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

+ **W.P.(C) 8660/2025**

YAKIN YUNUS PATEL

.....Petitioner

Through: Dr. Ashutosh, Ms. Fatima & Mr.
Parvej Hassan, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur & Ms. Sanidhya
Sharma, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **01.07.2025**

1. This hearing has been done through hybrid mode.
2. The present Petition has been filed by the Petitioner– Mr. Yakin Yunus Patel under Articles 226 and 227 of the Constitution of India *inter alia* seeking release of the five iPhones (*hereinafter, the ‘detained goods’*), which were seized by the Customs Department vide detention receipt dated 3rd May, 2024.
3. It is the case of the Petitioner that he and his family members were travelling from Hong Kong to Delhi on 3rd May, 2024 and were intercepted at the IGI Airport by the Customs officials. Thereafter, the detained goods were seized from their custody. However, no show cause notice has been issued with respect to such seizure till date, despite the expiry of more than one year from the date of seizure and no Order-in-Original has been passed or served upon the Petitioner. It is, therefore, prayed that the detained goods may be released.
4. Ld. Counsel appearing on behalf of the Respondent submits that the standard form for waiver of show cause notice was signed by the Petitioner,



hence no show cause notice was issued. However, three opportunities for personal hearing were granted to the Petitioner, but the Petitioner failed to appear for the same.

5. Considering these facts, since no show cause notice was issued in this matter, the time period has also lapsed, in terms of Section 110 of the Customs Act, the detention would no longer be tenable.

6. Let the Petitioner appear before the Customs Department and submit any documents which they may wish to rely upon. Upon considering the submissions made by the Petitioner, as also the documents furnished, since no show cause notice has been issued, the detained goods are directed to be released to the Petitioner.

7. The Petitioner shall pay the entire warehousing charges. Subject to the said charges being paid, the five iPhones shall be released to the Petitioner.

8. The Petitioner may appear before the Customs Department on 14th July, 2025 for furnishing the relevant documents and the detained goods shall be released to the Petitioner by 30th July, 2025.

9. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 1, 2025

Rahul/ss