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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10037/2025**

TASABBUR HUSAIN

.....Petitioner

Through: Mohd. Ather Ansari, Mr. Mazhar
Sidique and Mohd. Salman, Advocates.

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Ms. Anushree Narain, SSC with Mr.
Naman Choula, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **10.09.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking release of the detained gold bar, weighing 116 grams, which was seized by the Customs Department *vide* Detention Receipt bearing no. DR/INDEL4/11-02-2024/003753 dated 11th February, 2024.
3. The case of the Petitioner is that he travelled from Saudi Arabia to New Delhi on 11th February, 2024. Upon arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the concerned officials of the Customs Department and the gold bar of the Petitioner was seized. The detention receipt was also issued to the Petitioner. However, thereafter, no Show Cause Notice (hereinafter, 'SCN') has been issued to the Petitioner and no order has also been passed by the Adjudicating Authority.
4. Ms. Narain, Id. SSC for the Respondents relies upon the statement signed by the Petitioner whereby the Petitioner has waived off the SCN and the



personal hearing.

5. Ld. Counsel for the Petitioner submits that the Petitioner is willing to re-export the detained gold bar.

6. Once the goods are detained, it is mandatory to issue a SCN 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 SCN. In this case, the one year period itself has elapsed, thus no SCN can be issued. The detention is therefore impermissible.

7. Accordingly, let the Petitioner appear before the Customs Department for appraisal and the Customs Department may pass an order allowing re-export of the seized gold bar, subject to some reasonable terms and conditions, bearing in mind the fact that the Petitioner is working as a driver in Saudi Arabia.

8. Let the Petitioner appear before the Customs Department on **23rd September, 2025 at 11:00 AM** in person or through an Authorised Representative, in which case, a proper email from the Petitioner or some form of communication to be sent to the Customs Department that the Petitioner has authorised the concerned Authorised Representative to appear on behalf of the Petitioner.

9. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent authority for compliance with the present order:

***Mr. Sandeep Lamba, Superintendent, Customs
Office of Commissioner, Customs***



IGI Airports, T-3, New Delhi
Mobil No.7405345000
Email id: igilegaldelhi@gmail.com

10. The petition is disposed of in these terms. Pending applications, if any, are disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 10, 2025/dk/ck