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

CNR No. DLHC010386372026

+ **W.P.(C) 11984/2026**

AVINASH WALIA

.....Petitioner

Through: Ms. Riya Soni, Mr. Sunil
Kumar Tripathi and Ms. Kavya
Thapliyal, Advs.

versus

COMMISSIONER OF CUSTOMS AND ANR

.....Respondents

Through: Mr. Aditya Singla, SSC along
with Ms. Arya Suresh Nair,
Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.08.2026**

1. Through the present Writ Petition, the Petitioner prays for the following substantive reliefs:

“(i) Pass an order directing the Respondents to forthwith implement Order No. 299/26-Cus dated 30.07.2026 passed by the Additional Secretary to the Government of India (Revisionary Authority) in Revision Application No. F. No. 380/04/B/NZ/2024-R.A., read with the Order-in-Appeal No. CC(A)CUS/D-I/Airport/3812/2023-2024 dated 15/16.02.2024 and the Order-in-Original No. 772/002381/04.08.2023/WH/2023-24 dated 10.08.2023, and to release / permit re-export of the Petitioner's old and used personal gold chain weighing 117 grams (purity 997) detained vide Detention Receipt No. 69652 dated 08.08.2023;

(ii) Pass an order quashing and setting aside the demand for rent / demurrage / storage / warehouse charges raised or sought to be raised by the Respondents upon the Petitioner in respect of the said gold chain for the period from 07.08.2023 till the date of actual release / re-export, the same being without authority of law and contrary to Regulation 6(1)(l) of the Handling of Cargo in Customs



Areas Regulations, 2009;”

2. A gold chain weighing 117 grams was detained by the Respondents when the Petitioner landed at the Indira Gandhi International Airport, Terminal-3, New Delhi.
3. The Adjudicating Authority *vide* order dated 04.08.2023 ordered confiscation of the gold chain while granting opportunity to the Petitioner to redeem the confiscated goods for re-export on payment of fine of Rs.63,000/- along with penalty of equivalent amount.
4. The Department filed an Appeal, which was dismissed on 16.02.2024. Additionally, a Revision Petition has also been dismissed on 30.07.2026.
5. Learned counsel representing the Respondents submits that the Petitioner on deposit of fine and penalty, as per Order-in-Original dated 04.08.2023, can take the delivery of the gold chain weighing 117 grams for the purpose of re-export.
6. On the other hand, learned counsel representing the Petitioner submits that the demand for rent/ storage/ demurrage/ warehouse charges should be waived as the Department filed an Appeal and Revision Petition.
7. At this stage, learned counsel representing the Petitioner has produced a representation dated 27.03.2024 made to the Commissioner of Customs for facilitating the re-export of her gold chain.
8. From the above-mentioned representation, it is evident that the Petitioner has neither offered to pay the redemption fine and penalty nor fulfill her other legal formalities.
9. Keeping in view the aforesaid position and in absence of



complete material, it would not be appropriate to pass any order for waiver of rent/ storage/ demurrage/ warehouse charges. However, the Petitioner is granted liberty to file representation to the Competent Authority, which shall be decided in accordance with law.

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

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

AUGUST 25, 2026
s.godara/shah