

ITEM NO.27+28

COURT NO.17

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 16/2026

DIRECTORATE OF ENFORCEMENT & ANR.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(IA No. 13387/2026 - EXEMPTION FROM FILING O.T.
IA No. 13386/2026 - GRANT OF INTERIM RELIEF)

With

Writ Petition (CrL.) No. 17/2026
(IA No. 13449/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 13450/2026 - EXEMPTION FROM FILING O.T.)

Date : 15-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General
Mr. Suryaprakash V Raju, A.S.G.
Mrs. K.M. Nataraj, A.S.G.
Mr. Vikramjeet Banarjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hossain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Aman Mehta, Adv.
Mr. Siddharth Dharmadhikari, Adv.

For Respondent(s) :Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Debanjan Mandal, Adv.
Mr. Kunal Mimani, AOR
Mr. Parag Chaturvedi, Adv.
Mr. Shaurya Dasgupta, Adv.
Ms. Mahima Cholera, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Kalyan Bandhopadhyay, Sr. Adv.
Ms. Preetika Dwivedi, AOR
Ms. Sirsanya Bandhopadhyay, Adv.
Mr. Arka Kumar Nag, Adv.
Mr. Rahul Kumar Singh, Adv.
Mr. Abhisek Mohanty, Adv.

Mr. Ansh Rajauria, Adv.
Mr. Aparajita Jamwal, Adv.
Mr. Nikhil Pahwa, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In Writ Petition (Crl.) No. 16/2026, the petitioners are the Directorate of Enforcement and its Deputy Directors, whereas in Writ Petition (Crl.) No. 17/2026, the petitioners are the officers of Enforcement Directorate, who had gone to the subject premises during the course of investigation, conducted by the Directorate of Enforcement.
2. Shri Tushar Mehta, learned Solicitor General, appearing for the petitioners, would draw our attention to a series of events which has led to filing of the present Writ Petitions. According to him, the Directorate of Enforcement was investigating a scam amounting to Rs.2742.32 crores, since the year 2020 and during the course of investigation of the said scam, intelligence was received that about Rs.20 crores of the proceeds of crime from Kolkata to Goa was transferred through R Kanti Lal firm and has eventually channeled into IPAC's operational framework by being handed over to persons executing its work.
3. Armed with authorization to carry out search and seizure proceedings at the residential premises of Mr. Pratik Jain of IPAC, the officers visited his premises, amongst other premises, on 08.01.2026; and when the search was going on, Shri Priyobrato, IPS, Deputy Commissioner of Police and Shri Manoj Kumar Verma, IPS, Commissioner of police, Kolkata

entered the premises and thereafter, the second respondent in Writ Petition (Crl.) No. 17/2026, the sitting Hon'ble Chief Minister of the State of West Bengal, Smt. Mamata Banerjee also entered the premises despite making categorical request for not interfering with the ongoing search proceedings under the Prevention of Money Laundering Act, 2002.

4. He would submit that this is not a singular incident where Hon'ble Chief Minister has entered the premises under investigation, as on an earlier occasion when the Central Bureau of Investigation was investigating an offence, a similar event has happened. Therefore, there is a pattern of interference with the investigation carried out by the Central Agencies.

5. According to him, the materials collected by the investigation team of Directorate of Enforcement were taken away by the respondents in an illegal manner and thereafter, the West Bengal Police has registered several FIRs against the officers of the Enforcement Directorate.

6. Learned Solicitor General would next submit that in a situation like this, it is difficult for the Central Agencies to carry on the investigations which has connection with a huge scam to the tune of Rs.2742.32 crores. Learned Solicitor General would submit that, true it is, the petitioner Directorate of Enforcement has preferred a Writ Petition before the Kolkata High Court, but when the matter was to be taken up for hearing on 09.01.2026, the legal cell of the Trinmool Congress sent a message to its members on whatsapp, calling them to assemble in the Court; and thereafter, what

has happened in the Court has been recorded by the learned Judge of the Calcutta High Court in its proceedings dated 12.01.2026, which is reproduced hereunder:

"The matter is taken up for consideration. At this juncture a huge number of learned advocates as well as other persons enter the Court room and create enormous disturbance and commotion. Several requests made by the Court to maintain the decorum and dignity of the Court so that the matter can be taken up for consideration fell on deaf ears. The environment in the Court room is not conducive to commence/continue with the hearing.

In view of such situation, this Court is constrained to adjourn the matter. Let the matter appear under the heading "New Motion" on January 14, 2026 at 02:30 P.M."

7. On the above basis, learned Solicitor General would submit, firstly, that the present is a serious matter which needs to be examined by this Court and secondly, the High Court is not allowed to proceed with the hearing. According to him, since the sitting Chief Minister and top police officials of the State Government are involved, it would be appropriate for this Court to examine the issue.

8. Learned Additional Solicitor General, Shri S. V. Raju, appearing for the petitioners in Writ Petition (Crl.) No. 17/2026 would submit that recording of an FIR in a cognizable offence is mandatory, in view of the law laid down by this Court in *Lalita Kumari vs. Govt. of Uttar Pradesh*¹. He also referred to Section 67 of the Prevention of Money Laundering Act, 2002.

9. According to him, when the Hon'ble Chief Minister and the Director General of Police are involved in the matter, it

cannot be expected that the police officers subordinate to them would conduct the investigation in a fair manner. He would submit that the present is a case, where the offences committed by the respondents should be investigated by the Central Bureau of Investigation.

10. Shri Kapil Sibal, learned senior counsel appearing for respondent No. 2 and Shri Abhishek Manu Singhvi, learned senior counsel appearing for respondent Nos. 1 and 3 would submit that the present petitions are not maintainable. He would submit that there is a pattern of interference by the Directorate of Enforcement in the pretext of investigation, exactly at the time when the elections are due. He would submit that when the matter is pending in the High Court, the present petitions under Article 32 of the Constitution of India may not be entertained.

11. Taking us to the materials on record, particularly, the Panchnama available at page 66 of the petition, it is pointed out that no material was recovered during the search and seizure. It is also argued that the local police officials were not informed by the Directorate of Enforcement before initiating the search in the morning of 08.01.2026.

12. Shri Kapil Sibal would particularly submit that respondent No. 2 had not gone to the place of incident in the capacity of Hon'ble Chief Minister, but she being the Chairman of Trinmool Congress had gone there on information that certain unauthorized persons have entered into the premises of Mr. Pratik Jain, who has been entrusted with parties' election work.

13. According to Mr Kapil Sibal, nothing incriminating was available in the office of IPAC, except some election related documents with which Enforcement Directorate has no concern and they should not have entered the premises.

14. Shri Abhishek Manu Singhvi would also submit that respondent No. 2, being the Chairman of the Trinmool Congress is also Z-Security protectee. Therefore, it was the duty of the Director General of Police to accompany her when she entered the premises of Mr. Partik Jain.

15. Shri Shyam Divan, learned senior counsel appearing for respondent Nos. 4 and 5 would argue that it is factually correct that some untoward incident has happened when the High Court proceeded to hear the matter on 09.01.2026, but thereafter, on 14.01.2026 the matter proceeded peacefully but has been adjourned at the request of Directorate of Enforcement. Therefore, this court should wait for the outcome of the proceedings pending before the High Court.

16. Having heard learned counsel for both the parties, we are of the *prima facie* view that the present petitions have raised a serious issue relating to the investigations by the Directorate of Enforcement or other Central Agencies and its interference by State Agencies.

17. According to us, for adherence of rule of law in the Country and to allow each organ to function independently, it is necessary to examine the issue so that the offenders are not allowed to be protected under the shield of law enforcing agencies of a particular State.

18. According to us, larger issues and questions have been

raised and are involved in the present matters, which, if allowed to remain undecided, would further worsen the situation; and there will be a situation of lawlessness prevailing in one or the other State, considering that the different outfits are governing different States.

19. True, it is that any Central Agency has no power to interfere with the election work of any party, but at the same time, if the Central Agencies are acting bonafidely to investigate any serious offence, the question arises as to whether taking shield of its party activity, the Agencies can be obstructed in carrying out their investigation power in a *bona fide* manner.

20. Issue notice to the respondents.

21. Let counter affidavit be filed within two weeks.

22. List the matter on 03.02.2026.

23. In the meanwhile, it is directed that the respondents shall preserve the CCTV cameras and other storage devices containing the footage of both the premises, searched on 08.01.2026, as described in the Writ Petition.

24. It is also directed that further proceedings and the investigation relating to FIR Nos. 3 of 2026 and 4 of 2026, registered at Shakespeare Sarani Police Station and FIR Nos. 5 of 2026 and 7 of 2026 registered at Electronics Complex Police Station, shall remain stayed till the next date of hearing.

25. Let counter affidavit in IA Nos. 1077/2026, 1078/2026 and 10478/2026 be also filed before the next date of hearing.

(MINI)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)