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

+ **W.P.(C) 3971/2025**

TASLEEM KHAN

.....Petitioner

Through: Mr. Ravi Rathore, Ms. Richa Kumari,
Mr. Pawan, Mr. Yatin Bhutani and Mr.
Yogesh Kumar Rai, Advocates.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Piyush Beriwal, Mr. Nikhil Kumar
Chaubey and Ms. Jyotsna Vyas,
Advocates.

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 petition has been filed by the Petitioner- Tasleem Khan under Article 226 and 227 of the Constitution of India *inter alia* seeking issuance of an appropriate writ directing the Respondent/Department to release the gold chain detained by it *vide* Detention Receipt No. 4410 dated 12th May 2024 (New Detention Receipt No. 1899 dated 16th May 2024).
3. The case of the Petitioner is that he is a citizen of India and a resident of United Arab Emirates ('UAE'). He was travelling from Dubai to India by Flight No. J9-409 on 12th May 2024 when officials of the Customs Department intercepted him at the IGI Airport, New Delhi and detained the said gold chain weighing 119 grams.
4. According to the Petitioner, the said gold chain is his personal effect. In this regard, he has placed a photograph of him wearing it in the past. It is



further submitted that he was, in fact, wearing the chain when he was detained.

5. The detention is challenged by the Petitioner on the ground that the Order-in-Original has been passed by the Office of Commissioner of Customs directing absolute confiscation of the gold chain on the ground that the said chain has average purity of 997.

6. Pursuant to the direction in the previous order dated 28th March, 2025 a short counter affidavit has been filed by the Customs Department. The only objections raised therein are in respect of -

- (i) purity of gold being 997 and
- (ii) the chain weighing 119 grams.

The counter affidavit states that the Show Cause Notice has not been issued to the Petitioner on the ground that the Petitioner had waived his right to a Show Cause Notice. Extension after the period of six months has also not been obtained by the Customs Department.

7. Today, Mr. Piyush Beriwal, Id. Counsel for the Respondent submits that the chain was not worn by the Petitioner at the time of detention and this fact is disputed by the Petitioner in his writ petition

8. Under these circumstances, since there is no show cause notice, the detention would no longer be permissible in terms of the decision of this Court in ***Amit Kumar v. The Commissioner of Customs, (W.P.(C) 15973/2024 dated 6th February, 2025***).

9. Considering the fact that the Petitioner is working in Dubai with a proper resident ID which has also been placed on record and he is willing to undertake to re-export the same, let the chain be released to the Petitioner within a period of two weeks, subject to the undertaking of the Petitioner that he would re-export the same.



10. Further, the photograph placed on record shows that the gold chain was in fact his personal effect thus making him an '*eligible passenger*' under Rule 3 of the Baggage Rules, 2016. Therefore no penalty would be liable to be charged. The Order-in-Original dated 17th December, 2024 is accordingly set aside. Storage charges are also waived.

11. The present petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

APRIL 3, 2025/MR/Ar.