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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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(904) WRIT PETITION NO.13724 OF 2024

Maya Kerim Allanesova : Petitioner.

Versus

Commissioner Of Customs And
Ors. : Respondents

**Prahlad Paranjpe a/w. Mr. Ashish Venugopal, Mr. Kaushal Keit,
Mr. Jatin Yadav, Mr. Sagar Shetty, Ms. Krushika Udeshi,
Ms. Shraddha Nagaonkar and Ms. Aprajita Mahto for the
Petitioners.**

**Ms. Nitee Punde and Ms. Sangita Yadav for the Respondent
(Customs) Airport.**

**CORAM M. S. Sonak &
Jitendra Jain, JJ.
DATED: 22 JULY 2025**

PC (Per M.S. Sonak, J.):-

1. The matter had to be adjourned even yesterday because the learned counsel for the respondent was not present.

2. Today, she has appeared but without any instructions. Accordingly, we place this matter at 3.00 p.m. by which time we expect that the learned counsel will be equipped with all necessary instructions. She states that the instructing officer was suppose to remain present but has not yet reached the Court. Therefore, we post the matter at 3:00 p.m.

At 3.00 p.m.

3. Heard learned counsel for the parties.

4. In this matter, on 17 December 2024, as we had ordered

that the interim order granted earlier was to continue till the next date, Ms. Nitee Punde, the learned counsel for the respondents stated that the seized gold ornaments were sold even before the interim order was made by this Court. Accordingly, we recorded this statement in our order of 17 December 2024.

5. Since we are confronted with several matters where seized goods, particularly gold ornaments, are sold hurriedly, and after that, the customs authorities after several years argue that they would pay the gold ornaments value as on the date of the seizure, we directed the respondents to make a clear statement regarding the status of the seized gold ornaments.

6. After some adjournments, Ms. Nitee Punde, the learned counsel for the respondents, has now made a categorical statement before us that the seized gold ornaments have not been sold, and the statement previously made was the result of the same miscommunication. She further stated that the seized gold ornaments have been transferred to the Government of India, Mint Department of the RBI, and that they have not been sold but only deposited. She added that the form of the gold might have changed, but she maintains that the gold ornaments have neither been sold nor auctioned.

7. By our interim order made on 12 November 2024, we had restrained the respondents from selling the seized gold ornaments. Though, we now propose to dispose of this petition by directing the respondents to adjudicate the show cause notice dated 15 April 2024, we direct that until this

show cause notice is disposed of and if any adverse orders are made against the petitioner, then, for a period of four weeks from the communication of the adverse order, the seized gold ornaments shall not be sold or auctioned.

8. The petitioner has applied for provisional release of the seized gold ornaments vide application dated 15 March 2024. To date, the said application has not been disposed of. Similarly, even the show cause notice dated 15 April 2024 has not been disposed of. Ms. Nitee Punde states that both the application as well as the show cause notice can be disposed of within six weeks from today.

9. Accordingly, we accept the statement and direct the respondents to dispose of the petitioner's application for release and the show cause notice in accordance with law and on their own merits within six weeks from today. The petitioner must be heard in the matter. Learned counsel for the petitioner states that the petitioner's authorised representative/power of attorney holder will attend the hearing.

10. The email ID of the authorised representative is stated as under. Therefore, any service upon Mr. Jatin Yadav at the following email, will be sufficient notice to the petitioner:-

“advjatin24Y@gmail.com”

11. All contentions of all parties, including in particular, the petitioner's contentions regarding service of notice, etc., are expressly left open.

12. The petition is disposed of in the above terms without any costs order.

13. The learned counsel for the respondents is requested to immediately send an authenticated copy of this order to the RBI, as we would not like to hear an argument that the RBI has, in the meantime, sold or auctioned the gold ornaments, as they were unaware of this order.
14. All concerned must act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)