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

+ **W.P.(C) 13663/2025**

**MOHAMMED MUQEEM THROUGH SPA
MOHAMMAD JAVED**

.....Petitioner

Through: Mohammed Ather Ansari and Mr. Javed
Khan, Advs. (M: 7011359907)

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Atul Tripathi, SSC, CBIC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **04.09.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking release of the gold bar of the Petitioner, weighing 166 grams seized by the Customs Department *vide* detention receipt bearing no. DR/INDEL4/18-04-2024/004235 dated 18th April, 2024.
3. The Petitioner had travelled from Saudi Arabia to India on 18th April, 2024. Upon arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the concerned officials of the Customs Department and the said gold bar of the Petitioner was detained by the Customs Department.
4. The grievance of the Petitioner is that till date, no Show Cause Notice (hereinafter, 'SCN') has been issued and hence, the gold bar is liable to be released.

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5. Issue notice. Mr. Atul Tripathi, Id. SSC accepts notice on behalf of the Customs Department and submits that the Advocate, who is an authorised representative of the Petitioner, had signed the pre-printed SCN waiver and waiver of personal hearing as well.

6. The Court has heard Id. Counsels for the parties.

7. Insofar as the pre-printed SCN waiver is concerned, the Advocate himself appears to have signed the pre-printed waiver with complete knowledge. In any event, the personal hearing in this matter is already stated to be fixed on 8th September, 2025.

8. Considering the nature of the detained item, i.e., gold bar, the same cannot be permitted to be imported into India without paying applicable customs duty. Moreover, the Petitioner is an Indian citizen and is not an eligible passenger as per the Baggage Rules, 2016. Under such circumstances, the following directions are issued in the matter.

- (i) The Petitioner shall appear before the Customs Department on 8th September, 2025. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent Authority for compliance with the present order:

Mr. Sandeep Lamba, Superintendent, Customs

Office of Commissioner, Customs

IGI Airport, T-3, New Delhi

Mobile No. 7405345000

Email Id: igilegaldelhi@gmail.com

- (ii) After hearing the Petitioner, appropriate order shall be passed in respect of the applicable customs duty to be deposited by the Petitioner.



(iii) In the facts of this case, full warehouse charges are liable to be paid as applicable on the date of detention.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 4, 2025/dk/ck