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

+ **W.P.(C) 12645/2025**

LAKHENDRA PRASAD SINGH

.....Petitioner

Through: Ms. Richa Kumari, Adv.
versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Sh. Atul Tripathi, SSC,CBIC with Mr.
Gaurav Mani Tripathi & Mr. Shubham
Mishra, Advs. (M:9560018960)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **21.08.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner challenging the impugned Order-in-Original dated 30th April, 2024, by which absolute confiscation of the gold chain of the Petitioner has been directed and redemption has been permitted with respect to two i-Phones.
3. The said goods of the Petitioner were detained by the Customs Department when the Petitioner had travelled from UAE, Sharjah to India on 09th February, 2024.
4. The grievance of the Petitioner is that there was a pre-waiver of Show Cause Notice which was not signed and no personal hearing was granted.
5. However, this Court notes that the *ex parte* Order-in-Original has been passed on 30th April, 2024 and it is after a period of one year and three months that the challenge has been raised before this Court. The Petitioner



ought to have been alert, in at least following up with the Department in this case. In the opinion of this Court, the matter would be barred by laches.

6. However, considering the fact that no personal hearing has been granted to the Petitioner, which would be mandatory in terms of Section 124 of the Customs Act, 1962, it is deemed appropriate to permit the Petitioner to file an appeal challenging the impugned order.

7. In the meantime, if the Petitioner wishes to redeem the two i-Phones as per the order in original, the Petitioner is free to do so.

8. Let the appeal be filed by the Petitioner against the impugned order by 30th September, 2025. If the appeal is filed by the Petitioner by 30th September, 2025, the same shall not be rejected for being barred by limitation and shall be adjudicated on merits within a period of three months of filing.

9. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 21, 2025/pd/dk/ss