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

+ **W.P.(C) 1701/2026**

SANJAY PAHWA

.....Petitioner

Through: Mr. Anupam Anand, Ms. Akanksha
and Mr. Akshit Saini, Advs.

versus

COMMISSIONER OF CUSTOMS & ANR.

.....Respondents

Through: Mr. Anurag Ojha, SSC

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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06.02.2026

CM APPL. 8230/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Heard.
4. Based on the detention receipt bearing no. 004813 dated 12th July, 2024, an order-in-original came to be passed on 11th November, 2024 in regard to a 100 gram gold Kada detained from the custody of the petitioner while he was crossing the green channel.
5. The order-in-original contemplates confiscation of the same and imposition of a penalty of ₹1,00,000/- with an observation that there was an intention on the part of the petitioner to smuggle the gold.
6. An appeal preferred by the petitioner under Section 128 of the



Customs Act, 1962 is pending since then, that is, for a period of more than one year.

7. It is the case of the petitioner that a request for expediting the hearing of the appeal was not granted and that the petitioner is burdened with the warehouse charges which are exorbitant.

8. It is urged that the petitioner is neither a regular traveller, nor has any history of similar nature, and that being so, *mens rea* cannot be inferred.

9. As against above, Mr. Anurag Ojha, would urge that the petition is not maintainable as the appeal is already pending and the Court may pass appropriate order to expedite the hearing of the appeal.

10. Having considered the aforesaid submissions, we deem it appropriate to dispose of the petition.

11. We direct the petitioner to appear before the Tribunal on 23rd February, 2026. We request the Tribunal to decide the appeal of the petitioner in any case by 31st March, 2026.

12. Accordingly, the petition along with pending applications, if any, stands disposed of in view of above terms.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

FEBRUARY 6, 2026

gs/av