

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 163 of 2018**

**IN THE MATTER OF:**

**Ramesh Kumar Suneja  
(Promoter of M/s Pawan Buildwell Pvt. Ltd.)**

**...Appellant**

**Vs**

**Brij Mohan Sahni**

**....Respondent**

**Present:**

**For Appellant: Mr. Darpan Wadhwa, Sr. Advocate assisted by  
Mr. Arnav, Mr. Navin Kumar and Mr. Vishwdeep  
Hooda, Advocates.**

**For Respondent: Mr. Krishnendu Dutta, Mr. Sumit Sinha and  
Mrs. Anjali Rajput, Advocate for R-1.**

**O R D E R**

**26.04.2018:** The question arises for consideration in this appeal are:

- (i) Whether the application under Section 7 in question after rejection of successive applications, was maintainable?
- (ii) Whether the partner of a dissolved firm can claim to be 'Financial Creditor' if loan was given by the firm?

Issue Notice. Mr. Sumit Sinha, learned counsel accepts notice on behalf of the Respondent. No further notice needs to be issued.

Post the case 'for admission' on **8<sup>th</sup> May, 2018**. Appeal may be disposed of at the stage of admission.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*am/gc*