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

+ **W.P.(C) 12941/2025**

MANOJ KUMAR JAISWAL

.....Petitioner

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

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Akash Verma, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **26.08.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed, *inter alia*, challenging the seizure of the Petitioner's goods by the Customs Department *vide* Detention Receipt dated 12th July, 2024.
3. The brief facts of the case are that the Petitioner is an Indian passport holder and had travelled from Bangkok to Delhi on 12th July, 2024. Upon his arrival at the Indira Gandhi International Airport, New Delhi the Petitioner was intercepted by the Customs Department and one gold chain of 100 grams was seized (hereinafter "*seized jewellery*").
4. According to the Petitioner he was forced to sign a waiver of the show cause notice and personal hearing. Thereafter, the appraisalment of the seized jewellery was also done on 2nd August, 2024 and the Order-in-Original was passed on 27th September, 2024 ordering absolute confiscation of the seized



jewellery. The said order reads as under:

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ORDER

- i) I deny the '**Free Allowance**' if any admissible to the Pax **Mr. Manoj Kumar** 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, **Mr. Manoj Kumar** an "**ineligible Passenger**" for the purpose of the Notification No. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).
- iii) I order **absolute confiscation** of the above said detained goods i.e. "**One gold chain having purity 999, weight 100 grams, valued at Rs. 6,55,647/-**" recovered from the Pax **Mr. Manoj Kumar** and detained vide DR No. **DR/INDEL4/12.07.2024/54159** dt. **12.07.2024**, under Section 111(d), 111(i), 111(j) & 111(m) of the Customs Act, 1962;
- iv) I also impose a penalty of **Rs. 1,00,000/- (Rupees One Lac Only)** on the Pax, **Manoj Kumar** under Section 112(a) & 112(b) of the Customs Act, 1962.”

5. An appeal was filed against the said Order-in-Original. In the Order-in-Appeal passed on 28th May, 2025, the seized jewellery is permitted to be released on payment of redemption fine and customs duty. The said order reads as under:

“6.0 In light of discussions and findings as above, I allow the appeal partially against OIO No. 54159/12.07.2024/WH/2024-25 dated 27-09-2024 passed by the Assistant Commissioner of Customs, T-3, IGI Airport, New Delhi and impugned goods i.e." One gold chain having purity 999, weight 100 gram, valued at Rs. 6,55,787/- **is allowed to be released to the appellant/authorized person on payment of redemption fine of Rs. 65,000/- (Rupees Sixty Five Thousand**



Only) under Section 125 of the Customs Act, 1962 along with applicable Customs Duty. The penalty imposed on the appellant under Section 112(a) & 112(b) of the Customs Act, 1962 is reduced to Rs. 65,000/- (Rupees Sixty Five Thousand Only). The Appeal is disposed off with such modifications and consequential relief as above.”

6. The case of the Petitioner is that till date the order is not being implemented by the Customs Department.

7. Ld. Counsel appearing for the Respondent submits that he does not have instructions as to whether any revision has been filed or not against the Order-in-Appeal.

8. The Court has perused the Order-in-Appeal dated 28th May, 2025. Considering the same and also considering the nature of the seized jewellery, the appellate order is quite reasonable and deserves to be implemented.

9. Accordingly, the Customs Department shall give effect to the Order-in-Appeal dated 28th May, 2025 within a period of two weeks.

10. The Petitioner shall appear before the Customs Department on 2nd September, 2025 at 11:30 a.m. In respect of the same, let the Petitioner contact the following officer who shall assist the Petitioner with the requisite procedure:

Officer: Mr. Sandeep Lamba, Superintendent, Customs
Address: Office of Commissioner, Customs, IGI Airport,
Terminal - 3, New Delhi
Mob. No: 7405345000
Email: igilegaldelhi@gmail.com

11. It is made clear that no warehousing charges shall be payable by the Petitioner in these facts.



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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 26, 2025
dj/msh