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

+ **W.P.(C) 7008/2026**

JAMAL

.....Petitioner

Through: Mr.Shivam Pandey, Mr. Ajay Singh,
Mr. Ambrish Kumar Mishra,
Advocates.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Aakanksha Kaul, Mr. Adit
Khorana, SSC and Ms. Simran
Khorana, Advocates.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

20.05.2026

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1. Heard finally by consent of the respective counsel for the parties.
2. The gold in question came to be detained from the petitioner and the same further led to the passing of the Order-in-Original thereby denying free allowance, however, redemption was permitted.
3. The petitioner has exercised his right of redemption, in spite of which the contentions are that the Order-in-Original dated 02nd March, 2026 is not complied by not releasing the gold items.
4. It is the contention of the learned counsel for the respondent that against the Order-in-Original dated 02nd March, 2026, a statutory appeal is



already preferred and in case the gold is directed to be released, the present writ petition would be rendered infructuous, which is countenanced by the learned counsel for the petitioner by drawing support from the provisions of Section 110(2) of the Customs Act, 1962.

5. Be that as it may. As we were expecting that the respondent will be moving for expeditious hearing of the appeal in view of the present writ petition. However, it appears that there is no attempt on the part of the respondent to take up the proceedings expeditiously before the appellate authority for hearing or otherwise there is no prayer for grant of interim relief thereby seeking stay to the Order-in-Original dated 02nd March, 2026.

6. In the aforesaid background, we would have directed the release of the gold forthwith in favour of the petitioner in view of the statutory mandate provided under Section 10 of the Customs Act, 1962.

7. However, by working out the equities, we permit the respondent to move for expeditious decision of the pending appeal and in case if the appeal is not decided within a period of four weeks from today, we direct the gold to be released in favour of the petitioner under the Order-in-Original dated 02nd March, 2026.

8. The present petition, along with pending applications, if any, stands disposed of.

9. We accept the statement made by the learned counsel for the respondent that the copy of the appeal shall be made available to the learned counsel for the petitioner during the course of the day in a digital form.

10. As regards the waiver of warehouse charges is concerned, it is open for the petitioner to agitate the said issue before the appellate authority based on the fact that the delay caused in deciding the proceedings by way of the



Order-in-Original were because of the approach of the respondent and the blame can't be passed on the petitioner for the same.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

MAY 20, 2026

Sk/av