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

+ **W.P.(C) 321/2018**

MOHD TAMIM Petitioner
Through Mr. D.S. Chadha, Advocate.

versus

UNION OF INDIA & ORS. Respondent
Through Mr. Sanjay Kumar and Ms. Kalpna
Devi, Advocates for UOI.
Mr. Amit Bansal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **12.01.2018**

Mohd. Tamim, a citizen of Afghanistan, as per the respondents, after arrival from Dubai was found to be carrying white gold in his baggage weighing 699 grams after he had crossed the green channel at Terminal-III of IGI Airport.

2. By order-in-original dated 12th October, 2015, the gold was confiscated and a penalty of Rs.3 lacs was imposed. Commissioner (Appeals) dismissed the appeal preferred by the petitioner.

3. On a revision application being filed, Joint Secretary (Revision Application), Government of India vide order dated 15th November, 2017, partly allowed the same, directing that the petitioner would pay penalty of Rs.2 lacs and would have the option to redeem the confiscated gold on payment of fine of Rs.6 lacs within 30 days.

4. The contention raised is that the petitioner being an Afghan national had purchased gold at Dubai for taking it to Afghanistan for his daughter's marriage. The petitioner was not aware of the Indian laws and, therefore, had not declared the said gold. It is also asserted that the petitioner had not crossed the green channel. These are disputed questions of facts, on which we do not see any reason or ground to interfere with the findings recorded and accepted in the order dated 15th November, 2017. It is accepted that the petitioner was to purchase goods and stay in India after coming from Dubai. It is not the case of the petitioner that he had to take flight to Afghanistan from IGI Airport as a transit passenger.

5. The contention that fine imposed is rather harsh and a more lenient view has to be taken does not impress us. We feel that the revisionary authority has taken all aspects into consideration while imposing the penalty and redemption fine of Rs.2 lacs and Rs.6 lacs, respectively. The market value of the gold was more than Rs.19 lacs at the time it was brought into India.

6. In view of the aforesaid position, we are not inclined to interfere with the impugned order.

7. At this stage, counsel for the petitioner states that the petitioner has not been able to arrange and pay Rs.2 lacs and Rs.6 lacs towards penalty and redemption fine, therefore, further time may be granted. We accept the prayer made by the counsel for the petitioner and grant two months further time to the petitioner to pay the penalty and redemption fine. We clarify that no further time would be granted and no application for extension of time would be entertained.

8. The writ petition is dismissed, granting two months' further time to the petitioner to pay penalty and redemption fine.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 12, 2018
NA