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

+ **W.P.(C) 14400/2025**

SAURABH JOSHI

.....Petitioner

Through: Mohammed Ather Ansari, Mr. Mobin
Akhtar & Mohammad Salman, Advs.

versus

COMMISSIONER OF CUSTOMS & ORS.

.....Respondents

Through: Appearance not given.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **17.09.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Saurabh Joshi under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking unconditional release of the gold chain weighing 152 grams, and setting aside of the Order-in-Appeal dated 27th June, 2025 passed by the Commissioner of Customs (Appeals), Indira Gandhi International Airport, Terminal-3, New Delhi (*hereinafter* 'OIA').
3. A brief background of the Petitioner's case is that, on 21st May 2024 the Petitioner is stated to have travelled from Bangkok to India. Upon his arrival, he was intercepted by the Customs Department, and a gold chain weighing 152 grams was detained by the Customs Department *vide* detention receipt dated 21st May 2024 (*hereinafter* 'gold chain'). After the detention, and appraisalment, an Order-in-Original has been passed in this matter *vide* order dated 5th July 2024 by the Joint Commissioner of



Customs, Indira Gandhi International Airport, Terminal-3, New Delhi (hereinafter 'OIO'), as per which absolute confiscation was directed as under:

“ORDER

i) I deny the 'Free Allowance', if any, admissible to the Pax Saurabh Joshi 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 Saurabh Joshi 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 absolute confiscation of One gold chain having average purity 967 with gross and net weight 152 grams having Assessable value Rs. 10,10,974/- recovered from the Pax Saurabh Joshi and detained vide DR No. DR/INDEL4/21.05.2024/004467 dated 21.05.2024 under section 111(d), 111(j) and 111(m) of the Customs Act, 1962;

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

4. The above OIO was challenged by the Petitioner in appeal and vide the OIA the gold chain was directed to be released, subject to payment of redemption fine, customs duty, and penalty in the following terms:

“Order

6.0 In light of discussions and findings as above, I allow the appeal partially against OIO



No.1716/4467/21.05.2024/WH/2024-25 dated 05-07-2024 passed by the Joint Commissioner of Customs, T-3, IGI Airport, New Delhi and impugned goods i.e. “One gold chain having purity 967, weight 152 grams, valued at Rs.10,10,974/-” is allowed to be released to the appellant/authorized person on payment of redemption fine of Rs.1,00,000/- (Rupees One Lakh only) under Section 125 of the Customs Act, 1962 along with applicable Customs Duty. The penalty of Rs.1,00,000/- (Rupees One Lakh only) imposed on the Appellant under Section 112(a) & 112(b) of the Customs Act, 1962 is upheld.

The Appeal is disposed off with such modifications and consequential relief as above.”

5. Ld. Counsel for the Petitioner submits that he does not press for the OIA to be set aside, however, he is willing to deposit the customs duty in terms of the OIA, if the appellate order is given effect to.
6. Ld. Counsel for the Respondent submits that the time for filing revision has not lapsed.
7. Heard. Considering the fact that the Appellate Authority has merely released the gold chain, subject to payment of redemption fine, customs duty, and penalty, this Court is of the opinion that the same is a reasonable view of the Appellate Authority, and deserves to be given effect to.
8. Accordingly, the OIA, which is a well-reasoned order, is directed to be implemented by the Customs Department.
9. Let the petitioner appear before the Customs Department on 10th October, 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 Airports, T-3, New Delhi
Mobil No.7405345000
Email id: igilegaldelhi@gmail.com**

10. Upon depositing the applicable redemption fine, customs duty, and penalty, the gold chain shall be released to the Petitioner.
11. In the facts of the present case, warehousing charges are waived.
12. The present petition along with pending application/s, if any, is disposed of in above terms.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 17, 2025/kp/sm