

REMOTE COMMISSIONING CERTIFICATE

CANADA


PROVINCE OF BRITISH COLUMBIA

I, Madison Bergen, a Commissioner in and for British Columbia, DO HEREBY CERTIFY that:

1. The process for remote commissioning of affidavits specified in Notice to the Profession, the Public and the Media issued by the Supreme Court of British Columbia dated March 27, 2020 (the "**Process**") has been followed for the attached affidavit; and
2. I am satisfied that the Process was necessary because it was impossible or unsafe, for medical reasons, for the deponent and me to be physically present together.

DATED at Vancouver, British Columbia this 11th day of April, 2024.

Madison Bergen
A Commissioner
in and for the Province of British Columbia


Madison Bergen



This is the 4th affidavit of Alankar Khara in this case and was made on April 11, 2024.

No. S-237897
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985
c. C-36, AS AMENDED

-AND-

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF TEBO MILL
INSTALLATIONS INC., TEBO MILL CONSTRUCTION INC., ALGON HOLDINGS INC.,
FRASERVIEW FABRICATION AND MACHINING INC., and PTOLEMYTECH
CONSULTANTS INC.

PETITIONERS

AFFIDAVIT

I, Alankar Khara, Businessman, of the City of Delta, in the Province of British Columbia, AFFIRM THAT:

1. I am the Managing Director of TEBO Group of Industries (“**TEBO**” or the “**TEBO Group**”), and as such have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based on information and belief, and whereso stated, I verily believe them to be true.

2. I make this affidavit supplemental to my Affidavit #1 affirmed on November 20, 2023, Affidavit #2 affirmed on February 23, 2024, and Affidavit #3 affirmed on April 5, 2024 (“Previous Affidavits”).

3. All capitalized terms not defined herein have the same meaning as my Previous Affidavits.

Extension of Stay of Proceedings

4. TEBO Group is seeking an extension of the stay of proceedings in this matter to May 6, 2024 in order to:

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- (a) provide time for the Monitor to obtain information from Deutsche Bank regarding the Dalocorp PTE Ltd. funds on deposit referred to in paragraph 5 of my Affidavit #3, the transmission of an MT199 SWIFT message referred to in paragraph 6 of my Affidavit #3, and the steps required for Deutsche Bank to transfer the funds to RBC; and
- (b) arrange the opening of accounts at Toronto-Dominion Bank and/or the Bank of Nova Scotia into which Deutsche Bank could transfer the funds in the event such matters cannot be resolved with RBC.

5. TEBO has requested that the Monitor exercise its powers under the Initial Order granted on April 5, 2024 (“**Initial Order**”), to obtain the referenced information from Deutsche Bank. I understand that the Monitor has begun that process but has not been able to connect with the right persons at Deutsche Bank. The Monitor has advised that it expects that three weeks should be sufficient either to do so and obtain the requested confirmations or conclude that such confirmations cannot be obtained.

6. I have begun working with Toronto-Dominion Bank and the Bank of Nova Scotia on their account opening processes in hope that if RBC continues to be unable or unwilling to accept a transfer of funds by the method specified in the Dalocorp PTE Ltd. agreement attached as Exhibit “A” to my Affidavit #3, one of those banks would be able to do so. Based on my communications with those banks, I anticipate that three weeks would be a sufficient time for them to complete their KYC and due diligence such that accounts can be established.

Amended and Restated Initial Order

7. In addition to the extension of the stay of proceedings, TEBO is seeking an Amended and Restated Initial Order (“**ARIO**”) which would modify the language of subsections 10(a) and 10(b) of the Initial Order so as to clarify that TEBO can make payments of interest to RBC on account of its pre-filing indebtedness and to make payments in respect of pre-filing financing leases.

8. These changes are being requested because the Monitor has advised that in its view the language in the Initial Order may be interpreted to prohibit such payments notwithstanding that

the 13-week cashflow that was attached as Exhibit "B" to my Affidavit #3 contemplated them being paid during the stay period.

9. TEBO has been working to provide the Monitor with information so that the Monitor can opine on the reasonableness of the cashflow attached as Exhibit "B" to my Affidavit #3 of Alankar Khara.

10. The payment of interest to RBC during the stay period is intended to ensure that RBC is not further prejudiced by being stayed from enforcing its rights and remedies as a secured creditor while these proceedings are ongoing.

11. The payment on account of financing leases is consistent with TEBO's intention to refinance and then exit these proceedings. By keeping its secured obligations under financing leases current, TEBO will avoid having to seek any compromise with its other secured creditors to resolve defaults under the agreements with them in order to obtain an exit from CCAA.

Good Faith and Due Diligence

12. In addition to the activities of TEBO discussed above, since the date of the Initial Order TEBO has undertaken the following:

- (a) effected service of the initiating pleadings in these proceedings on the provincial and federal governments and other stakeholders;
- (b) provided the Monitor with particulars relating to equipment and vehicles;
- (c) provided the Monitor with information regarding accounts receivable and accounts payable;
- (d) engaged with the Monitor concerning indebtedness to creditors not listed in TEBO's accounts payable;
- (e) provided the Monitor with the most recent financials available for the Petitioner entities;

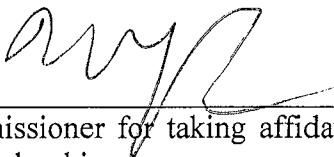
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- (f) provided the Monitor with CRA Notices of Assessment for corporate income tax for the TEBO operating entities;
- (g) provided the Monitor with information regarding TEBO's ongoing projects and backlog of work;
- (h) provided the Monitor with particulars regarding its salaried and hourly employees; and
- (i) communicated (through counsel) with RBC's counsel as to their position on the ARIO as stated above and inviting comments regarding the draft order.

13. I continue to believe that TEBO should be able to refinance its debt owed to RBC if provided a reasonable opportunity to do so under the supervision of this Court and with the assistance of the Monitor.

14. I was not physically present before the commissioner for the commissioning of this affidavit. However, I was linked with the commissioner utilizing video technology and we followed the process for remote commissioning of affidavits described in the British Columbia Supreme Court's Notice to the Profession dated March 27, 2020.

AFFIRMED BEFORE ME at Vancouver,)
 British Columbia, on April 11, 2024.)



 A Commissioner for taking affidavits for)
 British Columbia)

 ALANKAR KHARA

MADISON BERGEN
 A Commissioner for Taking Affidavits
 for the Province of British Columbia
 Bennett Jones LLP, Articled Student
 Expires May 31, 2024

2500 Park Place, 666 Burrard St.
 Vancouver, BC V6C 2X8

This is the 4th affidavit of Alankar Khara in this case and was made on April 11, 2024.

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