



\$~85

\*

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

+

**W.P.(C) 6147/2025 & CM APPL. 27966/2025**

**PARVINA DZHURAEVA AND ANR. ....Petitioners**

Through: Mr. Javed Khan, Adv.

versus

**THE COMMISSIONER OF CUSTOMS**

.....Respondent

Through: Mr. Akshay Amritanshu, Ms. Drishti Saraf and Ms. Pragya Upadhyay, Adv.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE RAJNEESH KUMAR GUPTA**

**ORDER**

%

**08.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India seeking release of the detained USD 41,250 to be released in favour of the Petitioners.
3. Brief Background of the case is that Petitioner No.1- Parvina Dzhuraeva she along with her nephew Petitioner No.2-Farukhjon Dodarov travelled from Tajikistan to New Delhi on 8<sup>th</sup> May, 2023. They were to depart back to Tajikistan by flight No SZ110 on 11<sup>th</sup> May, 2023. On the day of their departure, at the Airport, during scanning the CISF suspected certain doubtful images in the handbag of the Petitioner and, therefore, search was conducted and the foreign currency to the tune of 41,250 USD were seized.
4. It is the case of the Petitioner that she had travelled to India for the purpose of availing medical facilities here at Manipal Hospital as she was undergoing some medical issues. The currency was being carried to make payments in this regard. However, no documents are placed on record. The seizure memo was issued on 11<sup>th</sup> May, 2023 itself. Further case in the writ petition is that no Show Cause Notice has been issued till date and hence the currency is liable to be



returned to the Petitioner.

5. Mr. Akshay Amritanshu, Id. Standing Counsel appearing for the Respondent-Customs Department submits that a Show Cause Notice was, in fact, issued on 9<sup>th</sup> November, 2023. A copy has been handed over to Id. Counsel for the Petitioner. He submits that even a hearing notice was issued on 21<sup>st</sup> November, 2024 fixing a hearing on three dates i.e., 23<sup>rd</sup> May, 2025, 29<sup>th</sup> May, 2025 and 5<sup>th</sup> June, 2025, however, no reply has been received. The receipt of the said Show Cause Notice is disputed by the Petitioner on the ground that the Petitioner never received it.

6. The Court has heard the parties and perused the records. In the overall scheme of things, considering the amount of foreign currency that has been seized and the alleged reason of visit being to avail medical facilities in India, this Court is of the view that the Petitioner have to be afforded an opportunity to file a reply to the Show Cause Notice.

7. Accordingly, let the reply be filed by 30<sup>th</sup> May, 2025. The Petitioner or her authorised representative may appear on the date already fixed hearing i.e., 5<sup>th</sup> June, 2025. The submissions on behalf of the Petitioner including any medical records shall be considered by the Adjudicating Authority and a reasoned order shall be passed in accordance with law. The copy of the Show Cause Notice and the personal hearing notice are taken on record.

8. All rights and remedies are left open.

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

**PRATHIBA M. SINGH, J**

**RAJNEESH KUMAR GUPTA, J**

**MAY 8, 2025/dj/Ar.**