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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 9992/2025

VIJAY KUMAR SAND

.....Petitioner

Through: Mr. S. Vijay Kanth & Mr. Utkarsh
Tripathi, Advs.

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Anushree Narain, SSC with Mr.
Asangha Rai, Adv.

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 under Article 226 of the Constitution of India challenging the Order-in-Original dated 28th February, 2024, as per which, the Petitioner has been permitted to re-export the goods subject to payment of redemption fine in the following terms:

“

ORDER

i) I deny the free allowance as admissible to the to the Noticee on account of various omission and commission, as discussed hereinabove;

ii) I order confiscation of the above Gold items total weighing 885 gms having tariff value of Rs.46,56,022/- (Rupees Forty Six Lakh Fifty Six Thousand and Twenty Two Only), and seized from possession of Noticee under Section 111(d), 111(1), 111(m), 111(h) & 111(o) of the Customs Act, 1962;

iii) I give an option to the Noticee to redeem the goods cosfiscated above on payment of Redemption Fine of Rs. 5,00,000/- (Rupees Five Lakh only) under Section 125 of Customs Act, 1962 and allowed the same for re-



export to Hong Kong only. The redemption is to be allowed after the completion of legal formalities in this regard and also fulfillment of any regulatory clearances/ approvals required. The offer of redemption, if accepted, shall be subject to condition that the Noticee shall not dispute the identity and valuation of the seized goods. The offer of redemption shall cease after 120 days from the date of issuance of this order;

iv) I impose a penalty of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand only) upon the Noticee for her act of omission and commissions in respect of 885gms Gold under Section 112(a), Section 112(b) and 114AA of the Customs Act, 1962.”

3. The Customs Department (*hereinafter* ‘Department’) has challenged this order through an appeal, however, the same has not been heard or disposed of till date. The Petitioner is, therefore, aggrieved by the continued detention despite the Order-in-Original in his favour.
4. In the opinion of this Court, the only order that can be passed at this stage is for early hearing of the appeal filed by the Department and for expeditious adjudication.
5. Accordingly, the Commissioner (Appeals) shall adjudicate this matter within a period of three months from today after giving a personal hearing to the Petitioner.
6. 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 16, 2025/Rahul/Ar.