosure pursuant to that order to be deficient, after some back and forth the plaintiff wrote as follows on January 22, 2025:

If your clients’ position is that they are still waiting on RBC and TD to respond and that they cannot promptly obtain the outstanding banking statements another way, we expect to receive instructions to bring an application for third party document production seeking an order that RBC and TD provide the statements to our office directly.

[12] The position of the defendants is this letter is not a sufficient demand as required under R. 7-1(11) as noted in *Eastern Platinum Limited v. Cameron*, 2019 BCSC 1515:

[25] Rule 7-1(11) requires that a written demand for additional documents or classes of documents under the broader definition of relevancy identify them “with reasonable specificity”. Where the demand is overly broad and vague, the “lack of specificity which characterizes [the] application is fatal to its success”: *Lit v. Hare*, 2012 BCSC 1918 at para. 68:

[68] ... It is difficult for the court to adjudicate on a document production application where what is sought are ‘all documents not yet produced’ in broadly defined categories. ...

[26] An order made pursuant to Rule 7-1(13) to comply with a demand made under Rule 7-1(10) requires the responding party to amend the list of documents to include documents or categories of documents that ought to have disclosed under 7-1(1), which is to say documents that could be used by a party “to prove or disprove a material fact”. An order made pursuant to Rules 7-1(13) to comply with a demand made under Rule 7-1(11), or an order made pursuant to Rule 7-1(14), requires the responding party to produce documents or categories of documents that “relate to any or all matters in question in the action”.

[13] The court in *Eastern Platinum* made reference in that citation above to *Lit v. Hare*, 2012 BCSC 1918. In *Lit*, the court found the lack of specificity in demand to be fatal to the application, noting that had the proper demand procedure been followed, it is reasonable to assume that the difficulties with the application (i.e. the lack of that specificity) would have been brought to light and the application perhaps made more

efficient. In this respect, in citing *Balderston v. Aspin*, 2011 BCSC 730, the court noted that the demand requirement is designed to facilitate the adjudicative process by narrowing the issues and argument and particularizing, to the extent possible, the documents or categories of documents sought before an application is made, thus allowing the parties to engage in debate or discussion, and possibly resolve the issue, before embarking on an expensive chambers application.

[14] Notwithstanding that this application is brought under R. 7-1(18), the demand requirement is “equally applicable”: *Kaladjian v. Jose*, 2012 BCSC 357, at para. 45.

[15] I agree that there was no proper demand made as contemplated under the rules. The original demand was acted upon and disclosure given, albeit with the bank statements being largely redacted. The basis of this application was that more disclosure was required over and above that. With that being the case, it was incumbent upon the plaintiffs to specify why the disclosure made, i.e. the records strictly showing the transactions identified in the original demand letter, was insufficient with the specific grounds for relevance of disclosing bank statements showing further, or in fact all, bank transactions.

[16] Even if I were not inclined to dispose of this application on the basis of the failure to comply with the procedural requirements as set out in the *Rules*, I would dispose of it in any event as the plaintiffs have failed to establish the relevance of the entirety of the defendants’ bank statements being produced at this time.

[17] The plaintiffs argue that they are relevant as the theory of the defendants’ case, whether it be that the funds were investments into Jam Equity, or that Mr. Gupta or Jam Equity were intermediaries for the purpose of the third-party investment, some sort of an accounting will be required. Specifically:

- a) based on the pleadings as they currently stand, the defendant has put into issue the profitability of Jam Equity given that their position is that the agreement was that they would be providing a return from “profit”; and
- b) ultimately, how the funds were used must be accounted for.

[18] In other words, the bank statements will go to the issue of what happened with the funds that were paid into or through, depending on the interpretation, Jam Equity. I note, however, that the use to which funds were put is not relevant if the funds were advanced as a loan, as the plaintiff pleads, or relevant to the profitability of Jam Equity, which is the defence currently raised by the defendants.

[19] Further, the requests made are overly broad, particularly when considered as an application made further to the October 2024 Order, which also provided for production of documents that do go to profitability, for example, income tax returns, financial statements, and similar documents.

[20] I appreciate that the entirety of those documents to be produced as set out in the October 2024 Order have not yet been disclosed. However, that does not equate to a broadening of the scope of relevance. If documents, such as financial statements, have yet to be produced pursuant to that order then the application should specifically address that non-compliance, whether that be a remedy for non-compliance or other processes to be followed such as third-party production of records from the accountant or income tax returns from the Canada Revenue Agency, or an authorization to be provided for release of such records directly to the plaintiffs, if appropriate.

[21] However, the answer is not to require production of all bank statements without establishing relevance beyond the portions that have been produced to date.

[22] It may be once the financial statements, income tax returns, or other financial documents are disclosed that evidentiary holes may still need to be filled that will then require a review of the complete bank statements. However, we are not yet at that point, particularly on the pleadings as currently framed.

[23] Finally, I note the frustration as expressed by the plaintiffs in terms of what appears to be a moving target in terms of disclosure, which counsel noted made it difficult for them to prepare for this application. While I appreciate that frustration, the remedy is not to cause a party to, as they say, open the entirety of their file cabinet

to disclose documents that are not otherwise relevant. An example of this was the argument that bank statements were subject to privacy concerns which required the plaintiffs to answer that position. It was not necessary to consider that argument for the purpose of this application. The fact that a document has dual entries, some of which are relevant and some which are not (which is the nature of a bank account statement) does not necessarily mean that the entirety of the document becomes relevant. Particularly in the context here where the banking history and individual banking transactions are not relevant. The production of the bank records as ordered to date was made to show the ins and outs of the funds advanced by the plaintiffs. That does not render all bank transactions relevant. As such, even in the absence of establishing true privacy concerns, I am satisfied that the entries that have been redacted are not producible.

[24] The application is dismissed.

[SUBMISSIONS ON COSTS]

[25] The application is dismissed with costs in the cause.

[26] The dismissal is without prejudice given that there may be something that arises in the financial statements, as I said, that gives rise to having to look at little bit deeper into the bank statements, once the disclosure of the financial statements is received or it is determined that that portion of the October 2024 Order will not or cannot be complied with.

“Associate Judge Robertson”