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

+ **W.P.(C) 11811/2018 & CM Nos.45759-60/2018**

HUANG SHAN YU

..... Petitioner

Through : Ms. Prabjyoti K. Chadha,
Ms.Harsimran Kaur and
Ms.Kirty Arora, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajesh Kumar,
Ms.Santwana, Advs. for R-1.
Mr. Harpreet Singh, Sr. Std.
Counsel for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.04.2019

The petitioner's claim is for direction to release 3 kg gold seized by the customs authorities at the time when he was to return to Taiwan. It is contended that the gold was declared at the point of entry, and in fact the detention certification clearly recorded that it was brought in for the purpose of re-export.

It appears that a show cause notice was issued; however, the petitioner does not appear to have received the copy of it along with the relevant documents. The petitioner's statements were recorded under Section 108 on 28.07.2018 and 30.07.2018. However, the

petitioner contends that this was extracted under coercion and that the statement was retracted three days later.

Having regard to the overall circumstances, since show cause notice has been issued on 23.10.2018, this Court is of the opinion that the present writ petition is not an appropriate proceeding for adjudication of factual disputes. The respondents are however, directed to provide the copies of the show cause notice along with the documents relied upon to the petitioner or his representative/counsel within 10 days from today.

All rights and contentions of the petitioner to contest the proceedings, show cause notice and the relevant proceedings are however, reserved.

The Commissioner of Customs shall not proceed to hear the matter until the copies of the documents and the show cause notice are provided to the petitioner and the petitioner is afforded at least three weeks time to file a reply.

The writ petition is disposed of in the above terms.

Dasti.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

APRIL 08, 2019

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