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

\+ **W.P.(C) 10907/2025**

DHEERAJ KUMAR JAIN .....Petitioner

Through: Mr. Sriram Parakkat, Mr. Nachiketa Vajpayee, Mr. Nandana K.Vijayan, Mr. Anandhu S. Vijayan & Ms. Manoesha Sunil Kumar, Advs.

versus

CHAIRMAN CENTRAL BOARD OF EXCISE AND CUSTOMS & ORS. .....Respondents

Through: Mr. Vishal Chadha, SSC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

<u>O R D E R</u>

% 28.07.2025

1. This hearing has been done through hybrid mode.

<u>CM APPL. 44993/2025 (Exemption)</u>

2. Allowed, subject to all just exceptions. Application is disposed of.

<u>W.P.(C) 10907/2025 CM APPL. 44994/2025</u>

3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents not to dispose of the following gold items of the Petitioner:

- one gold chain, weighing 200 grams;
- one gold *kada*, weighing 100 grams

4. The Petitioner has approached this Court challenging the intimation dated 8th July, 2025 received from the Customs Department that the abovementioned gold items which were detained on 27th April, 2025 *vide*

detention receipt bearing no. 65210 dated 27th April, 2025 are sought to be disposed of. The said letter reads as under:

> " ***Subject:*** *Intimation for Disposal of goods under Section 110 of the Customs Act, 1962- reg.*
>
> *Please refer to the case booked under F. No. VIII (AP) 10 / P&I / 5298-D/ Arrival / 2025 and Detention Receipt No. 65210 dl. 27.04 .25 issued by the O / o The Commissioner of Customs , IGI Airport , New Delhi.*
>
> ***In this regard , it is hereby informed through this intimation that this office is in the process of disposing off the goods seized as per the above mentioned Detention Receipt as per Section 1 10 of the Customs Act, 1962 .***"

5. The case of the Petitioner is that he was a passenger who was travelling from Dubai to India on 26th April, 2025. 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 items of the Petitioner were detained. However, till date no Show Cause Notice (hereinafter, '*SCN*') has been issued to the Petitioner. The Petitioner has received the letter dated 8th July, 2025 from the Customs Department intimating the Petitioner that the Customs Department is in the process of disposing off the gold items. The Petitioner prays that the gold items may not be disposed of as the same are liable to be released.

6. Ld. Counsel for the Petitioner submits that since the SCN has not been issued to the Petitioner, the Customs Department would not be entitled to dispose of the gold items.

7. On behalf of the Respondent, reliance is placed upon Section 110 (1D) of the Customs Act, 1962 to argue that the Customs Department has the power to dispose of the goods as per the law. However, ld. SCC further submits that

he has received instructions to the effect that the gold items of the Petitioner have not been disposed of and there is no intention to dispose of the same.

8. It is surprising to note that before issuance of SCN itself, the Petitioner has received a letter reflecting the intention of the Customs Department to dispose of the gold items. The issue is being considered by this Court in other cases as to whether this is permissible or not.

9. However, insofar as the present case is concerned, since the stand of the Customs Department is that it does not intend to dispose of the gold items, it is accordingly directed that the impugned letter dated 8th July, 2025 for disposal of the gold items is set aside. The gold items shall not be disposed of till the SCN is issued and the same is adjudicated in accordance with law. The said stand of the Customs Department is taken on record.

10. In any event, prior to disposal of the gold items, notice shall be issued to the Petitioner.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

JULY 28, 2025

sk/ck