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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9977/2025**

HIFJUL KAVIR

.....Petitioner

Through: Mr. M. A. Ansari, Mr. Mazhar Sidique
& Mohd. Salman, Advs.

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr Piyush Beriwal Ms Jyotsna Vyas
and Ms Ruchita Srivastava, Advs. for
R-1 to 3 (9910396352)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **17.07.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Hifjul Kavir under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking release of the two gold bars, weighing 232 grams, (hereinafter, 'gold bars') of the Petitioner seized by the Customs Department *vide* detention receipt bearing no. DR/INDEL4/29-03-2-22/000034 dated 29th March, 2022.
3. The case of the Petitioner is that he is an Indian citizen. However, he is presently a resident of Saudi Arabia. The Petitioner had arrived from Saudi Arabia on 29th March, 2022 at the IGI Airport, Delhi, where the gold bars of the Petitioner were detained by the Customs Department. The residence permit identity card Petitioner has been placed on record.
4. According to the Petitioner, no Show Cause Notice (hereinafter, 'SCN') has been issued till date. Moreover, no personal hearing has been granted to



the Petitioner.

5. Heard. 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. The detention is therefore no longer tenable.

6. However, considering the nature of the goods involved, the Petitioner is willing to pay custom duty in this case.

7. Accordingly, the detention is set aside. Let the two gold bars be released to the Petitioner within two weeks subject to payment of applicable customs duty, as also warehousing charges as applicable on the date of detention.

8. The petition is, accordingly, disposed of. Pending applications, if any, are disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 17, 2025

kk/ck