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

\+ **W.P.(C) 7081/2025**

GAURAV MAHESHWARI .....Petitioner
Through: Mr. S Vijay Kanth, Adv.
versus

THE COMMISSIONER OF CUSTOMS .....Respondent
Through: Mr. Harpreet Singh, SSC

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RENU BHATNAGAR

<u>O R D E R</u>

% 26.11.2025

1. This hearing has been done through hybrid mode.

2. This matter is being taken up today, as 25th November, 2025 was declared a holiday on account of 'Guru Tegh Bahadur's Martyrdom Day' *vide* ***Notification No. 35/G-4/Genl.-I/DHC.***

3. The present petition has been filed by the Petitioner, *inter alia*, seeking unconditional release of the detained goods of the Petitioner being three gold bangles and one gold chain weight a total of 124.50 grams along with one iPhone.

4. The case of the Petitioner is that the Petitioner along with his seven family members including his wife, children were all travelling after spending a holiday in Dubai back to India. Upon arrival at Terminal 3, IGI Airport, New Delhi, the Petitioner was intercepted and the said goods were detained vide detention receipt bearing No. 52504.

5. No Show Cause Notice (hereinafter 'SCN') has been issued and it is submitted by ld. Counsel for the Department that the Petitioner had signed a

waiver of SCN.

6. On 23rd May, 2025, the ld. Counsel for the Department had prayed for the matter to be re-notified for the Petitioner to appear before the Customs Department for the personal hearing on 26th May, 2025. It was assured that upon hearing the Petitioner the matter shall be duly adjudicated at the earliest.

7. Thereafter on 23rd July, 2025, the Court was informed that the Order-in-Original has been passed on 8th July, 2025. As per the said order, absolute confiscation has been directed of the three gold bangles and a gold chain. Insofar as the iPhone is concerned, redemption fine of Rs. 20,000/- has been imposed and redemption has been permitted.

8. Today, the ld. Counsels for the parties have made submissions. However, the Petitioner has not been candid and has claimed that the gold items are his used personal effects, which is clearly not correct as the ld. Counsel for the Petitioner Mr. S Vijay Kanth, has now admitted that the jewellery was purchased from Dubai.

9. However, considering the no SCN has been issued to the Petitioner, the Court is inclined to direct the Petitioner to avail of its appellate remedy. If the appeal is filed by 15th January, 2026, the same shall be considered on merits and shall not be dismissed on the ground of limitation.

10. The Petition is, accordingly, disposed of. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RENU BHATNAGAR, J.

NOVEMBER 26, 2025*/PT/hp*