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

\# **CNR No. DLHC010298082026**

\+ W.P.(C) 9311/2026

KAHAKASHA PARVIN .....Petitioner

Through: Mr. Mohammed Ather Ansari, Ms. Anam Majid and Ms. Arpita Sen, Advs.

versus

THE COMMISSIONER OF CUSTOMS AND ORS .....Respondents

Through: Counsel (appearance not given).

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% 09.10.2026

1. This writ petition is filed seeking directions for compliance of Order-in-Appeal bearing No. CC(A)/CUS/D-I/Airport/2611/2025-26 dated 02.02.2026 (for short 'OIO') to release one pair of gold bangles and one gold kada weighing 170 gms. (hereinafter 'jewelleries') of the petitioner (though wrongly typed in prayer for unconditional release).

2. The brief facts of the case are that on 15.03.2024 the petitioner arrived at IGI Airport, Delhi from Saudi Arabia. While passing through green channel, the petitioner was intercepted by the Custom officials and jewelleries of the petitioner was detained. The Order-in-Original No. 1332/52850/15.03.2024/WH/2023-24 dated 22.03.2024 was passed ordering

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confiscation of jewelleries with option of redemption on payment of fine of Rs.1,55,000/- with a penalty of Rs.1,00,000/-. The respondents were unsuccessful in the appeal and preferred a revision.

3. Learned counsel for the petitioner submits that despite the petitioner is willing to comply with the OIO, the goods are not being released.

4. Learned counsel for the respondents contends that the arguments of the revision petitioner have been heard on 08.10.2026 but the order is still awaited.

5. One of the issues rising in a number of cases needing consideration is that in the eventuality of the department being aggrieved by an OIO and preferring to avail statutory remedies can refuse to release the detained goods in absence of any interim protection by the appellate or revisional authorities more so, when no such prayer is made in appeal or revision.

6. Another angle to be considered is that consequent to this litigation initiated by the respondents, one of the monetary burden to borne by the petitioner is payment of demurrage charges during the pendency of the appeal and revision preferred by the department. This issue needs consideration in an appropriate case.

7. However, considering that in the present matter the arguments of the revision petitioners have already been heard, the petition is disposed of with direction that the petitioner shall within three weeks from today comply with the conditions imposed in the OIO and subject to outcome of the revision, the request for release of the goods shall be considered within two weeks after compliance.

8. The petitioner shall be at liberty to make a representation before the respondents for waiver of demurrage charges, which no doubt shall be

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considered in accordance with law.

9. It is clarified that non-receipt of revision order in the intervening period shall not be an impediment for release of detained goods as there is no stay of operation of OIO.

10. The writ petition is disposed of in the above terms.

AVNEESH JHINGAN, J

SHAIL JAIN, J

OCTOBER 9, 2026/A

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