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

+ **W.P.(C) 3901/2025**

SWARAN KAUR SETHI

.....Petitioner

Through: Mr. Rahul Raheja and Mr. Gaurav
Prakash, Advocates.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Anushree Narain, SSC with Mr.
Ankit Kumar, Advocate and Mr. Sunil
Kumar, ACS.

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+ **W.P.(C) 3936/2025**

DALAIR SINGH SETHI

.....Petitioner

Through: Mr. Rahul Raheja and Mr. Gaurav
Prakash, Advocates.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Anushree Narain, SSC with Mr.
Ankit Kumar, Advocate and Mr. Sunil
Kumar, ACS.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

03.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petitions have been filed by the Petitioners - Swaran Kaur Sethi and Dalair Singh Sethi, respectively, under Article 226 of the Constitution of India *inter alia* seeking release of the goods detained by the



Customs Department *vide* Detention Receipt No. DR/INDEL4/001808 dated 5th May 2023 and Detention Receipt No. DR/INDEL4/001809 dated 5th May 2023 respectively.

3. The case of the Petitioners is that they are British citizens, who were travelling to India for a family function and were carrying a substantial amount of jewellery for the said function. The jewellery which was being carried by the Petitioners was detained on 05th May, 2023 by the Customs Department.

4. On the last date i.e., 28th March, 2025, it was submitted by Id. Counsel for the Petitioners that no show cause notice has been issued by the Respondent till date. Accordingly, the matter was listed today for enabling the Customs Department to seek instructions upon the issuance of show cause notices and make submissions accordingly.

5. Ms. Anushree Narain, Id. Counsel appearing for the Customs Department has obtained instructions and submits that a show cause notice has, in fact, been issued to the Petitioner within the six months' period on 28th July, 2023.

6. She has also placed on record an interim reply which the Petitioners had filed before the Customs Department where a request for personal hearing was made before the Customs Department. However, no order has been passed by the Department till date with respect to such request of the Petitioners.

7. It is noted that this fact of show cause notice having been issued and interim reply having been filed has been completely concealed from the Court in the present petitions.

8. Considering the quantity of gold which the Petitioners were carrying



and which has also been detained, this Court is not inclined to entertain the present writ petitions, both, on the ground of suppression on part of the Petitioner, as also the fact that the Petitioners ought to now be permitted to be relegated to participate in the show cause notice proceedings.

9. Under these circumstances, the writ petitions are dismissed with costs of Rs.10,000/- on each of the two Petitioners who have failed to disclose the issuance of show cause notice. Costs shall be deposited with the Customs Department within a period of one month. The hearing notice be also communicated to the Petitioners on the following e-mail addresses:

(i) rahejaslawfirm@gmail.com

(ii) dalairsethi66@gmail.com

10. Upon the hearing being fixed, an opportunity of hearing shall be granted to the Petitioners and the appropriate order shall be passed by the Adjudicating Authority in accordance with law. The hearing is subject to the costs being deposited with the Customs Department.

11. Accordingly, both the petitions are dismissed, in the above terms along with all pending application(s) if any.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

APRIL 3, 2025/MR/ss