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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16713/2025**

NASIRPetitioner

Through: Dr. Ashutosh, Adv.

versus

COMMISSIONER OF CUSTOMSRespondent

Through: Mr. Gibran Naushad, SSC

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **18.12.2025**

1. The 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 two gold bars of the Petitioner, weighing 108 grams detained by the Customs Department vide Detention Receipt dated 16th October, 2022 bearing no. 33663 (Old Detention Receipt dated 16th October, 2022 bearing no. 0676)
3. When the matter was taken up for hearing on 20th November, 2025, submissions were addressed on behalf of both the parties. Upon considering the same and upon perusal of the record, the Court noticed certain aspects relating to the filing of the present petition and the engagement of counsel. In this backdrop, the Court made the following observations :

“8. There is no doubt left that the same Petitioner has filed two writ petitions by engaging two different Counsels. Each of the Counsel was not aware of the engagement of the other Counsel or the filing of the other writ petition, as per their



submissions.

9. There are several writ petitions that are filed before this Court on behalf of several passengers whose goods are detained. The Court reposes trust on the Counsels who are filing such petitions and presumes that the identity of the Petitioners have been verified by the Counsel.

10. Clearly, this appears not to be the position as has been revealed in the present case. The main Counsels who are appearing before the Court have neither met the Petitioners nor obtained the instructions as to whether the said Petitioners have filed any other petition or not. Such a situation is completely not acceptable and could lead to contradictory or incorrect orders being passed by the Court due to non-disclosure. There is also an apprehension that the petitions may be filed without duly verifying the identity, genuinity and the proper documentation of the Petitioners.

11. These petitions involve valuable items such as gold jewellery, gold bars, personal effects, etc. It is impressed upon Counsels that the verification of the passengers and the Petitioners for whom the Counsels are filing the petitions is an absolute must and also mandatory.

3. In light of the above observation, court had issued the following directions :

12. Considering the fact that have transpired in this case, this Court deems it appropriate to issue the following directions:

(i) Any Counsel who is appearing before the Court, unless they are Senior Counsel, shall vouch for the identity of the Petitioners for whom they are appearing.

(ii) Preferably, the Counsels should have met the party concerned before appearing before the Court.

(iii) Proper instructions should be obtained from the concerned party, if there are multiple Counsels advising the same Petitioner.



(iv) The Registry shall also check up in such cases involving release of detained goods from Customs, if any other petition has been filed by the same Petitioner. If so, the Registry shall give a noting in the 'Office Note' regarding the same.

(v) The Counsel shall also declare that no other petition has been filed by the Petitioner in the body of the writ petition itself and if any Petition has been filed, details of the same shall be given by the Counsel.

(vi) In future. Counsels shall endeavour that the concerned Petitioner, during the course of hearing, shall either physically or virtually remain present before the Court.

(vii) All petitions should contain the Passport Number of the Petitioner as also a copy of the Passport.

4. On 20th November, 2025, the Court observed that the present petition is not maintainable, as the Petitioner has suppressed material facts and withheld relevant information, and the Learned Counsel has failed to verify all necessary details of the Petitioner. The petition was accordingly dismissed with costs of ₹2,00,000/- to be deposited with the Delhi High Court Bar Association.

5. In compliance with the directions of the said order dated 20th November, 2025, the Petitioner has deposited the costs of ₹2,00,000/- with the Delhi High Court Bar Association. Proof of the same has been submitted to the Court and is taken on record.

6. The cost of Rs.2 lakhs is stated to have been deposited. The proof of cost is handed over to the Court. The same is taken on record.

7. Pursuant to the directions issued by this Court in paragraph 12 of the order dated 20th November, 2025, the Registry has also placed on record a note to the following effect : The Registry has also put up a note to the following terms:



Received an order dated 20.11.2025 passed in WP(C)-16713/2025 titled 'Nasir Vs. Commissioner of Customs' wherein the Hon'ble Court has given the following directions to the Registry :-

"12. Considering the fact that have transpired in this case, this Court deems it appropriate to issue the following directions:

- (i) Any Counsel who is appearing before the Court, unless they are Senior Counsel, shall vouch for the identity of the Petitioners for whom they are appearing.
- (ii) Preferably, the Counsels should have met the party concerned before appearing before the Court.
- (iii) Proper instructions should be obtained from the concerned party. If there are multiple Counsels advising the same Petitioner.
- (iv) The Registry shall also check up in such cases involving release of detained goods from Customs, if any other petition has been filed by the same Petitioner. If so, the Registry shall give a noting in the 'Office Note' regarding the same.
- (v) The Counsel shall also declare that no other petition has been filed by the Petitioner in the body of the writ petition itself and if any Petition has been filed, details of the same shall be given by the Counsel.
- (vi) In future, Counsels shall endeavour that the concerned Petitioner, during the course of hearing, shall either physically or virtually remain present before the Court.
- (vii) All petitions should contain the Passport Number of the Petitioner as also a copy of the Passport.

In this regard, it is submitted that for the compliance of the aforesaid directions, certain fields are required to be created in the e-filing & Lobis software which have to be compulsorily filled in by the filing advocate/litigants at the time of e-filing of the Custom matters, as under:-

1. Whether this matter pertains to Customs (Yes/No).
 - (a) If yes, then
 - (i) Whether any consignment/Goods is detained by the Customs (Yes/No).
 - (ii) If yes, then Customs Detention Receipt No. with date and Place of Detention.
2. Whether any other similar petition has been filed for release of goods detained, details whereof are at Sr. No. _____
3. That Name of Advocate, Enroll No. _____ vouch the identity of the petitioner(s) and that he had met the party concerned.
4. Details of the passport of the petitioner(s).

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In view of the above, if approved, Registrar (IT) may be requested to create aforesaid compulsory fields in the Customs matters so that details of the consignment detained shall be reflected on the Pass Parcha and Log Report and if any, connected matter is filed, same shall also be reflected on the Pass Parcha and Log Report.

Further, once the above fields are created, if approved, we may request Registrar (Rules) to issue Practice Directions in regard to para 12 (i), (ii) & (v) of aforesaid order, as per directions of Hon'ble Court in the above dated 20.11.2025.

Submitted please.

8. As per Registry, for effective implementation of the directions issued in paragraph 12 of order dated 20th November, 2025, certain mandatory fields are



required to be incorporated in the e-filing and LOBIS software in matters relating to Customs. These fields, *inter alia*, pertain to identification of Customs matters, details of detention of goods and detention receipts, disclosure of any similar petitions filed earlier, particulars of the Advocate vouching for the identity of the Petitioner, and passport details of the Petitioner.

9. In order to avoid multiplicity of filing of petitions and also to assist the Judges, if any similar petition has been filed by the same Petitioner, the fields as suggested by the Registrar (IT) may be created and practice directions may be issued.

10. Since the writ petition already stands disposed of by the earlier order dated 20th November, 2025, the matter need not to be listed again.

PRATHIBA M. SINGH, J

SHAIL JAIN, J

DECEMBER 18, 2025/Rahul/rm