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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18558/2025**

MAJID KHAN

.....Petitioner

Through: Dr. Ashutosh, Ms. Fatima, Mr. Parvej,
Advts. with petitioner in person

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Anushree Narain, SSC with Mr.
Naman Chawla, Mr. Yamit, Advts.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **08.12.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner seeking directions to the Respondent to release eight uneven shaped gold pieces weighing a total of 289 grams (*hereinafter, 'the gold articles'*), which were seized from the Petitioner upon his arrival from Jeddah at IGI Airport, New Delhi on 18th March, 2023.
3. It is the case of the Petitioner that no show cause notice was issued pursuant to the above stated seizure of his gold articles and thereafter, an adjudication order was passed on 20th November, 2023, directing absolute confiscation.
4. In terms of the adjudication order dated 20th November, 2023, the gold articles were absolutely confiscated in the following terms:-

"In view of the foregoing, I pass the following order:

ORDER

I. I deny the 'Free Allowance' if any, admissible to the



Pax Majid Khan for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted her and recovered the detained goods from her;

II. *I declare the passenger, Majid Khan an “ineligible Passenger” for the purpose of the Notification No. 50/2017-Cus dated 30.06.2016 (as amended) read with Baggage Rules, 2016 (as amended);*

III. *I order absolute confiscation of the above said “Eight uneven shaped pieces of gold having purity 999 weighing 289 grams valued at 15,43,023.02” recovered from the Pax Mr. Majid Khan and detained vide DR No. DR/INDEL4/18.03.2023/001506 dt. 18.03.2023 under section 111(d), 111(j), 111(l) and 111(m) of the Customs Act,1962;*

IV. *I also impose a penalty of Rs.1,50,000/-(Rs. One Lakh fifty thousand only) on the Pax Majid Khan under Section 112(a) and 112(b) of the Customs Act, 1962. ”*

5. The adjudication order was thereafter appealed against by the Petitioner and the Appellate Authority, vide order dated 27th June, 2025 directed as under:-

“6.0 In light of discussions and findings as above, I allow the appeal partially against OIO no. 1006/001506/18.03.2023/WH/2023-24 dated 20-11-2-23 passed by Joint Commissioner of Customs, T-3, IGI Airport, New Delhi and impugned goods i.e. “Eight uneven shaped pieces of Gold having purity 999, total weight 289 grams, valued at Rs. 15,43,023/- “is allowed to be released to the appellant/authorized person on payment



of redemption fine of Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand only) under Section 125 of the Customs Act, 1962 along with applicable Customs Duty. The penalty of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) imposed on the appellant under Section 112(a) & 112(b) of the Customs Act, 1962 is upheld. The Appeal is disposed off with such modifications and consequential relief as above.”

6. As of today, the Department has already filed a revision petition against the order dated 27th June, 2025 and the same is pending adjudication.
7. Though the Petitioner seeks quashing of the seizure and detention of his gold articles, this Court is of the view that considering the nature of the gold articles seized and the fact that the revision petition is pending, let the same be decided by the concerned authority within a period of three months, after giving an opportunity for personal hearing to the Petitioner.
8. It is further directed that the warehousing charges, as applicable, from the date of appellate order *i.e.* 27th June, 2025 shall not be liable to be paid by the Petitioner as the delay in release is due to the Customs department.
9. The petition stands disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 8, 2025/neha/ss