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

\+ **W.P.(C) 11910/2025**

SAIDAN .....Petitioner

Through: Mr. Ashish Pandey and Mr. Ajay Singh, Advs.

versus

COMMISSIONER OF CUSTOMS .....Respondent

Through: Mr. Gibran Naushad, Mr. Harsh Singhal and Mr. Suraj Shekhar, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RENU BHATNAGAR

O R D E R

% **08.08.2025**

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner- Saidan under Article 226 of the Constitution of India, *inter alia*, seeking quashing of the detention of the 4 gold bangles, collectively weighing 175 grams which was seized by the Customs Department on 13th February, 2024 *vide* detention receipt bearing no. DR/INDEL4/13-02-2024/003771.

3. The case of the Petitioner is that she had arrived from Jeddah to New Delhi on 13th February, 2024. Upon her arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the concerned officials of the Customs Department and her 4 gold bangles were detained. According to the Petitioner, she was forced to sign the waiver of the Show Cause Notice (hereinafter, '*SCN*').

4. Thereafter, the Order-in-Original was passed on 25th April, 2024 in the following terms:

“ ***ORDER***

i) I deny the 'Free Allowance' if any, admissible to the Pax Ms Saidan for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted her and recovered the detained item from her.

ii) I declare the passenger Ms Saidan as an "ineligible Passenger" for the purpose of the Notification No. 50/2017-Customs dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).

(iii) I order confiscation of ***“Four Gold bangles having average purity 981 with gross and net weight 175 grams having Assessable value Rs.10,22,098/-“*** *recovered from the Pax Ms Saidan and detained vide DR No. DR/INDEL4/l3.02.2024/003771 dated 13.02.2024 under section 111(d), 111(j) and 111(m) of the Customs Act, 1962;*

(iv) I give an option to redeem, the goods confiscated above on payment of fine of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only) along-with applicable rate of Customs duty on tariff valuation as on the date of detention of goods. I allow release of the detained goods within 120 days of issue of this order under Section 125(3) of Customs Act, 1962. 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 Pax shall not dispute the identity and valuation of the detained goods. The offer of redemption shall cease after 'One Hundred Twenty Days' from date of the receipt of this order;

(v) I also impose a penalty of Rs. 1,00,000/- (Rupees One Lakh Only) on the Pax Ms Saidan under section 112 (a) and 112(b) of the Customs Act, 1962.”

5. The Customs Department had challenged the said Order-in-Orginal, however, the said appeal has been rejected *vide* Order-in-Appeal dated 29th

May, 2025 in the following terms:

> *"* ***Order***
> *6.0 In light of the discussions and findings above, I reject the appeal of the appellant i.e. department and uphold the OIO No. 1405/003771/13.02.2024/WH/2024-25 dated 25-04-2024 passed by the Joint Commissioner of Customs, T-3, IGI Airport, New Delhi. The appeal is disposed off accordingly."*

6. Ld. Counsel for the Petitioner submits that even though the appeal has been dismissed, the four gold bangles of the Petitioner are not being released. Ld. Counsel further submits that the Petitioner is willing to abide by the Order-in-Original.

7. In view thereof, let the Order-in-Original dated 25th April, 2024 be given effect to. Accordingly, let the Petitioner appear before the Customs Department on 19th August, 2025.

8. In the facts of this case and considering the background, the warehouse charges are waived.

9. Let the four gold bangles be released within one week after the deposit of all the amounts in terms of the Order-in-Original.

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

PRATHIBA M. SINGH, J

RENU BHATNAGAR, J

AUGUST 8, 2025
dj/ck