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

+ **W.P.(C) 5285/2025 & CM APPL. 24114/2025**

ARVIND BAJAJ

.....Petitioner

Through: Mr. Bharat Bhushan, Ms.Nidhi Gupta
& Mr.Anunay Mishra, Advs.

versus

**THE COMMISSIONER OF CUSTOMS (AIRPORT AND
GENERAL) & ORS.**

.....Respondent

Through: Mr. N. Balraj, SPC for UOI with Ms.
Meghna Rao & Mr. Osheen Bhat,
Advs.

Mr. Adit Khurana, SSC with Ms.
Aakanksha Kaul & Ms. Simran
Khurana, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% 10.12.2025

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India challenging the Show Cause Notice dated 3rd March, 2025 (*hereinafter*, 'SCN') *vide* which the seized currency to the tune of 41,500 UAE Dirhams (equivalent to Rs.9,15,000 Approx.) is sought to be absolutely confiscated.
3. The brief background of the case is that the Petitioner's son lives in Dubai and accordingly, the Petitioner was travelling to Dubai on 11th September, 2024 by Flight No. AI917, from Terminal-3, Indira Gandhi



International Airport, New Delhi. As per the Petitioner, although he had obtained his boarding pass, he had not yet crossed the immigration checkpoint at the time. It is stated that the airline staff informed the Petitioner that he had been marked by the Customs Authorities for examination. Thereafter, he was escorted by the airline personnel to the Customs Authorities, who conducted a search and subsequently seized foreign currency amounting to 41,500 Dirhams, equivalent to approximately 41,500 UAE Dirhams (equivalent to Rs.9,15,000 Approx.). The Petitioner thereafter did not take any steps and did not even travel to Dubai.

4. It is also submitted that he subsequently had received an SCN dated 3rd March, 2025 stating therein that he was off-loaded. The Petitioner's stand is that he had not crossed the immigration.

5. A perusal of the passport of the Petitioner indicates that it was also stamped, showing that he had passed the immigration and then the immigration stamp was cancelled. According to the Petitioner, since he had not crossed the immigration and at the check-in counter itself, he was taken to the Customs Authorities, the immigration stamp could not have been put on the passport.

6. In this regard, it is prayed that the records, including CCTV or photographs taken at the immigration counter on the said date may be preserved and be placed on record to determine whether the Petitioner had crossed the immigration or not.

7. On 24th April, 2025, the Show Cause Notice proceedings were directed to be continued before the Adjudicating Authority and reply was also to be filed before the Adjudicating Authority within 30 days. The following directions were issued on 24th April, 2025:



“9. In the meanwhile let the show cause notice proceedings shall continue before the adjudicating authority. The Petitioner is granted the liberty to file a reply to the said show cause notice within a period of thirty days from today.

10. However, in the meantime, the Bureau of Immigration shall place an affidavit on record stating as to whether the Petitioner had crossed the immigration or not and in what manner the immigration stamp came to be affixed on the Petitioner's passport.

11. List before the Joint Registrar on 1st July, 2025.

12. List before Court on 1st September, 2025.

13. Ld. counsel appearing for the Customs Department & the Bureau of Immigration shall transmit this order within 48 hours so that whatever data including CCTV footage, photograph taken at immigration, any images at the check-in counter etc., is available can be preserved.”

8. Thereafter, on 10th September, 2025, Id. Counsel for the Delhi International Airport Limited appeared and submitted that the CCTV footage is available only for 30 days. However, now the Bureau of Immigration has filed its affidavit giving various details, including the pictures of the Petitioner, as per which it is argued by the BOI that the Petitioner's picture at the immigration counter is clearly visible.

9. In the opinion of this Court, this matter would require analysis of facts, which is beyond the scope of writ jurisdiction.

10. Accordingly, the Petitioner is permitted to participate in the SCN proceedings, which shall be adjudicated in accordance with law. The grounds raised herein are permitted to be raised by the Petitioner in the SCN proceedings. The stand of the Bureau of Immigration filed by way of affidavit shall also be placed in the SCN proceedings.



11. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 10, 2025/pd/ss