$~5 (SDB)

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

\+ **W.P.(C) 10971/2023**

ELENA SHVEDOVA .....Petitioner

Through: Mr. Vipul Agrawal, Adv.

versus

UNOIN OF INDIA AND ORS .....Respondents

Through: Ms. Anushree Narain, SC with Mr. Ankit Kumar, Adv.

CORAM:
HON'BLE MS. JUSTICE PRATHIBA M. SINGH
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **09.05.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 7431/2025

2. Allowed, subject to all just exceptions. The application is disposed of.

REVIEW PET. 61/2025 & CM APPL. 7432/2025 in W.P.(C) 10971/2023

3. This is a petition seeking review of the order judgement dated 27th August, 2024, *vide* which the Court has dismissed the writ petition filed by the Petitioner for release of goods seized by the Department.

4. The Court has heard the Review Petitioner.

5. The main ground for review is that the Show Cause notice which is alleged by the Department to have been served through email was in fact not served upon the Petitioner. Therefore, no reply could be filed by the Petitioner before passing of the corresponding order-in-original. The contention now is that the email which has been placed on record by the Department is not supported by a certificate under Section 65B of the Indian Evidence Act.

6. The said ground is not tenable as the Court has accepted the said email which was initially denied by the Petitioner itself. Moreover, the Court has also considered the fact that the Petitioner was intercepted and five gold bars were seized from her weighing 1075 grams. The relevant observations of the Court are as under:

> *"16. The SCN was then sent on the e-mail address, as provided by the petitioner in her statement dated 21.01.2023 at her e-mail address elshvedova@yandex.ru, in terms of Section 153(2)(c) of the Customs Act, 1961. It is not disputed that the aforesaid e-mail address is the correct e-mail address of the petitioner.*
>
> *17. Para-2.1 of the e-mail Policy of the Government of India provides that only the e-mail services provided by the NIC shall be used for official communication by all organizations. Admittedly, notice was not sent through the NIC mail ID but through g-mail ID. The e-mail Policy was issued in February 2015. The e-mail as a mode of delivery was inserted in section 153 of the Customs Act, 1962 vide Finance Act, 2018 (Act 13 of 2018) dated 29.01.2018. The amendment in Section 153 of the Customs Act vide Finance Act, 2018 does not put any bar on using e-mail service provided by other than government agency. The SCN was served on the e-mail address provided by the noticee herself in her statement dated 21.01.2023. The e-mail Policy has no overriding power over the statutory law. Thus, merely because the SCN was forwarded to the petitioner using the e-mail service provided by other than that of Government Agency, would not render the service of SCN as invalid.*
>
> *18. Petitioner made a failed attempt to show that she did not receive any e-mail dated 04.07.2023, by*

placing on record the screen-shot of the inbox taken from the mobile phone. However, the same cannot be relied for the reason that as per certificate under Section 65-B of the Evidence Act filed by the petitioner, such digital record was taken out from the computer and not from the mobile phone. The screen-shot of inbox produced by the petitioner is therefore not a trustworthy document and cannot be relied upon.

19. The gold bars were admittedly seized on 21.01.2023, while the SCN was served through e-mail to the petitioner on 04.07.2023. The SCN was served within a period of six months, as provided under Section 110 (2) of the Customs Act, 1962, and therefore that being so, petitioner is not entitled to the release of gold bars at this stage.

20. For the aforesaid reasons, we do not find any merit in the instant writ petition. The same is accordingly dismissed."

7. Ld. Counsel for the Review Applicant submits that the service of the Show Cause Notice through email was not in accordance with the email policy of the Government.

8. However, it is noted that even after the counter affidavit was filed, the Petitioner did not seek time to file any reply to the Show Cause Notice and continued to challenge the service of the email itself. Hence, there is no ground for considering the review petition.

9. No ground for interference with the order dated 27th August, 2024 has been made out.

10. Further, it is also noted that there is a delay of 200 days in filing the present review petition. The Court has perused the reasons provided for the

said delay. Even on delay, the Court is not satisfied with the reasons mentioned in the application.

11. The review petition is, accordingly, dismissed on delay and on merits.

12. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

RAVINDER DUDEJA, J

MAY 9, 2025
kk/msh