

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation:** 2025 CHRT 26

**Date:** April 3, 2025

**File No.:** HR-DP-3036-24

**Between:**

**Ravi Gupta**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Canadian Armed Forces**

**Respondent**

**Ruling**

**Member:** Ashley Bressette-Martinez

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## I. OVERVIEW

[1] Dr. Gupta, the Complainant, says he was harassed while he worked for the Canadian Armed Forces (CAF), the Respondent, and eventually lost his job because of his sex, colour, national or ethnic origin, race, religion, disability, and gender identity or expression. His allegations date back to 2006. Dr. Gupta seeks compensation for lost wages, loss of pension benefits, pain and suffering, willful and reckless conduct and interest, totalling over \$2 million in alleged losses.

[2] Before this motion was filed, Dr. Gupta filed a Statement of Particulars and was later asked to file an amended Statement of Particulars where he was directed to particularize the remedy he is asking for. When he filed the amended version, no further particulars or disclosure were shared about his alleged financial losses. The CAF then filed this motion asking that I order the Complainant to disclose better and further documents and particulars about:

1. Dr. Gupta's personal income from 2006 to the present;
2. The income of any professional or medical corporation with which he has been or is currently a director from February 2006 to the present;
3. The amount Dr. Gupta or any professional or medical corporation for which he has been a director or shareholder has received for providing services to insured persons under *The Health Services Insurance Act*, C.C.S.M. c. H35 from February 2006 to the present;
4. All source documents for information set out in Appendix C (to his Statement of Particulars) – Estimated Financial Loss;
5. Any disability benefits received as a result of his disability from Veterans Affairs Canada or otherwise.

[3] The parties largely reiterated their written submissions at the case management call about this motion. The Canadian Human Rights Commission did not take a position on the motion.

## II. DECISION

[4] I am granting the motion in part. Dr. Gupta is required to disclose documents about his personal and professional income (including through any corporation) and documents about his disability pension because they are arguably relevant to his case.

[5] Dr. Gupta does not need to disclose any further documents or particulars about Appendix C in his Statement of Particulars. He has already disclosed the documents in his possession.

## III. ISSUE(S)

[6] Should Dr. Gupta have to produce the requested documents?

## IV. ANALYSIS

[7] Disclosure is critical to efficient proceedings and is tied to the parties' right to have a full and ample opportunity to present their case and prepare for a hearing (section 50(1) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6). This is why the *Canadian Human Rights Tribunal Rules of Procedure*, 2021, SOR/2021-137 (the "Rules of Procedure"), require parties to disclose all of the documents in their possession that relate to the facts, issues or remedies that are raised in the complaint. Disclosure happens early in the process and continues throughout the proceedings (see Rule 18, 19, 20 and 24 of the Rules of Procedure).

[8] There is no shortage of case law from this Tribunal explaining the principles applicable to disclosure requests (see *Egan v. Canada Revenue Agency* 2017 CHRT 33 [*Egan*] at para 40; *Brickner v. Royal Canadian Mounted Police*, 2017 CHRT 28 [*Brickner*] at paras 4–10; *Peters v. Peters First Nation*, 2023 CHRT 40 [*Peters*] at paras 8–14).

[9] A requesting party does not have a high threshold to meet. The request should have a logical connection to the facts, issues or forms of relief identified by the parties, subject to the principles of proportionality. This allows the parties to prepare for a hearing. The request

needs to be specific and not a “fishing expedition” that would have a prejudicial effect on the proceedings. This is all premised on the documents being in the possession of the party being asked to produce them. The Tribunal cannot require a party to create new documents for disclosure. Disclosure should also not be confused with evidence. Just because a document is disclosed, it does not mean it will be produced or admitted as evidence at a hearing (*Peters* at para 13). Disclosing arguably relevant information ensures that parties understand the case they need to meet.

**(i) Disclosure requests granted**

**(a) Items 1–3: Professional and personal income**

[10] The CAF argues that Dr. Gupta has not shared any supporting documents or particulars to support his alleged financial losses. It says the financial documents about Dr. Gupta’s personal and professional income (including that of any corporation he is part of) are arguably relevant because they relate to mitigation of alleged losses that total over \$2 million dating back to 2006 when Dr. Gupta started working with the CAF. In its submissions, the CAF correctly pointed out that, in *Peters v. United Parcel Service Canada Ltd., and Gordon*, 2020 CHRT 19 at para 20, the Tribunal recognized that documents related to the mitigation of losses for employment ought to be provided to a responding party.

[11] Dr. Gupta disagrees with the CAF. He says that his part-time work with the CAF was in addition to any full-time income he otherwise earned. Dr. Gupta says that his full-time income is not relevant to this case and, therefore, disproportionate as a request. However, Dr. Gupta did not provide any case law to refute the CAF’s position, nor did he provide anything to support or show that his position on part-time income is based on established principles of law. In his submissions, he did not challenge the specificity of the request from the CAF, nor did he dispute that he has the documents in his possession. He acknowledged that he would likely address mitigation at the hearing. This suggests that mitigation is likely to be a live issue in this case and, because of this, the CAF’s request is not disproportionate.

[12] What the CAF is seeking is not a “fishing expedition” as Dr. Gupta himself said in his submissions. The CAF’s request to have Dr. Gupta produce financial records to support his

alleged losses dating back to 2006 is rational and directly linked to the case it will need to respond to (*Brickner* at paras 6–7; *Peters* at para 11). Because of this, it is not appropriate to take mitigation off the table as something that is an arguably relevant issue at this stage of the proceedings considering the low threshold for determining “arguable relevance” (*Cox v. Northwest Truck Line Inc. et al*, 2024 CHRT 135 at paras 15–16). Mitigation will need to be decided following a hearing on the evidence and submissions of the parties.

[13] Because of this, I am directing Dr. Gupta to disclose the documents requested by the CAF relating to his personal and professional income because the CAF is entitled to understand the case it needs to meet to prepare for the hearing which will address his alleged financial losses (*Egan* at para 40).

**(b) Item 5: Veteran Affairs Canada disability benefits**

[14] The CAF asked for documents about Dr. Gupta’s Veteran Affairs Canada disability benefits. It says this information is relevant because it needs to understand where the money Dr. Gupta is receiving comes from, along with where it could be allocated in terms of wages and mitigation. The CAF says this information could demonstrate the degree of disability compensation Dr. Gupta is receiving.

[15] Dr. Gupta did not argue that these documents are not in his possession. In his submissions, he said these documents were not arguably relevant without providing any explanation or argument as to why.

[16] There is a rational connection between the request the CAF made to have Dr. Gupta disclose documents about his disability benefits because they could be arguably relevant to the remedy he is asking in his complaint (*Peters* at para 11). Evidence about the disability benefit is arguably relevant for establishing his degree of impairment and ability to work. I agree that the CAF needs this documentation to understand the case it needs to meet and to prepare for the hearing (see *Egan* at para 40).

[17] Dr. Gupta is required to share the documents about his disability benefits from Veterans Affairs Canada with the CAF.

(ii) ***Disclosure request denied***

(a) **Item 4: Source documents supporting Appendix C to the Statement of Particulars**

[18] The CAF asked Dr. Gupta to produce the source documents to explain how he arrived at the amounts in Appendix C attached to his Statement of Particulars.

[19] In the third amended Statement of Particulars he filed with the Tribunal on February 11, 2025, Dr. Gupta listed the source documents for Appendix C at paragraph 42 and in the Index. His submissions on this motion say that the documents have been shared with the CAF. On the call about this motion, Dr. Gupta said the calculations were a challenging exercise. He also said that he would call a witness at the hearing to explain the calculations.

[20] I will not order any further disclosure on this item at this time because Dr. Gupta has disclosed the source documents in his possession to the CAF in keeping with the disclosure obligations at Rules 18 and 24 of the Rules of Procedure. I can only order a party to disclose documents that are in their possession. I cannot order Dr. Gupta to generate or create a document explaining how he arrived at the amounts in Appendix C (*Brickner* at paras 10 and 24).

[21] Dr. Gupta's obligation to disclose arguably relevant information remains ongoing throughout this proceeding, and he will only be able to provide evidence at the hearing that has been disclosed to the other party (Rules 24 and 37 of the Rules of Procedure). Since Dr. Gupta intends to call a witness to explain the calculations in Appendix C, he will need to produce a detailed will-say statement in advance of the hearing which will be shared with the CAF. The CAF will have an opportunity to question Dr. Gupta and his witness(s) about how they arrived at the calculations and amounts in Appendix C at the hearing.

**V. ORDER**

[22] I grant the CAF's motion in part. I order Dr. Gupta to disclose the following documents within 30 days after this order is communicated to the parties:

1. All documents and records required to establish his personal income from February 2006 to the present, including income tax returns, pay stubs, T4s and notices of assessments;
2. All documents and records required to establish the income of any professional or medical corporation with which he has been or is currently a director or shareholder from February 2006 to the present;
3. All documents and records to establish the amount he or any professional or medical corporation for which he has been a director or shareholder has received for providing services to insured persons under *The Health Services Insurance Act*, C.C.S.M. c. H35 from February 2006 to the present;
4. All documents or records in relation to any disability benefits received as a result of his disability from Veteran Affairs Canada or otherwise.

*Signed by*

Ashley Bressette-Martinez  
Tribunal Member

Ottawa, Ontario  
April 3, 2025



## **Canadian Human Rights Tribunal**

### **Parties of Record**

**File No.:** HR-DP-3036-24

**Style of Cause:** Ravi Gupta v. Canadian Armed Forces

**Ruling of the Tribunal Dated:** April 3, 2025

**Written and oral representations by:**

Ryan Nerbas, for the Complainant

Amanda Neudorf, for the Respondent