

33
jdt. 27.11.2025
jb.

WPA 24108 of 2025
(State Bank of India & Anr. vs. State of West Bengal
& Ors.)

Mr. Swaswat Nayak
Ms. Rituparna Sanyal
Ms. Janvi Bidiyani
Ms. Siddhi Agarwal
.... For the Petitioners
Mr. Sirsanya Bandyopadhyay
Mr. Akash Dutta
.... For the State
Mr. Amajit De
... For the CBI

Learned counsel for the petitioners submits that the petitioners sanctioned several credit facilities in favour of M/s Shree Radhekrishna Smelters Private Limited and upon detection of fraud perpetrated by the said concern lodged complaint before the CBI for registering the same as FIR and conducting investigation. By a letter issued on 9th August, 2024 the CBI informed the petitioner that in terms of Section 6 of the Delhi Special Police Establishment Act, 1946 (as amended from time to time), the consent of the State Government is required for registration of a case. The Government of West Bengal has withdrawn its general consent by a notification dated 16th November, 2018. The CBI made a request to the Secretary, Home Department, Government of West Bengal for grant of such consent which was pending. CBI expressed its inability to proceed with the complaint lodged by the petitioner for want of such consent.

Learned counsel for the petitioner has placed reliance on a judgment delivered by a co-ordinate Bench of this Court on 17th February, 2025 in WPA 28916 of 2024 wherein the

co-ordinate Bench has placed reliance on the authority in ***Central Bureau of Investigation vs. A. Satish Kumar & Ors.*** reported in ***(2025) SCC OnLine SC 15*** and has held that no consent is required for the CBI to register cases in respect of Central Government Offices/Officers, Public Sector undertaking Offices/Officers.

In view thereof, the CBI is entitled to register the complaint lodged by the petitioner and take up investigation. The CBI shall conduct a preliminary enquiry and in the event of any deficiency in compliance with other directions of the Hon'ble Supreme Court in the authority in ***State Bank of India and others vs. Ramesh Agarwal and others*** reported in ***(2023) 6 SCC 1***, the authority shall communicate with the Bank which shall clarify the same . Upon conducting preliminary enquiry the CBI shall proceed in accordance with law.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)