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

\+ **W.P.(C) 18523/2025**

MR ERRY SWAMY REDDY VENNAPUSA .....Petitioner

Through: Mr. Harsh Trikha, Adv.

versus

COMMISSIONER OF CUSTOMS, IGI AIRPORT & ORS. .....Respondent

Through: Ms. Aakanksha Kaul, Mr. Adit Khorana, Ms. Simran Khorana, Advs.

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\+ **W.P.(C) 18532/2025**

MR. VENKATADR1 DIDDUKURI .....Petitioner

Through: Mr. Harsh Trikha, Adv.

versus

COMMISSIONER OF CUSTOMS, 1GI AIRPORT & ORS. .....Respondent

Through: Ms. Aakanksha Kaul, Mr. Adit Khorana, Ms. Simran Khorana, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER

% **05.12.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 76833/2025 & CM APPL. 76847/2025

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 18523/2025 & W.P.(C) 18532/2025

3. The present two petitions have been filed by the Petitioners under Article 226 and 227 of the Constitution of India, *inter alia*, seeking release of the Petitioners' gold items which were detained by the Customs Department.

4. The details of the detained gold items are as under:

S. No.	Petition No.	Details of detained items
1.	***W.P.(C) 18523/2025***	One gold kada weighing 50 grams, two gold rings weighing 15 grams each
2.	***W.P.(C) 18532/2025***	One gold kada weighing 50 grams, two gold rings weighing 15 grams and 13 grams

5. A brief background of the Petitioners' case is that there were four friends including the Petitioners, who were stated to be travelling from Nairobi to India on 30th July, 2024. The Petitioners are Indian passport holders. Upon their arrival at the Indira Gandhi International Airport, Terminal-3, New Delhi, they were intercepted by the concerned officials of the Customs Department and gold items were stated to be detained by the Customs Department *vide* detention receipts dated 30th July, 2024.

6. The grievance of the Petitioners is that, no Show cause notice was issued to the Petitioner and no personal hearing was granted, and Orders-in-Original dated 1st October, 2024 and 25th September, 2024 were passed by the Adjudicating Authority *(hereinafter, 'OIOs')*, directing absolute confiscation of the detained gold items.

7. Thereafter, the Petitioners preferred appeals against the OIOs. However, the appeals have not been heard by the Appellate Authority.

8. The submission on behalf of ld. Counsel for the Petitioner is that as per Section 128A(4A) of the Customs Act, 1962, an appeal is to be decided within a period of six months. The said section is extracted here, for ready reference:

> *"128A. Procedure in appeal.—*
>
> *xxx*
>
> *[(4A) The Commissioner (Appeals) shall, where it is*

possible to do so, hear and decide every appeal within a period of six months from the date on which it is filed.].”

9. Ld. Counsel for the Petitioner also relies upon the recent decision of the Supreme Court in ***Union of India & Anr. v. Jatin Ahuja in Civil Appeal No.3489/2024*** Customs, to argue that if no SCN is issued to the Petitioner within the time prescribed under Section 110 of the Customs Act, 1962, the goods are liable to be released.

10. Additionally, ld. Counsel for the Petitioner has also placed reliance upon the decision of this Court in ***Amit Kumar v. The Commissioner of Customs, 2025:DHC: 751-DB***.

11. Further, ld. Counsel for the Petitioner also relies upon the decision of this Court in ***W.P.(C) 16119/2025*** titled ***Ms. Sunita Shah v. Commissioner of Customs, IGI Airport*** to argue that the detained goods should be released.

12. However, Ms. Aakanksha Kaul, ld. Counsel for the Customs Department submits that she wishes to seek instructions in the matter. It is further submitted that the Customs Department is willing to afford an expeditious hearing of the appeal.

13. The Court has heard ld. Counsels for the parties. The decision in ***Sunita Shah (Supra)*** is clearly distinguishable from the present case, as in the said case, the Petitioner was a Nepalese citizen and was willing to re-export the goods.

14. However, in the present case, the Petitioners are Indian citizens. Moreover, the appeals have already been filed and the decisions relied upon by the Petitioner can be placed before the Appellate Authority as well.

15. In the facts of these cases, considering that the appeals are pending before the Appellate Authority for more than one year, it is directed that the appeals shall be heard and disposed of by 31st January, 2026.

16. For the said purpose, a personal hearing shall be granted to the Petitioners on the following email address and mobile number:-

- **Email- advharshtrikha@gmail.com**
- **Mob. 9717656389**

17. In view of the delay in deciding the appeals, for the period during which the appeal has remained pending, no warehousing charges shall be liable to be paid by the Petitioners.

18. The present petitions are disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 5, 2025/neha/sm