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

Date of decision: 21st March, 2025

+ **W.P.(C) 3520/2025 & CM APPL. 16496/2025**

SWATI VIJAY SALUNKE & ANR.Petitioners

Through: Mr. Ravi Rathore, Ms. Richa Kumari
and Mr. Yatin Bhutani, Advocates.

versus

COMMISSIONER OF CUSTOMSRespondent

Through: Mr. Harpreet Singh, Senior Standing
Counsel with Ms. Suhani Mathur, Mr.
Jai Ahuja and Mr. Akshay Saxena,
Advocates (Mob. 9971564044).

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Pratibha M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioners-Swati Vijay Salunke and Vijay Laxman Salunke under Article 226 of the Constitution of India seeking issuance of an appropriate writ setting aside the seizure of goods detained by the Customs Department of the Petitioners *vide* detention receipt no. 4879 and 4880 dated 29th July 2024.
3. The Petitioners are husband and wife who had gone to visit their daughter and son-in-law in Ohio, United States of America (hereinafter, 'USA') on 23rd March, 2024. The purpose of their visit to the US was to celebrate the 50th birthday of their son-in-law.



4. The case of the Petitioners is that they returned to India on 29th July, 2024 by Air India (Flight No. AI-126).
5. When the Petitioners landed at the Indira Gandhi International Airport, New Delhi on 29th July, 2024, the personal jewellery of Petitioner No. 1, containing of one gold *kangan*, four gold rings, one gold necklace along with also personal jewellery of Petitioner No. 2 containing of one gold chain with pendant, one gold *kada* and three gold rings were seized by the customs officers. The detention receipt was issued on 29th July, 2024. The total weight of the products seized was 318 grams and 597 grams.
6. The Petitioners have placed on record various invoices, showing the purchase of the said gold items, in India itself. The photographs of the couple wearing the said gold jewellery in the USA are also on record.
7. The Court has perused the documents placed. Clearly, the Petitioners are Indian citizens who were coming back after attending a social family event in the USA and the jewellery which was owned by them were their personal effects.
8. The detention took place in July 2024 and show cause notice has also not been issued.
9. Under such circumstances, there can be no justification for detaining the said goods. The same shall accordingly be released within four weeks to the Petitioners in person or through an authorized representative subject to verification.
10. In the facts of this case, no storage charges shall be collected by the Customs Department.



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11. Accordingly, the writ petition is disposed of in above terms. All the pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

MARCH 21, 2025/MR/ck