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

\+ **W.P.(C) 7131/2025 & CM APPL. 42325/2025**

FRAHAT SHABNAM .....Petitioner

Through: Mr. Sandeep Chilana & Ms. Anjali Jain, Advs.

versus

OFFICET OF THE ADDITIONAL COMMISSIONER OF CUSTOMS IGI AIRPORT TERMINAL 3 NEW DELHI & ANR. .....Respondent

Through: Ms. Anushree Narain, SSC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER

% 18.08.2025

1. This hearing has been done through hybrid mode.

2. On 29th May, 2025, the Court had directed provisional release of the detained jewellery of the Petitioner *i.e.,* four gold bangles and two gold anklets, collectively weighing approximately 342 grams, in the following terms:

> *"7. Ld. Counsel for the Petitioner submits that the detained jewellery may be provisionally released in favour of the Petitioner. For the said purpose, let the Petitioner appear before the Customs Department on 09th June, 2025, on which date, the Customs officials will consider the Petitioner's request for provisional release of the detained jewellery on such conditions which they deem appropriate in accordance with law. However, the same shall be without prejudice to the contentions in the present petition.*
>
> *8. In case the detained jewellery is not provisionally released by the Customs Department, the jewellery items shall not be disposed of by the Department during the pendency of the present petition."*

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3. Thereafter, the Petitioner had approached this Court by way of an application being ***CM APPL. 42325/2025*** aggrieved by the fact that the Customs Department, despite the directions passed by this Court on 29th May, 2025, had *vide* email dated 11th July, 2025 intimated the Petitioner that the detained jewellery is in process of being disposed of. The said application was considered by the Court on 18th July, 2025 and the relevant portion of the order passed on the said date read as under:

> *"3. The apprehension expressed by the Petitioner is due to a letter dated 8th July, 2025 which was sent via email on 11th July, 2025 to the Petitioner whereby an intimation was given to the Petitioner that the Customs Department is in the process of disposing of the goods seized as mentioned in the detention receipt bearing no. 65313 dated 4th April, 2025.*
>
> *4. The said e-mail dated 11th July, 2025 is shocking to say the least considering the order dated 29th May, 2025 where this Court is completely seized of the matter and had directed on 29th May, 2025 that the Petitioner's request for provisional release shall be considered by the Customs Department.*
>
> *5. Despite the Petitioner making a representation, the said consideration has not been afforded by the Customs Department and above all, this letter has been issued stating that the goods of the Petitioner shall be disposed of.*
>
> *6. In cases of personal jewellery, the Customs Department ought to be conscious of the fact that disposal of such jewellery especially without the written consent of the parties could result in enormous injustice to*

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Petitioners whose proceedings are pending.

7. The issuance of this letter dated 8th July, 2025 in this case cannot be condoned. Ms. Anushree Narain, ld. SSC for the Respondent has candidly submitted that this letter was issued inadvertently. If the said letter was issued inadvertently, the Customs Department had an obligation to inform the Petitioner that the same was issued wrongly and withdrawn the same which has not been done.

8. Accordingly, let the goods of the Petitioner be produced in Court on 23rd July, 2025."

4. Thereafter, on 23rd July, 2025 the Court had directed the Department to pass orders for provisional release.

"4. Accordingly, let the order on provisional release of the said goods be passed by the Customs Department within a period of ten days. The copy of the same shall be placed before this Court on the next date of hearing.

5. Ms. Anushree Narain, ld. Sr. Standing Counsel for Respondents, submits on instructions that the letter dated 8th July, 2025 which was issued by the Customs Department for disposal of the goods has now been retracted and it is being assured that the goods would not be disposed of during the pendency of the present writ petition or any other adjudication proceedings which may commence."

5. Today, it is submitted by the ld. Counsel for the Petitioner that the provisional release order in terms of the previous order dated 23rd July, 2025 has not been passed. However, a Show Cause Notice (hereinafter *"SCN"*) has been issued on 31st July, 2025. Copy of which has been handed across by the ld. SSC and the same is taken on record.

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6. Heard. It is noticed that the SCN has been issued within the period prescribed under Section 110 of the Customs Act. Let the Petitioner reply to the SCN within two weeks from today. The SCN proceedings shall be concluded expeditiously and the Order-in-Original shall be passed by 31st October, 2025.

7. It is made clear that the detained jewellery would not be disposed of during the pendency of the adjudication proceedings and thereafter, without intimation to the Petitioner on the said *Mobile No., i.e., 9899114258*.

8. The present petition along with pending application stands disposed of in the above terms.

9. Next date of hearing stands cancelled.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 18, 2025/Sk/msh

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