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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5844/2025

KANIYA SINGH VIG

.....Petitioner

Through: Mr. Naveen Malhotra, Advocate.

versus

COMMISSIONER OF CUSTOMS (GENERAL) AND ANR

.....Respondents

Through: Mr. Gibran Naushad, Senior Standing Counsel with Mr. Harsh Singhal and Mr. Suraj Shekhar Singh, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **19.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Kaniya Singh Vig under Article 226 of the Constitution of India, *inter alia*, seeking release of the gold kada weighing 350 grams detained *vide* Detention Receipt No. 02386 dated 23rd March 2023.
3. On the last date of hearing *i.e.*, 5th May, 2025, the Court had passed the following order:

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3. The case of the Petitioner is that he is a British National. The Petitioner is stated to have purchased the said gold kada in 2015 from one M/s JRS Jewellers' Ltd. 137 – The Broadway South Hall, UB1 1LP, United Kingdom and since then he has been wearing it regularly.



4. According to the Petitioner, a Show Cause Notice was issued to the Petitioner on 22nd September 2023 and the same was replied to on 06th May, 2024, however, till date no Order-in-Original has been served upon him.

5. Ld. Counsel for the Petitioner submits that the limitation for passing the Order-in-Original is expired. Ld. Counsel further relies on the recent decision of this Court in Dalvinder Singh Sudan v. Commissioner of Customs (2025: DHC: 2919-DB). Moreover, the Petitioner is willing to undertake that he would re-export the gold kada.

6. Let Mr. Naushad, ld. SCC seek instructions.”

4. Mr. Gibran Naushad, ld. SSC submits that instructions have been sought. He submits that the order in original was passed on 31st December, 2024, however, the same was not communicated to the Petitioner via email. According to the ld. Counsel, an attempt was made to serve the Petitioner through the Department of Legal Affairs as the Petitioner is a British citizen.

5. In the present case, no show cause notice was received by the Petitioner and no personal hearing was also held. In view thereof, the Court is of the opinion that the impugned order-in-original deserves to be set aside. The same is accordingly, set aside.

6. The Petitioner shall now be given a hearing through its counsel. The Petitioner shall also be permitted to file a reply.

7. The personal hearing is fixed on 02nd June, 2025.

8. After hearing the Petitioner, proper order-in-original shall be passed adjudicating the matter. The same shall also be communicated to the Petitioner.



9. While passing the order-in-original, the various decisions rendered by the Supreme Court and this Court in respect of 'personal effects' including ***Directorate of Revenue Intelligence and Ors. v. Pushpa Lekhumal Tolani, (2017) 16 SCC 93*** and ***Mr. Makhinder Chopra v. Commissioner of Customs New Delhi, 2025:DHC:1162-DB*** shall be considered.

10. The petition is disposed of in these terms. Pending applications, if any, are also disposed.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 19, 2025
v/msh