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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7609/2025

VINAY JAIN

.....Petitioner

Through: Mr. Ritaj Kacker and Mr. Deepansh
Dhamija, Advs.

versus

THE UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Satish Aggarwala, SSC with Ms.
Mala Sharma, SPP and Mr. Aman
Tripathi, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **28.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India *inter alia* assailing the Detention Receipt No. **DR/INDEL4/10-04-2024/004168** dated 10th April, 2024 vide which, goods of the Petitioner being, one gold chain weighing around 50 grams, one gold ring weighing about 15 grams and two mobile phones- Iphone 15 Pro Max (256GB) were seized by the Custom officials.
3. According to the Petitioner, he was travelling from Dubai to Delhi on 10th April, 2024. However, on his arrival at the Indira Gandhi International Airport, Delhi, he was intercepted by the Custom officials and the said goods were seized.
4. It is the case of the Petitioner that a period of more than one year has



passed since detention. No Show Cause Notice has been issued and no Order-in-Original has been passed till date.

5. Mr. Aggarwala appearing for the Respondents, submits that the Petitioner has waived the right to Show Cause Notice. He has also not appeared for appraisalment.

6. The Court has already held that waiver of the Show Cause Notice and personal hearing is not permissible in terms of the judgment, ***Amit Kumar vs. Commissioner of Customs, [W.P. (C) 15973/2024]***.

7. In any event, no Order-in-Original has been passed and the time for issuance of any notice has also elapsed in terms of Section 110 of the Customs Act, 1962.

8. Since no notice has been issued and no Order-in-Original has been passed, continued detention would not be permissible.

9. Let the Petitioner appear for appraisalment before the Customs Authorities within the next two weeks *i.e.*, 4th June, 2025 at 11:30 AM.

10. The detention is accordingly set aside. After appraisalment of the goods, the goods shall be released to the Petitioner, subject to payment of the storage charges.

11. The present petition is disposed of. All pending application(s), if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 28, 2025/akc/rks