



\$~9

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11037/2025

PALAK ARORA

.....Petitioner

Through: Ms. Richa Kumari, Mr. Pawan and
Mr. Prashant Chaudhary, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, SSC with Mr. Jai
Ahuja, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **08.12.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed challenging the continued detention of one gold *kada*, one gold chain and three refurbished iPhones (hereinafter collectively "*the detained goods*") which were detained by the Customs Department *vide* Detention Receipt dated 29th March, 2023.
3. The matter was heard and considered by the Court, and in terms of the order dated 29th July, 2025, the Petitioner was permitted to redeem the detained goods in terms of the Order-in-Original dated 21st September, 2023, where, operative portion of the said order reads as under:

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



ii) I declare the passenger, **Palak Arora**, is an "**ineligible Passenger**" for the purpose of the Notification Nq. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).

iii) I order confiscation of the above said detained goods i.e. "One (01) gold chain having purity 995 weighing 116 gms and One (01) gold kada having purity 916, weighing 150 grams collectively, weighing 266 gms and totally valued at Rs. 14,12,216.57 and Three (3) refurbished 14 I-Phone Pro 128 GB totally valued at Rs. 2,65,050.00 comes out as Rs. 16,77,266.57/- (as on 29.03.2023) recovered from the Pax Palak Arora and detained vide 51141 dated 29.03.2023, under Section 111(d), 111(j), 111(1) & 111(m) of the Customs Act, 1962;

iv) I give an option to redeem the goods confiscated above on payment of Rs. 2,50,000/- (**Rupees Two lakhs fifty thousand only**) along with applicable rate of Customs Duty on Tariff, Valuation as on the date of detention of seized goods. I **allow release of the detained goods** within 120 days of issue of this order under Section 125(3) of the Customs Act, 1962). The redemption 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 Passenger shall not dispute the identity and valuation of the goods. The offer of redemption shall cease after 120 days of the receipt of this order.

iv) I also impose a **penalty of Rs. 1,60,000/- (Rupees One lakh sixty thousand only)** on the Pax, **Palak Arora** under Section 112 & 114AA of the Customs Act, 1962."

4. However, the Court had modified the above to the extent that the gold jewellery, being personal jewellery, would be liable to be released without payment of Customs duty. Insofar as the iPhones are concerned the same would be released on payment of applicable Customs duty.



5. Accordingly, the Petitioner was directed to appear before the Customs Department on 12th August, 2024 at 11:00 a.m.

6. It is submitted by the Id. Counsel for the Petitioner that despite this being the position, the detained goods are not being released.

7. On behalf of the Customs Department, it is submitted that the order dated 29th July is likely to be challenged in the Supreme Court.

8. On the said ground, the matter has been adjourned on the last two occasions. However, the SLP has not yet been filed and even today it is submitted that the same is in the process of being filed.

9. Be that as it may, since the Court has only directed implementation of the Order-in-Original dated 21st September, 2023, in the above terms, the Court is of the opinion that the proposal to file a SLP, that too beyond the period of limitation, would not be sufficient to hold back the implementation of the order passed by this Court.

10. Accordingly, let the detained goods be released to the Petitioner. The same shall, however, be subject to orders, if any, passed in the SLP, if filed.

11. Petitioner shall appear on 15th December, 2025 before the authorities at 11:00 a.m, The Nodal Officer shall assist the Petitioner in release of the detained goods. The details of the Nodal Officer are as under:

**Mr. Mukesh Gulia, Superintendent,
Legal Office of Commissioner, Customs
IGI Airports, T-3, New Delhi
Email id: igilegaldelhi@gmail.com
Mob. No. 9999922479**

12. Further, considering the facts of the case complete warehousing charges are waived of.



13. The Petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 8, 2025/tg/msh