$~61

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

\+ **W.P.(C) 14507/2025**

AKEELA BEGUM THROUGH SPA MOHAMMAD JAVED .....Petitioner

Through: Md. Ather Ansari, Mr. Javed Khan & Md. Salman, Advs. (7011359907)

versus

COMMISSIONER OF CUSTOM .....Respondent

Through: Mr. Shubham Tyagi, SSC, CBIC with Ms. Navruti Ojha, Mr. Rishabh Chauhan & Mr. Harish Saini, Advs. (9650049869)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

O R D E R

% 18.09.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed, *inter alia,* challenging the Order-in-Original dated 28th November 2024 (hereinafter, '*impugned order*') directing absolute confiscation of the Petitioner's gold jewellery and penalty.

3. The case of the Petitioner is that she had travelled to Jeddah, Saudi Arabia for Umrah pilgrimage and upon her return to India on 8th April, 2024, she was intercepted by the Customs Department at Indira Gandhi International Airport, New Delhi. The Petitioner was wearing four gold *kadas* each weighing 26 grams (hereinafter "*detained jewllery*") and the same were detained by the Customs Department on 8th April, 2024. The detained jewellery was appraised by the Customs Department on 8th July, 2024 on which date the Authorised Representative and Advocate of the Petitioner - Mr. Mohammad Ather was also present. It is stated the said Authorised

Representative had furnished a detailed reply alleging the detained jewellery to be the personal jewellery of the Petitioner. Further, a written pre-printed waiver was also signed by the said representative.

4. The Court has perused the impugned order wherein, in respect of waiver of the Show Cause Notice, it is stated as under:

> *"The **AR Advocate Mohammad Ather (Aadhar No. 6313 1137 9138) of The Pax Mr. Akeela Begum visited this office and submitted a letter dated 08.07.2024** wherein she submitted that she had arrived at IGI Airport, Terminal-3, New Delhi by Flight No. SV 758 Dated 08.04.2024 and brought the above said detained goods. She further requested that the said detained goods may please be appraised and release to her after observing necessary legal formalities. The Pax regretted her mistake of opting for Green Channel and also requested for lenient view in the matter. **She is ready to pay the applicable Customs Duty, fine and penalty for the same after taking lenient view as these goods belong to her and were meant for personal use. She did not want any Show Cause Notice and Personal Hearing in the matter and requested for order for release**. She submitted that she departed from India on 24.03.2024 and returned on 08.04.2023."*

5. It is clear from the above, the Ld. Counsel for the Petitioner had waived the Show Cause Notice and also did not seek a hearing, leading to the impugned order being passed.

6. At this stage, it is submitted on behalf of the Petitioner that the Petitioner has already filed an appeal against the impugned order. However, the same has not been heard.

7. Considering the above position, at this stage, the only relief the Court is inclined to grant is for early hearing and disposal of the appeal which has

been filed against the impugned order.

8. Accordingly, let the appeal be decided within three months. In the appeal, personal hearing shall be granted to the Petitioner. Let the notice for personal hearing be given on the following email address and mobile no:

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

9. The Appellate Authority shall consider the fact that the Petitioner is willing to pay the applicable duty and that the detained jewellery is claimed to be her own personal used jewellery. Further, considering that the Appellant is a senior citizen, the prayer for waiver of warehousing charges shall be also considered by the Appellate Authority.

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

11. The writ petition is disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

SEPTEMBER 18, 2025
kk/msh