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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2903/2025**

MS NOSHEEN JAHAN

.....Petitioner

Through: Mohammed Ather Ansari, Advocate
(Mob. 7011359907).

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Ms. Anushree Narain, SSC with Mr.
Ankit Kumar, Adv. (M: 9910014337).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

27.03.2025

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, seeking release of the gold chain of the Petitioner which has been detained by the Customs Officials *vide* Detention receipt bearing No.-52741 dated 19th July, 2024.
3. The Petitioner is an Indian citizen, and is also a permanent resident of Kuwait, holding an Identity Card issued by the State of Kuwait. The husband of the Petitioner is a Senior Aircraft Mechanic in the Kuwait Airways for the last 25 years and the Petitioner resides there with her family.
4. It is the case of the Petitioner that on 19th July, 2024 she was travelling to India along with her family. Upon her arrival at the IGI Airport, New Delhi, she was intercepted by the Customs Officials and her gold chain being personal effect, was detained by the said Officials.
5. Ms. Anushree Narain, Id. Counsel for the respondents has reverted on



the instructions and submits that no show cause notice has been issued.

6. Once the goods are detained, it is mandatory to issue a show cause notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of The Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the Department for issuing the show cause notice. In this case, the one year period itself has elapsed, thus no show cause notice can be issued. The detention is therefore impermissible.

7. In view thereof, gold chain of the Petition shall be released, subject to the condition that it shall be re-exported, and subject to payment of storage charges. The item shall be released within four weeks.

8. Accordingly, the petition is disposed of in above terms.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MARCH 27, 2025/MR/ik