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

+ **W.P.(C) 13718/2024 & CM APPL. 57425/2024**

BINOD KUMAR VERMA ALIAS VINOD VERMA

.....Petitioner

Through: Mr Deepak Pandey, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Ms Iram Majid, CGSC and Mr Mohd Suboor, Advocate for UOI.

Mr Atul Tripathi, SSC and Mr V K Attri, Advocate for CBIC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.10.2024

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1. The petitioner has filed the present petition, *inter alia*, praying that the directions be issued to the respondents to release the goods (gold *kada* and gold ring) which were detained by the Customs Authorities.
2. The petitioner claims that he had travelled to Bangkok and on his return arrived at T-3, Indira Gandhi International Airport, New Delhi on 12.07.2024. The petitioner was intercepted by the Customs Officials and the gold *kada* and gold ring, which the petitioner claims that he was wearing, were detained. The detention receipt [DR/INDEL4/12.07.2024/54160 dated 12.07.2024] was also issued by the Customs Officials.
3. Subsequently, the adjudicating authority passed an order dated 25.07.2024 ordering absolute confiscation of the said articles – (i) One silver finished gold *kada* having purity 997, weighing 110 grams, valued at



₹7,43,120/-; and (ii) One silver finished gold ring having purity 999, weighing 40 grams, valued at ₹2,70,226/-. In addition, the adjudicating authority also imposed the penalty of ₹1,00,000/- under Section 112(a) and 112(b) of the Customs Act, 1962.

4. Concededly, the petitioner has the remedy of a statutory appeal. Thus, this Court does not consider it apposite to entertain the present petition. However, the petitioner apprehends that the said articles would be disposed of by the Customs Authorities and thus, effectively frustrate the petitioner's remedy for release of the said articles.

5. In view of the above, we consider it apposite to restrain the respondents from disposing the said articles for a period of four months from date. In the meanwhile, we also direct that, in the event the petitioner files an appeal within the period of one week from date, the appellate authority shall consider the same on merits, uninfluenced by any delay and dispose the said appeal as expeditiously as possible; preferably within a period of four months from date.

6. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 24, 2024

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Click here to check corrigendum, if any