



2025:DHC:10217-DB



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

Date of decision: 18th November, 2025

Uploaded on: 21st November, 2025

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W.P.(C) 16137/2025

MOHAMMAD RASHID

.....Petitioner

Through: Mr. S. Vijay Kanth and Mr. Utkarsh
Tripathi, Advs.

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Avijeet Dixit, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner seeking release of the gold bar weighing 117 grams which was detained by the Customs Authorities on 8th April, 2025, when he travelled from Saudi Arabia to Delhi. A detention receipt was issued on the same date, *i.e.*, 8th April, 2025 itself with respect to the said detention. The Petitioner is an Indian citizen having passport number Y7032511.
3. The submission on behalf of the Petitioner is that the six months period, as prescribed under Section 110 of the Customs Act, 1962, has already lapsed and no show cause notice has been issued to the Petitioner with respect to the detention. Hence, the goods are liable to be released in terms of the decision of the Supreme Court in *Union of India & Anr. v. Jatin Ahuja (Civil Appeal No.3489/2024)* dated 11th September, 2025. The relevant portion of the said

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judgment reads as under:

“17. It is difficult for us also to subscribe to the views expressed by the Bombay High Court in Jayant Hansraj Shah’s case (supra). We are of the view that the only power that has been conferred upon the Revenue to extend the time period is in accordance with the first proviso to Sub-section (2) of Section 110 of the Act, 1962. The Delhi High Court is right in saying that any effort to say that the release under Section 110A of the Act, 1962 would extinguish the operation of the consequence of not issuing show-cause notice within the statutory period spelt out in Section 110(2) would be contrary to the plain meaning and intendment of the statute.

18. The Delhi High Court has done well to explain that this is so because Section 110A, is by way of an interim order, enabling release of goods like fast moving or perishable etc. The existence of such power does not, in any way, impede or limit the operation of the mandatory provision of Section 110(2).

19. In the case in hand, indisputably the car was seized under sub-section (1) and furthermore no notice in respect of the goods seized was given under clause (a) of section 124 of the said Act within six months of the seizure. The consequence, therefore, in such a case is that the goods shall be returned to the person from whose possession they were seized. The first proviso to sub-section (2) of section 110 of the said Act, however, provides that the Principal Commissioner of Customs or Commissioner of Customs may, for reasons to be recorded in writing, extend the six months’ period by a period not exceeding six months and inform the person from whom such goods were seized before the expiry of the period so specified. The proviso therefore contemplates that the period of six months mentioned in sub-section (2) of section 110 of the said Act can be



extended by the higher authority for a further period not exceeding six months, for reasons to be recorded in writing. The proviso also requires the higher authority to inform this to the person from whom such goods were seized before the expiry of the period of six months mentioned in sub-section (2) of section 110. We find that in respect of the seized car, there is neither any notice under clause (a) of section 124 issued to the respondent within six months of the seizure nor the period of six months ever came to be extended for a further period of six months. In the absence of there being any notice as required by the first proviso even within the extended period upto one year, the consequence that ought to follow is release of the seized car.

[...]

24. The appeals before us are all anterior in time to the coming into force of the second proviso to Section 110(2) of the Act, 1962. Although, it is not necessary for us to say anything further, yet we may clarify that the time period to issue notice under Clause (a) of Section 124 is prescribed only in sub-section (2) of Section 110 of the Act, 1962. This time period has nothing to do ultimately with the issuance of show-cause notice under Section 124 of the Act, 1962. The two provisions are distinct and they operate in a different field."

4. In response, Mr. Dixit, Id. Counsel for the Respondent, has handed over a letter dated 13th October, 2025, signed on 14th October, 2025 and issued on 15th October, 2025 by which the time limit for issuance of show cause notice under Section 110 (2) of the Customs Act, 1962, has been extended by a further period of six months. Accordingly, Id. Counsel for the Respondent submits that the show cause notice would now be issued within the extended time period.



5. It is also noted that the said letter dated 13th October, 2025 also states that the Petitioner was called for appraisal of the gold bar *vide* a letter dated 26th September, 2025. The dates for appraisal given in the said letter were 13th October, 2025, 15th October, 2025 or 17th October, 2025. However, the Petitioner did not appear for the appraisal.

6. Firstly, it is to be noted that the gold bar which has been detained from the Petitioner is not a personal effect of the Petitioner. Clearly, the Petitioner was attempting to smuggle the said gold bar into the country. Hence, in the opinion of this Court, the gold bar was rightfully detained.

7. There is, however, an issue in terms of the notice for extension of time period for issuing the show cause notice, which has been handed across to the Court today. A perusal of Section 110 (2) of the Customs Act, 1962, would show that the said extension of six months ought to have been recorded in writing before the expiry of the initial six months. The said provision is set out below:

“... (2) where any goods are seized under sub-section (1) and no notice in respect thereof is given under clause (a) of section 124 within six months of the seizure of the goods, the goods shall be returned to the person from whose possession they were seized:

*Provided that the Principal Commissioner of Customs or Commissioner of Customs may, for reasons to be recorded in writing, extend such period to a further period not exceeding six months and inform the person from who such goods were seized **before the expiry** of the period so specified:*

Provided further that where any order for provisional release of the seized goods has been passed under section 110A, the specified period of six months shall not apply.

8. In the facts of the present case, the six month period provided under



Section 110 of the Customs Act, 1962, has expired on 7th October, 2025. The six months extension would, therefore, not be tenable as the letter notifying the same has been issued post the expiry of the initial six months period.

9. Moreover, the question as to whether the letter of intimation of the extension of time period for issuing the show cause notice has even been served to the Petitioner or not is unclear, as the Petitioner's residential address is in Bulandshahr, Uttar Pradesh. Further, it is noted that the detention receipt dated 8th April, 2025 does not contain the email address and mobile number of the Petitioner. Hence, it cannot be said that the letter dated 13th October, 2025 was communicated to the Petitioner through either of the said modes.

10. This Court, in the case of *Qamar Jahan vs. Commissioner of Customs (A&G) (W.P.(C) 198/2025)*, had clearly observed that a detention receipt shall contain the email address and mobile number of the passengers. To this effect, the Court, in its order dated 27th March, 2025, recorded as under:

“III. Interim Measures by the Customs Department

13. It is submitted by the ld. Counsels for the Customs Department that taking into consideration various orders which have been passed by this Court, some changes are being effected on the following aspects:-

Detention Receipts:

i. In detention receipts, henceforth, the Court is informed that the following particulars shall also be obtained at the time of issuing the detention receipts so that communication with the concerned passenger becomes easy for the Customs Department. The said details are as under:-

a) Details of the passenger.

b) Phone number.

c) Whatsapp number.



d) Email address.

e) Complete residential address.

- ii. In addition, the detention receipt would also have the number of items seized and the net weight of the said items.
- iii. On the detention receipt, the time and date of detaining the goods shall be mentioned.
- iv. The names and signatures of the passenger shall be obtained on the detention receipt.
- v. The names and signatures of the concerned official from the Customs Department shall also be clearly mentioned with the designation on the detention receipt.
- vi. The mechanism is also being put in place to take images of the items which are seized and if the passenger requests for the same, a copy thereof will also be furnished.”

In furtherance to the said order of the Court, a notification being **F.No.450/35/2025-Cus IV** was issued by the Central Board of Indirect Taxes and Customs on 17th May, 2025, whereby the CBIC directed the concerned officers to take into account the above aspects while handling cases under the Baggage Rules and also sensitise the concerned officers under their jurisdiction.

11. Thereafter, on 19th May 2025, the Court, in **Qamar Jahan (supra)**, went through the draft SOP placed on record on behalf of the Customs Department and the same was perused by the Court. After hearing the concerned parties, the Court approved the said SOP with certain modifications. The relevant portion of the order dated 19th May, 2025 is extracted as under:

8. The ld. ASG has taken the Court through the draft SOP and the same has been perused by the Court. After hearing ld. ASG and Panel counsels appearing for the Customs along with some of the officials, as also ld. Counsels appearing for the Petitioners, the draft SOP, as placed on record by the ld. ASG, is approved with certain modifications, as under:

Approved SOP



“A. The detention receipts issued at the Green and Red Channel shall -

(I) necessarily contain the details of the passenger(s) such as Name (in full), Phone Number(s) including WhatsApp Number, E-mail address, Postal Address - local and/or foreign as applicable and clear signature of the passenger(s).

(II) clearly mention the number of the item seized and the net weight of the said items seized

(III) mention the Flight No., date and time of seizure,

(IV) the Names and signatures of the passengers

(V) mention clearly the name and designation of the Customs officer making the seizure.”

12. Accordingly, in light of the facts produced above, the said directions in the SOP have been approved by the Court and in light of the same, it is now mandatory for the detention receipts to contain the email address and mobile number of the passenger as well. However, the same is not present in the detention receipt dated 8th April, 2025, issued in the present case.

13. Under such circumstances, the gold bar of the Petitioner is liable to be released. However, considering the fact that this is not a personal effect of the Petitioner the following directions are issued:

- i. The Petitioner shall personally appear before the Customs Authorities on 8th December, 2025 along with his passport, showing the stamp of arrival on 8th April, 2025 as also the prior departure date;
- ii. After verifying the credentials of the Petitioner, the Petitioner shall be permitted to deposit the Customs Duty along with the redemption fine



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and warehousing charges, subject to which the gold shall be released to the Petitioner.

iii. The following nodal officer shall assist the Petitioner in this regard:

***Mr. Mukesh Gulia, Superintendent, Legal
IGI Airports, T-3, New Delhi
Email id: igilegaldelhi@gmail.com***

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

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

NOVEMBER 18, 2025/kp/ss

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