



\$~36

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

Date of Decision: 21st March, 2025

+ **W.P.(C) 3568/2025 & CM APPL. 16672/2025**

SATENDRA YADAVA

.....Petitioner

Through: Mr. S.Vijay Kanth & Mr. Utkarsh
Tripathi, Advs.

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, Senior Standing
Counsel along with Ms. Suhani
Mathur, Mr. Jai Ahuja & Mr. Akshay
Saxena, Advs. (Mob: 9971564044)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed seeking release of the two detained gold items i.e., one gold chain weighing 46 grams and one gold ring weighing 30 grams, on the ground that the same are personal jewellery of the Petitioner.
3. The case of the Petitioner is that he was travelling from Bangkok to Delhi on 15th March, 2024. Upon reaching Terminal 3, IGI Airport, the Customs officials intercepted him and seized the two gold items *vide* detention receipt No.3990.
4. It is further the case of the Petitioner that no Show Cause Notice has been issued till date in terms of Section 110 of the Custom Act, 1962.



5. On behalf of the Respondent the stand is that no SCN has been issued by the Department, after the detention.
6. Heard. 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.
7. Since the outer period of one year has also elapsed in the present case, the goods of the Petitioner deserve to be released. Moreover, they were personal jewellery of the Petitioner which could not have been detained in the first place.
8. Accordingly, let both the gold items be released to the Petitioner without payment of any storage charges within four weeks.
9. The petition is, accordingly, disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 21, 2025

kk/ss