



\$~11

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

+ **W.P.(C) 8678/2025**

SANJAY AGARWAL

.....Petitioner

Through: Mr. Prem Ranjan Kumar, Adv.

versus

**THE ADDITIONAL COMMISSIONER OF
CUSTOMS**

.....Respondent

Through: Mr. Harpreet Singh, SSC with Mr. Jai
Ahuja & Mr. Sanidhya Sharma,
Advs..

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **08.07.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India, *inter alia*, seeking release of one gold chain, weighing 116 grams and one gold *kada*, weighing 100 grams of the Petitioner (hereinafter, '*gold item*') seized *vide* Detention Receipt bearing no. DR/INDEL4/08.11.2024/0038253 dated 8th November, 2024.
3. Ld. Counsel for the Respondent has sought instructions in terms of the previous order.
4. The background of the present case is that the Petitioner, who is an Indian national, had travelled to Dubai and had purchased gold items. The gold items were detained on 8th November, 2024. Thereafter, an Order-in-Original was passed on 29th November, 2024 *vide* which the absolute

W.P.(C) 8678/2025

Page 1 of 4



confiscation of the gold items was directed and penalty was also imposed. The said Order-in-Original reads as under:

“ **ORDER**
i) I deny the 'Free Allowance' if any, admissible to the Pax Sanjay Agarwal for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted him and recovered the detained goods from him.
ii) I declare the passenger, Sanjay Agarwal, is an "ineligible Passenger" for the purpose of the Notification No. 50/2017-Customs dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).
iii) I order absolute confiscation of the (i) 01 gold kada having purity 999 weighing 100 grams valued at Rs. 8,13,144/- (ii) 01 gold chain having purity 998 weighing 116 grams valued at Rs. 9,43,247/- collectively valued at Rs. 17,56,390/- recovered from the Pax Sanjay Agarwal and detained vide DR No. "DR/INDEL4/08.11.2024/0038253 dt. 08.11.2024" under section 111 (d), 111 (j) and 111 (m) of the Customs Act, 1962;
iv) I also impose a penalty of Rs1,80,000/- (Rs One Lakh Eighty Thousand Only) on the Pax. Sanjay Agarwal under section 112 (a) and 112(b) of the Customs Act, 1962.”

5. The said Order-in-Original was challenged in appeal by the Petitioner and the said Order-in-Original was modified as under:

“ **Order**
6.0 In light of discussions and findings as above, I allow the appeal partially against OIO No. 2094/0038253/08.11.2024/WH/2024-25 dated 02.12.2024 passed by the Additional Commissioner of Customs, T-3, IGI Airport, New Delhi and impugned



goods i.e. "(I) One gold kada having purity 999, weight 100 grams, valued at Rs.8,13,144/- & (II) One gold chain having purity 998, weight 116 gram, valued at Rs.9,43,247/-,collectively valued at Rs.17,56,391/- " is allowed to be released to the appellant/authorized person on payment of redemption fine of Rs.1,70,000/- (Rupees One Lakh Seventy Thousand only)under Section 125 of the Customs Act, 1962 along with applicable Customs Duty. The penalty of Rs.1,80,000/- (Rupees One Lakh Eighty Thousand only)imposed on the appellant under Section 112(a) & 112(b) of the Customs Act, 1962 is upheld. The Appeal is disposed off with such modifications and consequential relief as above."

6. In terms of the abovementioned Order-in-Appeal dated 1st May 2025, the Respondent has computed the payable amounts as under:

*Customs duty – Rs.6,32,310/-
R.F. – Rs.1,70,000/-
P.P. – Rs. 1,80,000/-*

7. Ld. Counsel for the Petitioner submits that the Petitioner is willing to comply with the said Order-in-Appeal.

8. Accordingly, the Petitioner may appear before the Customs Department on 28th July, 2025 at 12:30 PM along with the abovementioned amount. Upon the said amount being deposited with the Customs Department, the gold items shall be released to the Petitioner.

9. No further amount would be liable to be paid by the Petitioner to the Customs Department.

10. The copy of the email handed over to the Court today is taken on record.

11. The petition is disposed of in these terms. Pending application(s), if



any, also stand disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

JULY 8, 2025

Rahul/ck