

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Raulia v. Shri Guru Ravidass Sabha*
(*Vancouver*),
2024 BCSC 1584

Date: 20240719
Docket: S242767
Registry: Vancouver

Between:

Gurmail Chand Raulia

Petitioner

And:

Shri Guru Ravidass Sabha (Vancouver) and Paramjit Kainth

Respondents

Before: The Honourable Justice Giaschi

Oral Reasons for Judgment

In Chambers

Counsel for the Petitioner:

H. Rishi

Counsel for Shri Guru Ravidass Sabha
(Vancouver):

B.S. Khatra

Appearing as Counsel for interested party
Bill Basra:

G.S. Badh

Place and Date of Hearing:

Vancouver, B.C.
July 19, 2024

Place and Date of Judgment:

Vancouver, B.C.
July 19, 2024

[1] **THE COURT:** I will deliver my reasons now. I reserve the right to amend these reasons for grammar and clarity should anyone order a transcript of them.

[2] The respondent to this petition, Shri Guru Ravidass Sabha (Vancouver), is a society under the *Societies Act* (the “Society”).

[3] The petitioner was a candidate in a recent election held by the Society on March 30, 2024. He was one of many candidates in that election. He lost his election to a Bill Basra by one vote.

[4] In the petition, the petitioner requested essentially three orders:

- a) First, that an independent party conduct a recount of the votes cast at the election;
- b) Second, that the votes of the petitioner and Bill Basra be included in the recount; and
- c) Third, that no business be conducted by the Society except in the ordinary course until the recount was conducted.

[5] The third order, which was essentially an order for an injunction, was withdrawn by the petitioner at the hearing before me.

[6] There are two respondents named in the petition; one being the Society and the second being Paramjit Kainth. The Society has filed a response to the petition, Mr. Kainth has not.

[7] In its response and in submissions before me today, the Society agrees to having a recount of the votes, as requested in orders one and two of the petition, but on conditions which have been agreed between the Society and the petitioner, which I will address shortly.

[8] In addition to the parties to the petition, a response to the petition has been filed by Bill Basra as an interested party. That response was filed on June 17, 2024.

I mention the date because it is more than a month ago, and Mr. Basra has never applied to become a party to this petition. Yet he nevertheless essentially seeks full rights of participation in the petition as a party, and notably, he opposes all orders requested in the petition.

[9] I am of the view that Mr. Basra had sufficient time and should have applied to become a party if he wanted to make the sorts of submissions that were made today. Nevertheless, I note that Mr. Basra does not agree to a recount. He points to various defects in the petition, including a defect in identifying the proper section of the *Societies Act*. The petition refers to s. 85 of the act as being the source of jurisdiction of this court. Whereas, it is, in fact, s. 105. He also submits that there was no omission, defect, error, or irregularity in the election, and that I therefore have no jurisdiction under s. 105 of the *Societies Act* to order a recount. I do not agree. First, I do not think Mr. Basra, not being a party, has the right to make that particular submission. Second, I do not agree that there is insufficient evidence of an omission, defect, error, or irregularity.

[10] I note that this was an election at which 13 directors and seven trustees were elected. At issue here is the election of one of those persons, one out of 20. Importantly, the vote difference in that election was one single vote. That, in my view, in and of itself, gives rise to a sufficient concern about an error in the vote counting to make an order for a recount.

[11] In addition, I would note that there is evidence of election irregularities in the affidavits that have been provided to me. In particular, in the second affidavit of Harjit Sopal, he deposes:

Mr. Basra and his slate interfered with the ability of the scrutineers and volunteers to count the votes.

[12] At para. 5 he deposes:

Mr. Basra and members of his slate refused to allow Sanjeev Gera, a member of the society, to participate in the counting of the votes.

[13] The petitioner also deposes to some irregularities. At para. 3 of his first affidavit, he deposes:

After the election, Bill Basra's slate did not allow for all vote counters from our side to count votes.

[14] And then at para. 4, he deposes:

We suggested to have third party to count the votes. However, the other slate agreed to have all of our four vote counters to participate.

[15] In my view, that is sufficient to indicate there is some evidence of an irregularity that clothes this court with jurisdiction under s. 105 of the *Societies Act*.

[16] I therefore order that there is to be a recount of the votes cast at the March 30, 2024 election. That recount is to be conducted by Kam Grewal, a solicitor that has been agreed to between the parties. That recount is to recount only the votes that were cast for the petitioner and Bill Basra.

[17] I further order that the ballots cast at the election on March 30, 2024, are to be turned over to Mr. Kam Grewal by the election committee of the Society.

[18] As for the costs of the recount, it is my view that the costs of the recount should be paid for by the Society.

[19] I would note that the reason I am ordering that only the votes cast for the petitioner and Mr. Basra to be recounted is that, so far as I can tell from the evidence before me, it was only as between those two that there was a close vote count. It would be an unjustified cost to have Mr. Grewal count all the votes for all the positions.

[20] As for the costs of the petition, are there any submissions?

(SUBMISSIONS ON COSTS)

[21] THE COURT: Yes, all right. So each of the parties and Mr. Basra shall bear their own costs of this petition.

“Giaschi J.”