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

+ **W.P.(C) 11563/2024 & CM APPL. 5179/2025**

NANTHAKANT RUNGSITHIVAT

.....Petitioner

Through: Ms. Apurva Singhal and
Mr. Anurag Jain, Advocates.

versus

**THE ADDITIONAL COMMISSIONER CUSTOMS
& ANR.**

.....Respondents

Through: Mr. Shubham Tyagi, SSC with
Ms. Navruti Ojha and Mr. Rishabh
Chauhan, Advocates.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

04.02.2026

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1. The petitioner has come out with the following prayer:-

“i) Issue a writ of Mandamus or any other writ or order or direction thereby directing the Respondent to decide the matter in a time bound manner Order-In-Original No.-27/ADG/2020 Dated 28.02.2020 passed by the Additional Commissioner of Customs

ii) Direct the respondent re-export the seized goods, i.e 04 Gold kadas total weighing 395 gms on payment of redemption fine of Rs.1,20,000/- (Rupees one lakh twenty thousand only) and personal penalty of Rs.80,000/- (Rupees eighty thousand only) and penalty of of Rs.80,000/- (Rupees eighty thousand only) U/S 112 of Custom Act,1962

iii) Direct the respondent to provide an opportunity to redeem the goods under Section 125 of the Customs Act,1962, after paying the



fine and penalty

iv) Any other order/ relief as this Hon'ble Court may deem fit may kindly be passed in favor of the petitioner, in the interest of Justice."

2. It appears that the four gold kadas weighing 395 gms were seized from the petitioner way back in 2019, when the petitioner came to India for a marriage purpose. The said items were detained resulting into passing the Order-in-Original referred above.

3. The Order-in-Original reads thus:-

"ORDER-IN-ORIGINAL NO.- 27/ADG/2020

Passed by Shri Jayant Sahay, Additional Commissioner of Customs, IGI Airport, Terminal-3, Delhi.

1. *A copy of this order is granted free of charge for the private use of the person to whom it is issued.*

2. *An Appeal against this order lies to the Commissioner (Appeals), New Customs House, Near IGI Airport, New Delhi within sixty days from the date of its communication as prescribed under Section 128(1) of the Customs Act, 1962 as amended.*

3. *This appeal in prescribed format including the statement of facts and the grounds of appeal (in duplicate) shall be accompanied by an equal number of the order appealed against (one of which at least shall be a certified copy)*

4. *Any person desirous of appealing against this order shall pending the appeal, deposit the ty demanded or the penalty, levied therein with the proper officer and produce proof of such amount failing which the appeal is liable to be rejected for non compliance of the provision of Section 129-E of the Customs Act, 1962, as amended."*



4. The Order-in-Original was acknowledged by the learned counsel for the petitioner, and as could be inferred from the query, acknowledgment to that effect is reflected in the said order perused by the petitioner in the form of Annexure-A. The said fact is also not disputed by the learned counsel for the petitioner. However, what is claimed is that the lawyer has not served the said copy of the Order on the petitioner.

5. It is in these backgrounds that the petitioner is claiming that the petitioner is willing to pay the redemption fine and the gold be released in favour of the petitioner.

6. It appears that the redemption was to remain valid in view of the provisions of Section 125 of the Customs Act for a period of three months.

7. As such, the offer made under the order was open to the petitioner to respond for a period of three months, and the said period had expired on 27th May, 2020.

8. It is the case of the petitioner that, the petitioner thereafter suffered difficulties as her father underwent severe health issues and she was also required to be under treatment as she had delivered a child. That by itself won't permit this Court to extend the period of three months as provided under Section 125 of the Customs Act, particularly when there is no provision to that effect. Even otherwise, the claim sought to be brought before this Court by the petitioner suffers from delay and laches.

9. We have perused the explanation sought to be tendered by the petitioner *qua* she being a Thai national and was not readily able to communicate and about the ailment of her father and her difficulties.

10. In that view of the matter, the said difficulties cited by the petitioner



in our opinion are not enough to infer that there was an unintentional delay on the part of the petitioner. It was always open for the petitioner to take recourse to the help of a professional as was taken by her not only in the present petition but also in earlier round of litigation before the authority while passing the Order-in-Original.

11. That being so, in our opinion, the petition lacks merits, hence stands dismissed.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

FEBRUARY 4, 2026

Sk/sg