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

+ **W.P.(C) 9957/2025**

KURBAN

.....Petitioner

Through: Mr. Mobeen Akhter and Mr.
Mohammed Ather Ansari, Advocates.
(Mob. No. 7011359907)

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Atul Tripathi, SSC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **16.07.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner – Kurban under Articles 226 and 227 of the Constitution of India seeking directions to the Respondents to unconditionally release the gold bars and to quash the detention receipt No. 39923 dated 26th December, 2021 and set aside the order, if any, passed without issuance of Show Cause Notice (*hereinafter* 'SCN').
3. The case of the Petitioner is that three pieces of gold bars were seized from the Petitioner and detained when he arrived in IGI Airport, Delhi from Saudi Arabia on 26th December, 2021. The Petitioner is stated to be a resident of Saudi Arabia bearing Passport No. 9877366 and Resident Card bearing No. 2476361742. Further, the detained gold bars are stated to have been purchased



by him for making gold jewellery for his sister's marriage.

4. Upon seizure, the detention receipt dated 26th December, 2021 was issued and thereafter the Petitioner visited the office of the Customs Authorities on 10th May, 2022. The Petitioner's stand is that he was informed that an order would be passed directing the amount of duty to be deposited, however, no order has been received till date. Hence, this petition has been filed.

5. The admitted position is that no SCN has been issued till date in this matter. This Court *vide* a number of decisions including

(i) ***Amit Kumar v. The Commissioner of Customs, 2025:DHC:751-DB*** and

(ii) ***Mr Makhinder Chopra vs Commissioner of Customs New Delhi, 2025:DHC:1162-DB,***

has held that in absence of an SCN being issued, the detention is liable to be quashed and the seized goods shall be released.

6. In view of the circumstances of the case and the above decisions, the Petitioner would be entitled to release of the gold bars, subject to payment of the customs duty, as applicable.

7. Accordingly, let the Petitioner appear before the concerned Customs Authority on 30th July, 2025 at 11:30 AM. The Customs Department shall hear the Petitioner and pass an order informing the Petitioner as to how much customs duty is to be deposited. No redemption fine or penalty will be payable.

8. Due to the delay in adjudication of this matter, and due to non-issuance of SCN, in the facts of this case, 50% of the warehouse charges as were applicable on the date of detention would be liable to be paid.



9. 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 16, 2025/nd/Ar.