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

+ **W.P.(C) 16536/2024**

DUSHYANT DESHMUKH

.....Petitioner

Through: Mr Pramod Kant Saxena, Advocate.

versus

**COMMISSIONER OF CUSTOMS AND
ANOTHER**

.....Respondents

Through: Mr Anurag Ojha, senior standing
counsel with Mr Dipak Raj and Mr
Subham Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

29.11.2024

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“A) Seizure Memo bearing NO VIII (AP)10/P&I/5159-D/DEP/2024 dated 02.11.2024, may, kindly be quashed;

B) Respondent no 2, may, kindly, be directed to compound the contravention under FEMA 1999 under Rule 4 Foreign Exchange Compounding Rules 2000;

C) The respondent no 1 be directed to supply copy of all the relied upon documents;”

2. The petitioner was found possessing the total of USD 20,000 in currency notes at the Terminal-3 of Indira Gandhi International Airport on 01.11.2024. It is stated that he was on his way to board a flight from Delhi to Hongkong/Beijing.

3. The petitioner claims that in terms of the RBI Circular, he is entitled



to carry currency up to USD 25,000 and has already filed an application seeking permission for compounding the offence, if any.

4. We do not consider it apposite to entertain the petition at this stage. As noted above, the currency is seized and therefore, if the respondents desire to take further action, it would be necessary for them to issue a show cause notice. The petitioner would have full opportunities to respond to the show cause notice.

5. All contentions of the petitioner are reserved.

6. It is also clarified that in the event the petitioner files any application for compounding of the offence under contravention of the Foreign Exchange Management Act, 1999 or its Rules, the same would be considered in accordance law.

7. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

NOVEMBER 29, 2024
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[Click here to check corrigendum, if any](#)