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

Date of Decision: 10th September, 2025

+ **W.P.(C) 10210/2025 & CM APPL. 57044/2025**

SHAHID BAIG

.....Petitioner

Through: Mohd. Ather Ansari & Mr. Prashant
Solanki, Advs.

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Piyush Beriwal & Ms. Ruchita
Srivastava, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner-Shahid Baig under Articles 226 and 227 of the Constitution of India, *inter alia*, challenging the Order-in-Original dated 22nd April, 2024 (hereinafter, '*impugned order*') by which absolute confiscation of the following detained goods has been directed:
 - (i) one gold chain weighing, 116 grams;
 - (ii) one gold *kada*, weighing 116 grams.
3. The Adjudicating Authority in Para 20 of the impugned order has directed as under:



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ORDER

i) I deny the 'Free Allowance if any, admissible to the Pax Mr. Shahid Baig for not declaring the detained goods to the Proper officer at Red Channel as well as to the Customs Officer at Green Channel who intercepted him and recovered the detained goods from him.

ii) I declare the passenger. Mr. Shahid Baig as an ineligible Passenger" for the purpose of the Notification No. 50/2017-Customs dated 30.06.2017 (as amended)

iii) I order absolute confiscation of the following goods..

(a) One Gold chain having average purity 995 with both gross and net weight 116 grams having Assessable value Rs.7,04,973/-

(b) One gold kada having average purity 996 with both gross and net weight 116 grams having Assessable value Rs.7,04,973/- (Total Assessable Value of all the said gold items is Rs.14,09,946/-) recovered from the fax Mr. Shahid Baig and detained vide DR/INDEL4/18.01.2024/003560 dated 18.01.2024 under section 11th. A DR No.) and 111(m) of the Customs Act 1962:

iv) I impose a penalty of Rs. 1,40,000/- (Rupees One Lakh Forty Thousand Only) on the Pax Mr. Shahid Baig under section 112 (a) and 112th) of the Customs Act, 1962.”

4. The impugned order has been challenged on the ground that the seized gold items were personal jewellery of the Petitioner. Photographs have been filed on record in support of the said contention. It is also submitted by the ld. Counsel for the Petitioner that the Petitioner has been residing in Oman since the last 15 years. It is his further contention that none of the procedures pursuant to the detention, such as issuance of Show Cause Notice (hereinafter, ‘SCN’), personal hearing etc., has been followed.



5. On the last date of hearing *i.e.*, 18th July, 2025, notice was issued in the matter.
6. Today, Mr. Beriwal, Id. Counsel for the Respondent has handed over a counter affidavit. It is his submission that the Petitioner through his Authorised Representative waived the SCN as also the personal hearing. Moreover, an oral SCN was received by the Authorised Representative of the Petitioner. However, in any event, the perusal of the documents filed in the writ petition would show that the invoice, which has been placed on record is in respect of a gold bar which has been converted into a chain and a *kada*.
7. The submission of Mr. Beriwal, Id. Counsel is that since it is admitted that the gold items were purchased abroad and the impugned order has already been passed, hence, the present writ is not liable to be entertained.
8. Heard. A perusal of the impugned order would show that the same has been served upon Mr. S. Vijaykanth, Advocate who was representing the Petitioner. Moreover, no appeal has been filed against the impugned order.
9. The impugned order is an appealable order, though the time period for filing the appeal has already lapsed. Since, this writ petition has been pending before this Court and this is a case where the Court is of the view that the Appellate Authority needs to have a fresh look at the matter, the Petitioner is permitted to file an appeal by 31st October, 2025 before the Appellate Authority.
10. The Petitioner is also willing to re-export the gold items. This submission may also be made before the Appellate Authority.
11. The appeal shall be decided by the Appellate Authority after hearing the Petitioner within a period of four months.



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

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

SEPTEMBER 10, 2025/*pd/ck*