



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2355 of 1994 (O&M)

Date of Order:23.07.2024

Ved Pal

.Appellant

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Parul Saini, Advocate
for the appellant.

Mr. Rishabh Kapoor, Advocate
Sr. Standing counsel (CBIC)

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court which in turn has reversed the judgment and decree passed by the trial court.

2. While filing the suit, the plaintiff prayed for possession/recovery of amount which is equivalent to the price of 49 grams 500 miligrams gold. It is the case of the plaintiff that 478 grams 900 miligrams gold was taken away by the Assistant Collector Excise during raid in his premises, out of which only 429 grams and 400 miligrams has been released.

3. On the other hand, the Union of India defended the suit by claiming that 49 grams 500 miligrams gold was found with foreign marking of 999 purity which is not permissible to be kept by a private individual. Thus, the aforesaid gold was absolutely confiscated and the remaining was returned. A detailed order was passed as per the provisions of the Gold



(Control) Act, 1968. The plaintiff was also penalized for possession of gold which was not permissible.

4. The trial court decreed the suit, however, the First Appellate Court held that the Union of India has not committed any error in absolutely confiscating the gold which was not permitted, thus, the judgment of the trial court was set aside.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellant submits that when the gold was taken in possession by the Seizing Officer, at that time there was no report that 49 grams 500 miligrams gold was with a foreign marking.

7. This court has considered the submissions of the learned counsel representing the appellant, however, the order was passed on the subsequent report of Mint Officer, Mumbai, to whom the gold was sent for analysis.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

July 23, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO