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

\+ **W.P.(C) 4740/2025**

INDER RAJ .....Petitioner

Through: Mr. Ritaj Kacker and Ms. Divya Rastogi, Advs. (M:8512890051)

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Anushree Narain, SSC with Mr. Ankit Kumar, Adv. for R-2.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 21.05.2025

1. This hearing has been done through hybrid mode.

2. The present writ petition has been filed under Article 226 of the Constitution of India seeking release of the Petitioner's gold jewellery detained by the Customs Department *vide* Detention Receipt dated 4th March, 2024.

3. The case of the Petitioner is that he is an Indian passport holder and was travelling from Thailand to India on 4th March, 2024 and upon landing at the Indira Gandhi International Airport, New Delhi, he was intercepted by the Customs Department. The Petitioner is stated to have been wearing a gold *kada* of 100 grams (hereinafter "*the detained good*"), which was seized by the Customs Department.

4. The Petitioner is aggrieved by the fact that no show cause notice has been issued to him in pursuance of such detention till date.

5. Ms. Narain, ld. Counsel on instructions submits that the detained good

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is a silver coated gold *kada* and the Petitioner has not appeared for appraisement of the same. However, she concedes to the fact that no show cause notice has been issued to the Petitioner with respect to such detention, but a personal hearing notice has been issued on 16th May, 2024 and the same has not been attended by the Petitioner.

6. This Court, while deciding upon the issue of non-issuance of show cause notice in various cases has held that once the goods are detained, it is mandatory to issue a show cause notice and afford a personal hearing to the Petitioner. The time prescribed under Section 110 of the Customs Act, 1962, is a period of six months. However, subject to complying with the requirements therein, a further extension for a period of six months can be taken by the Customs Department for issuing the show cause notice. In this case, the one year period itself has elapsed, yet no show cause notice has been issued. Accordingly, the detention is impermissible.

7. In view of the above discussion, the detention of the Petitioner's gold *kada* is set aside and the detained item shall be released to the Petitioner within four weeks, subject to verification.

8. The Petitioner may appear before the concerned official for appraisement of the detained good and shall thereafter collect the detained good either in person or through an Authorised Representative, in which case, the detained goods shall be released after receiving a proper email from the Petitioner or some form of communication that the Petitioner has no objection to the same being released to the concerned Authorised Representative.

9. In facts of this case, 50 % of the storage or warehousing charges shall be paid by the Petitioner.

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10. The present writ petition is disposed of in above terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MAY 21, 2025
dj/ss

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