

January 7, 2026  
(15) ARDR

**WPA 26601 of 2025**

State Bank of India & anr.  
Vs.  
The State of West Bengal & ors.

Adv. Anirban Pramanick,  
Adv. Punarbasu Nath,  
Adv. Bhagyasree Dey,  
... for the petitioners.  
Adv. Debabrata Das,  
Adv. A. Sarkar,  
Adv. Pratik Acharjee,  
...for the respondent no.8.  
Sr. Adv. Kishor Dutta, Ld. A.G.,  
Adv. Swapan Banerjee,  
Adv. Sumita Shar,  
Adv. Diptendu Narayan Banerjee,  
Adv. Soumen Chatterjee,  
...for the State.  
Adv. Amajit De,  
...for the CBI.

Learned counsel for the petitioners submits that alleging willful fraudulent acts committed by the borrower company and its directors, the petitioners lodged a complaint before the CBI on 25<sup>th</sup> October, 2021 for registering the same as FIR and conducting investigation. By a letter issued on 9<sup>th</sup> August, 2024, the CBI informed the petitioners 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 The Government of West Bengal has withdrawn its general consent by a notification dated 16<sup>th</sup> 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 petitioners for want of such consent.

Learned counsel for the petitioner has placed reliance on the authority in CBI vs. A. Satish Kumar & ors. reported in (2025) SCC OnLine SC 15, wherein the Hon'ble Supreme Court 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 petitioners 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 & ors. vs. Rajesh Agarwal & ors. 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 however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**