



Serial No. 12
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet. No. 11 of 2025

Date of order: 01.09.2025

1. Union of India through Ministry of Finance, Department of Revenue, North Eastern Region, M.G. Road, Shillong, Meghalaya-793001.
 2. Commissioner of Customs (Prev), Customs House, 110 MG Road, Shillong Meghalaya.
 3. Office of the Commissioner of Customs A/S Unit, Imphal, Manipur.
- Review petitioners**

- Versus -

Bikash Soni

.....Respondent

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioners : Dr N. Mozika, DSGI with
Ms K. Gurung, Adv.

For the Respondent : Mr D.S. Chadha, Adv.
Ms P. Kharmawshun, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

This is an application for review made by the Union of India under Order XLVII, Rule 1 of the Civil Procedure Code, 1908 for review of our order dated 18th February, 2025.



The subject-matter of the appeal was gold seized by the Customs Authorities. By our said order, we directed the appellants/applicants herein to return the seized gold to the respondent within four weeks of communication of our order.

Now, it is submitted by Dr. N Mozika, learned Deputy Solicitor General appearing for the review petitioners that his client had deposited the seized gold with the Reserve Bank of India and that it has so mingled with the stock of gold kept by that Bank that it cannot be identified and appropriated.

No doubt, it is a serious error on the part of the appellants to have entrusted a specific quantity of gold which was the subject matter of court proceedings with the Reserve Bank of India without instructing the Bank to keep it apart. The gold was deposited with the Reserve Bank of India on 21st September, 2023 before we heard out the appeal. Our order was made on 18th February, 2025.

Be that as it may, we take this assertion of the learned Deputy solicitor General as one with relation to a fact which inspite of exercise of due diligence was not known to his client.

Learned Deputy Solicitor General submits that his Department carried out a provisional valuation of the seized gold on 18th February, 2025 and the market value arrived at was approximately ₹17,16,189/-.



Accordingly, we review our judgment and order dated 18th February, 2025 by deleting the second sentence of the second last paragraph of the said order and substituting it by: “We direct the appellants to remit to the respondent/respondent’s bank account ₹17,16,189/- being the value of the seized gold within two weeks of communication of this order to be taken as an amount made over in lieu of the gold.”

We make it clear that the exact valuation of the seized gold from time to time i.e., date of seizure, date when it was made over to Reserve Bank of India and the date of our order dated 18th February, 2025 is kept open. The claim for interest of the respondent if any on the above amount is also kept open.

The review petition is disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice