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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17493/2025**

VIJAYKUMAR HASMUKHLAL BHAGAT Petitioner
Through: Ms. Counsel(Appearance not given)
Versus

COMMISSIONER OF CUSTOMS Respondent
Through: Ms. Monika Benjamin, SSC

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **18.11.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking release of one gold kada of the Petitioner, weighing 200 grams seized by the Customs Department vide detention receipt bearing no. DR/INDEL4/28.04.2024/004290 dated 28th April, 2024.
3. The grievance of the Petitioner in the present writ petition is that the Petitioner's appeal challenging the Order-in-Original dated 09th July, 2024 (hereinafter, '*impugned order*') passed by the Office of the Commissioner of Customs, IGI Airport, Terminal-3, New Delhi has not yet been decided despite the same having been filed on 20th September, 2024.
4. The prayer in the present petition is for early hearing of the appeal assailing the impugned order and for quashing the detention of the gold kada.
5. Ld. Counsel for the Petitioner submits that no Show Cause Notice (hereinafter, '*SCN*') has been issued to the Petitioner. According to the Petitioner he appeared on his own before the Customs Department and the



impugned order was passed.

6. Thereafter, the impugned order was passed wherein absolute confiscation of the gold *kada* was directed. The appeal having been filed by the Petitioner way back in 2024, even the preliminary hearing has not taken place.

7. Ld. Counsel for the Respondent submits that the appeal filed by the Petitioner is under defects as no pre-deposit has been paid.

8. Accordingly, let the technical formalities for clearing the appeal be complied with by the Petitioner within one month. For the said purpose, the Petitioner shall appear before the Customs Department on 15th December, 2025.

9. The Petitioner shall be given a hearing thereafter, and the appeal shall be decided within three months in accordance with law.

10. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent authority for compliance with the present order:

***Mr. Mukesh Gulia, Superintendent, Legal
Office of Commissioner, Customs
IGI Airports, T-3, New Delhi
Email id: igilegaldelhi@gmail.com***

11. All rights and remedies as also contentions of the parties are left open.

12. The petition is disposed of. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

NOVEMBER 18, 2025/pt/ck