

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15399-2019 (O&M)
Date of decision : 13.01.2020

K.P JEWELLERS AND ANR

..... PETITIONERS

VERSUS

DEPUTY DIRECTOR OF INCOME TAX AND ANR

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramandeep Singh, Advocate
for the petitioners.

Mr. Denesh Goyal, Senior Standing Counsel
for the respondents.

AJAY TEWARI, J. (Oral)

1. This petition has been filed for direction to release gold seized from petitioner No. 2, which has been illegally kept in the custody by the respondents.

2. The claim of the petitioner is that the petitioner No. 1 is the sole proprietorship firm of the father of the petitioner No. 2 and on the fateful day, he was travelling from Gorakhpur to Amritsar by air via New Delhi and had purchased about 1 kg of gold from a jeweller in Gorakhpur on credit and was carrying invoices for the same. But in spite of having invoices the same was taken into custody by the authorities. The grouse is that despite the gold having been seized on 11.08.2018, the same has not been released.

3. The stand of the revenue on the the other hand is that this is a very suspicious sale.

4. Be that as it may, in our considered opinion, the only interest of the revenue can be to secure any tax liability which may arise out of that seized gold and it should be available to the revenue. To that end, we may deem it appropriate to direct the respondent to release the seized gold to the petitioners after they furnish a surety for the value of gold as on the date of its purchase, i.e. 10.08.2018, to the satisfaction of the respondents.

5. The petition stands disposed of.

(AJAY TEWARI)
JUDGE

13th January, 2020

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*