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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2586/2026

UVESH ALI

.....Petitioner

Through: Mr. Ashish Panday and Mr.
Amit Kumar Attri, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Anushree Narain, SSC
along with Mr. Apurv Yadav
and Mr. Naman Chola, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MS. JUSTICE SHAIL JAIN

ORDER

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09.07.2026

1. Through the present Writ Petition, the Petitioner prays for issuance of a Writ in the nature of *mandamus* to return/release the detained goods.
2. The Petitioner landed in India on 01.03.2022 and passed through the green channel. He was thereafter intercepted and was found to be in possession of silver coated wire made of gold 998 purity, weighing approximately 438.53 grams.
3. The Petitioner filed the present Writ Petition alleging that no Show Cause Notice [hereinafter referred to as 'SCN'] was issued to the Petitioner, therefore, the proceedings stood lapsed.
4. Learned counsel representing the Respondent has filed a short affidavit, which discloses that the Petitioner had waived the issuance of SCN and that thereafter, an Order-in-Original dated 06.06.2023 confiscating the precious metal was passed, as the goods were in prohibited category.



5. A statutory Appeal is maintainable under the Customs Act, 1962 against the order dated 06.06.2023 confiscating the precious metal.

6. Learned counsel representing the Petitioner submits that there is no provision for Waiver of Notice, as held in the judgment dated 04.11.2024 passed by a Coordinate Bench of this Court in W.P.(C) 10772/2024 captioned ***Ms Shubhangi Gupta vs. Commissioner of Customs & Ors.***

7. The aforesaid issue, including the effect of the alleged waiver of SCN, is a matter which can be examined by the Appellate Authority. The present case is not one where the goods continue to remain detained without any adjudication order. The Respondent has placed on record the Order-in-Original dated 06.06.2023, whereby the gold wire is stated to have been confiscated.

8. Learned counsel representing the Petitioner further submits that the Order-In-Original attached with the short affidavit is not signed. It may be noted here that the above-mentioned order is an e-copy of the signed order passed by the Additional Commissioner.

9. Since a statutory Appeal is maintainable under the Customs Act, 1962, the Petitioner, if so advised, may avail the remedy of Appeal, in accordance with law.

10. With the aforesaid observations, the present Writ Petition is disposed of.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

JULY 9, 2026
s.godara/ad