



\$~59

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

CNR No. DLHC010408232026

+ **W.P.(C) 12624/2026 & CM APPL. 58534/2026**

FADHLI BASSYA

.....Petitioner

Through: Mr. Biswajit Kumar Patra and Ms.
Khushboo Gupta, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Aditya Singla, SSC, CBIC
with Ms. Arya, Mr. Dhananjay
Gautam, Mr. Akhil Sharma,
Ms. Sakshi Chandna and Mr.
Nehaol, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MS. JUSTICE SHAIL JAIN (THROUGH VC)

ORDER

%

01.09.2026

1. Through this petition filed under Article 226 of the Constitution of India, the Petitioner, *inter-alia*, prays for quashing of the Seizure Memo dated 25.04.2025 and a direction to the Respondent to release gold bars unconditionally for re-export.
2. The Petitioner claims to be a citizen of Indonesia. He travelled with 2 Kg(s) of raw gold and entered the country without any declaration. He did not disclose that he was carrying 2 Kg(s) of gold to the Custom Authorities. The Petitioner also claims that he was robbed of his belongings including 2 Kg(s) of gold and after he came out of the airport, he got an FIR registered.



Subsequently, the gold and other articles were recovered and seized by the Custom Authorities in April, 2025.

3. The Petitioner has been summoned by the Custom authorities under Section 108 of Customs Act, 1962 by sending three notices on 25.04.2025, 13.05.2025 and 08.07.2025. The Petitioner deputed his Counsel for appearance on 08.06.2025 pursuant to e-mail dated 17.05.2025, however, the officer was on leave. Similarly, the Petitioner claims that on 03.08.2025, the officer was also on leave.

4. Learned Counsel representing the Petitioner submits that the seizure memo is liable to be quashed as no notice under Section 124 of the Customs Act has been issued within the period prescribed.

5. On the other hand, learned Counsel representing the Respondent submits that notice under Section 124 was issued to the Petitioner on 15.10.2025.

6. Keeping in view the aforesaid position, disputed questions of facts are involved in the present cases. In these circumstances, the Petitioner is relegated to the remedy available before the Adjudicating Authority.

7. Since the Petitioner claims that he has not received notice dated 15.10.2025, learned Counsel representing the Respondent is directed to supply a copy of the same to the learned Counsel representing the Petitioner within the next two days. The Petitioner may file his reply before the Adjudicating Authority within a period of the next 10 days. The Adjudicating Authority is directed to finally decide the matter within the next two months, irrespective of the fact whether the Petitioner files his reply or appears before the Authority.

8. With these observations, the Writ Petition along with pending



applications, if any, is disposed of.

ANIL KSHETARPAL, J

SHAIL JAIN, J

SEPTEMBER 1, 2026/kp/hp