



\$~67

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

+ **W.P.(C) 17241/2025**

**RAJESH POLAVARAPU THROUGH SPA MUVVA VENKATA
SRIKANTH**

.....Petitioner

Through: Mohammad Ather Ansari & Mr.
Vijay Kanth, Advs.

versus

THE COMMISSIONER OF CUSTOM & ORS.

.....Respondent

Through: Mr. Vishal Chadha, SSC with Mr.
Chandan Kumar, Advs for Customs.

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 Article 226 of the Constitution of India, inter alia, seeking release of the detained goods i.e., four gold bangles weighing 174 *grams* (hereinafter, four gold bangles'), which were detained by the Customs Department on 2nd October, 2023.
3. A brief background of the case is that the Petitioner is a resident of the USA, who had travelled to India on 2nd October, 2023. Upon his arrival at the Indira Gandhi International Airport, New Delhi, he was intercepted by the concerned officials of the Customs Department and the four gold bangles were seized by the Customs Department, vide detention receipt dated 2nd October, 2023. The four gold bangles were appraised on 23rd October, 2023.
4. The Order-in-Original has been passed in this matter and the same is dated 14th November, 2023. The said Order-in-Original directs as under:



“ORDER

- i) I deny the '**Free Allowance**' if any, admissible to the Pax **Ms. Rajesh Polavarapu** 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, **Mr. Rajesh Polavarapu**, is 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 confiscation of the "**Four gold bangles weighing 174 gms having purity 999 and valued at Rs. 9,51,469.41/-**" recovered from the Pax **Mr. Rajesh Polavarapu** and detained vide DR No. **DR/INDEL4/02-10-2023/002747 dt.02-10-2023** under section 111(d), 111(j) and 111(m) of the Customs Act, 1962;
- iv) I give an **option to redeem**, the goods confiscated, above, on payment of fine of **Rs. 1,20,000/-(Rupees One Lac Twenty Thousand Only)** under Section 125 of the Customs Act, 1962 and **allow the same for re-export** from India only by the Pax since the Pax **possesses a valid USA Passport No. 582389427**. I allow redemption of the detained goods within 120 days of issue of this order under Section 125(3) of the Customs Act, 1962). The redemption is allowed after the completion of legal formalities in this regard and also on fulfillment of any regulatory clearances/ approvals/ payments, as required. The offer of redemption, if accepted, shall be subject to condition that the Passenger shall not dispute the identity and valuation of the goods. The offer of redemption shall cease after 120 days of the receipt of this order.
- v) I also impose a penalty of **Rs.95,000/-(Rupees Ninety Five Thousand Only)** on the Pax **Ms. Rajesh Polavarapu** under section 112 (a) and 112(b) of the Customs Act, 1962.”

5. In the opinion of this court, it does not appear that the above order has been communicated to the Petitioner by the Department. After perusing the option for redemption, the Ld. Counsel for the Petitioner submits that the Petitioner is willing to redeem the goods for the purpose of re-export after



paying the penalty and the redemption fine.

6. Accordingly, let the Order-In-Original dated 14th November, 2023 be given effect to within one month. The Petitioner is permitted to appear before the department on 14th January, 2026, either by himself or through an authorised representative. If the Petitioner appears through an authorised representative with the Authority Letter, then he shall join virtually to confirm that the goods can be released.

7. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent authority for compliance with the present order:

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

8. The warehousing charges from 6th November, 2023 onwards till date shall stand waived.

9. The Order is taken on record.

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

PRATHIBA M. SINGH, J

SHAIL JAIN, J

DECEMBER 18, 2025/tg/hp