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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ W.P.(C) 9411/2025

AYNA AKYYEVA .....Petitioner

Through: Mr. Aman Yadav, Adv.

versus

COMMISSIONER OF CUSTOMS, ...Respondent

Through: Mr. Vishal Chadha, Senior Standing Counsel for Customs alongwith Mr. Chandan Kumar, Advocate

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

<u>O R D E R</u>

% 10.09.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed seeking to permit re-export of the seized jewellery of the Petitioner seized by the Customs Department. The details of the seized jewellery are as under:

Item	***Weight (in grams)***
1 gold chain bracelet	*51*
1 gold ring	*13*
1 pair of gold earrings	*17*
1 gold safety pin	*9*
1 gold safety pin	*7*

3. The brief facts of the case are that Petitioner is a Turkmenistan national and was travelling to India for medical treatment. Upon her arrival at the Indira Gandhi International Airport, New Delhi on 10th July, 2024, she was intercepted by the Customs Department and the seized jewellery were detained

vide Detention Receipt dated 10th July, 2024.

4. Thereafter, the Petitioner appeared for appraisement of the seized jewellery on 15th July, 2024. However, it is the case of the Petitioner that no Show Cause Notice has been issued with respect to the detention of the seized jewellery till date. Hence, the detention deserves to be set aside.

5. On 9th July, 2025, it was submitted by the ld. SCC for the Customs Department that personal hearing has been fixed in the present case for 11th July, 2025, 18th July, 2025 & 25th July, 2025. However, the same was objected by the ld. Counsel for the Petitioner on the ground that the personal hearing is being granted without issuance of the Show Cause Notice and post filing of the present petition. After hearing the parties, the Court had directed as under:

> *"7. Be that as it may, let a short affidavit be filed by the Customs Department. The Petitioner shall appear on the date fixed for personal hearing before the Adjudicating Officer, along with any reply which she may wish to rely upon."*

6. Today, it is submitted by the ld. SCC for the Customs Department that personal hearing has been provided to the Petitioner and the same was attended by the Petitioner.

7. Ld. Counsel for the Petitioner again objects to the providing of personal hearing without issuance of the Show Cause Notice that too after the filing of the writ petition.

8. Heard. It is settled law that once the goods are detained, it is mandatory to issue a Show Cause Notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of the Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the Customs Department for issuing the

Show Cause Notice. In this case, the one year period itself has elapsed, thus no Show Cause Notice can be issued at this stage. The detention is therefore impermissible.

9. Thus, considering the nature of the seized jewellery and the total weight of the same, let the Adjudicating Authority consider and pass an order for release of the same to the Petitioner for the purposes of re-export.

10. Since no Show Cause Notice was issued in this case, no warehousing charges shall be collected. Insofar as the redemption fine and penalty is concerned, the Adjudicating Authority shall impose a reasonable amount of redemption fine and release the goods for re-export.

11. Let the order be passed by 30th September, 2025 and the same be emailed to the Petitioner.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 10, 2025
Rahul/msh