$~60

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

\+ **W.P.(C) 7637/2025**

SHABNAM PARVEEN .....Petitioner

Through: Mohd. Ather Ansari and Mr. S. Vijay Kanth, Advs. (M:7011359907)

versus

THE COMMISSIONER OF CUSTOMS & ORS. ....Respondents

Through: Mr. Aditya Singla, SSC, CBIC with Ms. Arya Suresh Nair, Mr. Ritwik Saha and Mr. Umang Misra, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 28.05.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner under Articles 226 & 227 of the Constitution of India seeking release of the gold bars of the Petitioner which were detained by the Customs Department *vide* detention receipt dated 10th May, 2022.

3. The Petitioner, being an Indian citizen, was travelling from Thailand to Delhi on 10th May, 2022. Upon arrival at the airport in Delhi, gold bars weighing a total of 300 gm *(hereinafter, 'the detained articles')* were seized by the Customs Officials.

4. Subsequently, an Order-in-Original was passed on 4th August, 2022 to the following effect:

> "*ORDER*
>
> *i) I deny the 'Free Allowance' if any admissible to the Pax Ms Shabnam Parveen for not declaring the detained goods to the Proper Officer at Red*

Channel as well to the Customs Officer at Green Channel who intercepted her and recovered the detained goods from her.

ii) I declare the passenger, the Pax Ms Shabnam Parveen is "an ineligible Passenger" for the purpose of the Notification No. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).

iii) I order absolute confiscation of the above said "Two Gold pieces having purity 24kt and weighing 300 gms." valued at Rs 14,58,557/-(Rupees Fourteen Lakh Fifty Eight Thousand Five Hundred Fifty seven Only) (as on 10.05.2022) recovered from the Pax Ms Shabnam Parveen, under Section 111(d), 111(j), 111(l) & 111(m) of the Customs Act, 1962;

iv) I also impose a penalty of Rs 2,25,000/- (Rupees Two Lakh Twenty Five Thousand Only) on the Pax Ms Shabnam Parveen under Section 112 of the Customs Act, 1962.

v) I also impose a penalty of Rs 2,25,000/- (Rupees Two Lakh Twenty Five Thousand Only) on the Pax Ms Shabnam Parveen under Section 114AA of the Customs Act, 1962."

5. It is the case of the Petitioner that the Order-in-Original dated 4th August, 2022 has been passed without issuance of any show cause notice or personal hearing notice and is thus, liable to be set aside.

6. The Order-in-Original was further challenged by the Petitioner before the Appellate Authority and the Appellate Authority, while modifying the Order-in-Original has allowed the release of the detained articles vide order dated 9th May, 2023 in the following terms:

" Order

6.0 In light of discussions and findings as above, I *partially allow the appeal against O-in-O No. 154/2022-23 dated 08.08.2022 and order that the impugned Gold collectively weighing 300 grams, valued at Rs.14,58,557/- be released on payment of redemption fine of Rs.1,46,000/- under Section 125 of the Customs Act, 1962. The penalty under Section 112 and 114AA of the Customs Act, 1962 is reduced to Rs.1,46,000/-. The Appeal is disposed with such modifications and consequential relief as above*"

7. It is further submitted that the Customs Department has filed a revision petition against the Order-in-Appeal dated 9th May, 2023. However, for the last three years, the same has not been decided by the Revisional Authority. The Petitioner has sought timely hearing of the said revision petition.

8. It is seen in a number of matters listed before this Court that the Revisional Authority does not take decisions in a timely manner. In the present case as well, it has been more than 3 years and the matter is still pending before the Revisional Authority.

9. In such circumstances, the Revisional Authority is directed to decide the revision petition in the present case within a period of 2 months from the date of this order. It is, made clear that if the detained articles are directed to be released by the Revisional Authority, then no storage charges shall be liable to be collected for the period from the date of Order-in-Original till the final order of the Revisional Authority.

10. The Revisional Authority shall also bear in mind the fact that the Order-in-Original was itself passed without issuance of a show cause notice and personal hearing notice, which this Court has held to be contrary to law in several decisions including ***Amit Kumar v. The Commissioner of Customs [2025:DHC:751-DB]***. All rights and remedies of the Petitioners are left open.

11. The petition, along with pending application, is disposed of in the above terms.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 28, 2025/*dk/ss*