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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decision delivered on: 25.08.2022

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W.P.(C) 8767/2022**GAGAN DEEP SINGH**

..... Petitioner

Through: Mr Lokesh Bhardwaj, Mr Ashish and
Ms Pratishtha Malhotra, Advs.*versus***OFFICE OF THE CHIEF COMMISSIONER
OF CUSTOMS (DZ)**

..... Respondent

Through: Mr Satish Kumar, Sr. Standing
Counsel for Revenue.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. On the previous date i.e., 31.05.2022, we had recorded the following:

“W.P.(C) 8767/2022

2. *The petitioner seeks a direction for implementation of the order dated 11.12.2020, passed by the Additional Commissioner of Customs.*

- 2.1. *Via the impugned order, the petitioner had been given the option of paying redemption fine and penalty, and, thereafter, re-exporting the subject gold articles.*

3. *Mr Lokesh Bhardwaj, who appears on behalf of the petitioner, says the petitioner has been seeking to know from the respondent, as to how to pay the redemption fine and penalty.*

- 3.1. *We are told that a communication, in this behalf, via e-mail was also sent on 10.08.2021.*

- 3.2. *On being queried as to why there was a delay in making these queries, Mr Bhardwaj says that the petitioner is a Dentist*



who works in Kuwait and because of Covid-19 restrictions, there was some bit of delay in writing to the respondent.

4. Issue notice.

4.1 Mr Satish Kumar accepts notice on behalf of the respondent/revenue.

4.2. Mr Kumar says that he will return with instructions.

4.3. In case instructions received are to resist the writ petition, a counter-affidavit will be filed within the next four weeks.

5. Rejoinder thereto, if any, will be filed before the next date of hearing.

6. List the matter on 25.08.2022.”

2. Mr Satish Kumar, who appears on behalf of the respondent/revenue, says that a counter-affidavit, bearing diary no. 122940/2022, has been lodged with the Registry only today i.e., on 25.08.2022, and therefore, the same is not on record.

3. Mr Kumar informs us that the respondent/revenue has taken a decision, to the effect that, upon deposit of the redemption fine and penalty amounting to Rs.6,60,000/-, proceedings for re-export of the subject goods can take place.

3.1. We may note that the subject goods are two gold articles i.e., one chain with a pendant and one bangle/*kada*; weighing 600 grams in total.

3.2. Mr Kumar, in this context, has drawn our attention to a communication dated 04.07.2022 issued to the petitioner, i.e., Mr Gagan Deep Singh.

3.3. Learned counsel for the petitioner, however, informs us that the communication dated 04.07.2022 has not been received by the petitioner.

4. Mr Kumar says that to cut short the controversy, the proceedings can be closed by this Court, indicating the date, on which the petitioner and/or its authorized representative, will approach the concerned officer, for deposit



of the aforementioned amount, towards redemption fine and penalty.

5. Accordingly, the petitioner and/or its authorized representative will appear before the concerned officer on 01.09.2022, at 11:00 A.M.

5.1. Once the aforementioned amount is deposited, as indicated in the communication dated 04.07.2022, the proceedings for re-export of the subject goods can commence.

6. In order to avoid any further confusion in the matter, the relevant portion of the communication dated 04.07.2022 is extracted hereafter:

“Subject – Redemption Fine and Penalty to be paid for the re-export of seized goods in pursuance of the OIO No 292/Adj./22 dated 11.12.2020 passed by the Additional Commissioner of Customs – reg.

Please refer to the OIO No 292/Adj./22 dated 11.12.2020 passed by the Additional Commissioner of Customs and your application dated 10.08.2021, on the above mentioned subject.

2. *In this regard, you are requested to deposit the Redemption fine and penalty as stated below to start the proceedings for re-export of 01 chain along-with pendant and 01 Kada of gold total weighing 600 grams and submit a copy of proof of payment to this office:-*

<i>Sl.No.</i>	<i>Total Value (in Rs.) of the seized items</i>	<i>Redemption Fine (Rs.)</i>	<i>Penalty (Rs.)</i>
<i>1.</i>	<i>22,10,013/-</i>	<i>3,30,000/-</i>	<i>3,30,000/-</i>
<i>Total 6,60,000/- (Six Lacs Sixty thousand only)</i>			

3. *You are also requested to submit a copy of the return ticket to Kuwait to start the proceedings for re-export purpose.”*



7. Thus, in view of the directions issued hereinabove, learned counsel for the petitioner says that the writ petition can be closed.
8. It is ordered accordingly.

(RAJIV SHAKDHER)
JUDGE

(TARA VITASTA GANJU)
JUDGE

AUGUST 25, 2022
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