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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ W.P.(C) 13040/2025

PANKAJ SONI .....Petitioner

Through: Mohammed Athar Ansari, Adv.

versus

THE COMMISSIONER OF CUSTOM AND ORS. .....Respondents

Through: Mr. Vishal Chadha, Senior Standing Counsel for Customs along with Mr. Chandan Kumar, Advocate.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER

% 10.09.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner, under Article 226 of the Constitution of India, *inter alia*, assailing the impugned order dated 19th May 2023 passed by the Assistant Commissioner of Customs (Airport and General), T-3, I.G.I Airport, New Delhi *(hereinafter 'the impugned order')* and also seeking the release of the gold items of the Petitioner in terms of the Order-in-Appeal dated 25th June, 2024 passed by the Commissioner of Customs (Appeals), I.G.I Airport, New Delhi *(hereinafter Order-in-Appeal)*.

3. It is the case of the Petitioner that the Petitioner had arrived in India from Dubai on 15th January, 2023. Upon his arrival, he was intercepted by the Customs department and one gold kada and one gold chain, weighing a total of 140 gms *(hereinafter 'gold items')*, was seized *vide* detention receipt bearing DR no. 001092.

4. The Order-in-Original was passed on 19th May, 2023 - as per which, absolute confiscation was directed. The said order was set aside by the Order-

in-Appeal and redemption was permitted in the following terms:

> *"6.0 In light of discussions and findings as above, I allow the appeal partially OIO No No 105/001092/ 15.01.2023/WH/2023-24 dated 19-05-2023 passed by the Assistant 1-3, IGI Airport, New Delhi and order that the impugned goods, valued in total at Rs.8,22:110.80/- be released after payment of redemption, fine in total of Rs. 120,000/- under Seenon 125 of the Customs Act, 1962 along with applicable duty. The penalty under Section 112 and 114AA of the Customs Act, 1962 is upheld to Rs. 120,000/-The Appeal is disposed with such modifications and consequential relief as above."*

5. The Petitioner's case is that he has repeatedly sought release of the gold items, but the same has not been released.

6. Ld. Counsel for the Petitioner submits that the Petitioner prays for the implementation of the Order-in-Appeal.

7. Ld. Counsel for the Respondent submits that a revision has already been filed in this matter on 10th October, 2024.

8. Heard. Considering that the gold items are not of very high quantity, in the opinion of this Court, the Order-in-Appeal is a reasonable order. However, in view of the fact that the revision has already been filed by the Customs Department, let the revision petition be decided within a period of two months and be communicated to the Petitioner.

9. The Petitioner shall be given a hearing in the revisional authority. The prayer for waiver of warehouse charges shall be considered by the revisional authority. The hearing notice shall be served on the following email address and mobile number:

- ***Email ID: mohammedatheransari@gmail.com***
- ***Mobile No.: +91 7011359907***

10. The proof of filing of revision petition is taken on record.

11. All rights and remedies of the parties are left open.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 10, 2025
Rahul/Sm