$~92 & 93

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

\+ **W.P.(C) 3461/2025 & CM APPL. 16247/2025**

SAINATH EXPRESS SERVICES PRIVATE LIMITED .....Petitioner

Through: Mr. Ashutosh Dave, Mr. Pradhuman Gohil, Ms. Hetvi Patel and Ms. Taniya Bansal, Advocates.

versus

THE SUPERINTENDENT APPRAISER SENIOR INTELLIGENCE OFFICER .....Respondent

Through: Mr. Anurag Ojha, Sr. Standing Counsel with Mr. Subham Kumar and Mr. Dipak Raj, Advocates for R-1/DGGI.

Mr. Niraj Kumar, Sr. Central Govt. Counsel with Mr. Chaitanya Kumar, Advocates for R-2 with Mr. Narendra Kumar, Insp. RPF New Delhi Railway Station.

Mr. Puneet Rai, Sr. Standing Counsel for IT Department with Ms. Ashwini Kumar, Mr. Rishabh Nargis, Mr. Nikhil & Mr. Pratham, Advocates.

93

\+ **W.P.(C) 3469/2025 & CM APPL. 16258/2025**

H L CARGO PARCEL SERVICES .....Petitioner

Through: Mr. Ashutosh Dave, Mr. Pradhuman Gohil, Ms. Hetvi Patel and Ms. Taniya Bansal, Advocates.

versus

THE SUPERINTENDENT/APPRAISER SENIOR INTELLIGENCE OFFICER .....Respondent

Through: Mr. Anurag Ojha, Sr. Standing Counsel with Mr. Subham Kumar and

Mr. Dipak Raj, Advocates for R-1/DGGI.
Mr. Niraj Kumar, Sr. Central Govt. Counsel with Mr. Chaitanya Kumar, Advocates for R-2 with Mr. Narendra Kumar, Insp. RPF New Delhi Railway Station.
Mr. Puneet Rai, Sr. Standing Counsel for IT Department with Ms. Ashwini Kumar, Mr. Rishabh Nargis, Mr. Nikhil & Mr. Pratham, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% **30.04.2025**

1. This hearing has been done through hybrid mode.

2. These two petitions have been filed by the Petitioners-M/s. Sainath Express Services Private Limited and M/s. H L Cargo Parcel Services under Article 226 of the Constitution of India challenging the illegal seizure of the goods of the Petitioners and seeking direction to the Respondents to release the same forthwith.

3. The chronology of events that has taken place in this case is that a certain amount of cash along with gold and silver was seized by the Railway Protection Force (hereinafter *'RPF'*) upon being intercepted at the New Delhi Railway Station.

4. The said goods were intercepted in the Mumbai Central - New Delhi Rajdhani Express (12951). The seizure was undertaken by the RPF on 5th /6th September, 2024. After the seizure, it is the case of the Petitioners that no seizure memos or show cause notices were issued to them in any form.

5. The agent of the Petitioners *i.e.,* one Mr. Nitin Pravinbhai Mistry was summoned under Section 70 of the Central Goods and Service Tax Act, 2017 [hereinafter, CGST Act]. Pursuant to the summons being issued, statements were also recorded. Subsequently, summons have also been issued to the Petitioners and their agent. Petitioners are stated to have filed their replies to the summons. Since there is no release of the goods till date, the present petitions have been filed praying for the following directions :

> *"a) Quash and set aside the seizure of the goods of the Petitioner by the Respondent and direct the Respondent to release the goods of the Petitioner.*
>
> *b) Pending admission, hearing and final disposal of the present petition, direct the Respondent to grant interim custody of the goods to the Petitioner."*

6. The total quantity of the goods seized is as under :

(i) Total value of the cash amount - Rs. 85,72,360/-;

(ii) Gold Bar weighing 498 gm (costing approx. Rs. 36,70,260/-); and

(iii) Silver ornaments and bricks weighing 365.704 Kg. (costing approx. Rs. 27,95,69,995/-).

7. Notice was issued in this matter on 16th April, 2025 on which date, the Court had also directed the Director General, RPF to also be impleaded. Subsequent thereto, the amended memo of parties has been filed by the Petitioner. The RPF has also been duly represented before the Court.

8. Mr. Anurag Ojha, ld. Sr. Standing Counsel appearing for the Directorate of GST Intelligence (hereinafter *'GST Department'*) submits that the statements of various persons have been recorded and the investigation is

underway.

9. On behalf of the RPF, it is submitted by Mr. Niraj Kumar, ld. Sr. Central Government Counsel that all the goods have been now handed over. The Court is informed that the silver items are with the GST Department, the gold and the cash is stated to be with the Income Tax Department.

10. Considering the above position, the Income Tax Department is impleaded as Respondent No.3 in these matters. Mr. Puneet Rai, ld. Sr. Standing Counsel is requested to accept notice for the Income Tax Department.

11. The position, therefore, today is that the GST Department is continuing with its investigation. The Income Tax Department also appears to have commenced some proceedings in respect of the items which have been seized.

12. Since the investigation is already underway and both the Departments are taking action, it is deemed appropriate to direct as under :

(i) The GST Department and the Income Tax Department shall ensure that the Petitioner is given notice of any proceedings they may undertake in respect of the above items.

(ii) The Petitioner is free to approach both the Departments for seeking release of the goods, if permissible, in accordance with law.

(iii) Both the Departments shall not dispose of the goods until the proceedings *qua* the said goods including investigation and adjudication, is completed.

13. The Petitioner is accordingly free to approach both the Departments for release of the goods either under Section 129 or under Section 67 of the CGST Act and also under the Income Tax Act. Needless to add, this Court has not

examined the merits of the matter.

14. If any application for release of the goods is made, the same shall be considered and disposed of within a period of three months from the date of filing.

15. The petitions are disposed of in these terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

APRIL 30, 2025/*nd/Ar.*