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

\+ **W.P.(C) 17200/2025**

SIKANDAR KHAN .....Petitioner

Through: Mr. Mohammed Ather Ansari, Mr. Mobin Akhtar and Mr. Mohammad Salman, Advs. (M: 7011359907)

versus

THE COMMISSIONER OF CUSTOM & ORS. .....Respondents

Through: Mr. Aakarsh Srivastava, SSC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

O R D E R

% 13.11.2025

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India, *inter alia*, seeking release of the gold bar weighing 100 grams *(hereinafter, 'gold bar')*, which was seized by the Customs Department.

3. A brief background of the Petitioner's case is that, on 23rd April, 2022, the Petitioner arrived at the Indira Gandhi International Airport, New Delhi, where he was intercepted by the concerned officials of the Customs Department and the gold bar was seized *vide* detention receipt dated 23rd April, 2022. The gold bar was appraised on 15th September, 2022.

4. Thereafter, the Order-in-Original dated 2nd June, 2023 was passed by Assistant Commissioner of Customs, Terminal-3, Indira Gandhi International Airport, New Delhi *(hereinafter, OIO')*, in terms of which,

absolute confiscation of the gold bar was directed in the following terms:

> "*i)* ***I order absolute confiscation of the above said "One gold bar engraved as 'Valcambi Suisse Swiss Made' Serial Number AA430534" having purity 999 weighing 100.00 gram valued at Rs. 4,91,317.00/- (as on 23.04.2022) recovered from the Pax Sikandar Khan and detained vide DR No. 36733 dated 23.04.2022, under Section 111(1), 111(m), 111(o) & 111(p) of the Customs Act, 1962;***
>
> *ii) I also impose a penalty of Rs. 70,000/- (Seventy Thousand only) on the Pax Sikandar Khan under Section 112 and 114AA of the Customs Act, 1962."*

5. The above OIO was challenged by the Petitioner and *vide* Order-in-Appeal dated 03rd August, 2023, passed by Commissioner of Customs(Appeals), New Customs House, New Delhi *(hereinafter, 'OIA'),* the gold bar was allowed to be redeemed on payment of redemption fine and import duty in the following terms:

> *"1. The gold bar weighing 100 grams, valued at Rs. 4,01,677/-, confiscated under Section 111(d), 111(1), 111(q) & 111(m) of the Customs Act, 1962 is allowed to be redeemed on payment of redemption fine of* ***Rs. 50,000/-*** *(Rupees Fifty Thousand only) under Section 125 of the Customs Act, 1962. The condition as laid down in Section 125 of the Customs Act, 1962 for exercising the option of redemption shall be followed."*

6. The case of the Petitioner is that a revision petition has been filed against the OIA, but there is no stay and, therefore, the detained goods be unconditionally released. The Petitioner has also sought for waiver of the warehousing charges.

7. Mr. Srivastava, ld. SSC for the Respondent submits that the revision petition has already been filed against the OIA, and the same would be

considered in accordance with law.

8. In this background, since the Revision petition has already been filed, let the revision petition be disposed of by the Revisional Authority within two months, after giving a personal hearing to the Petitioner.

9. Let the Petitioner's prayer for waiver of the warehousing charges be considered by the Revisional Authority.

10. Accordingly, petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

NOVEMBER 13, 2025
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