



2025:DHC:2223-DB



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

Date of Decision: 27th March, 2025

+ **W.P.(C) 3133/2025**

KAMAL ARORA

.....Petitioner

Through: Mr. Rahul Raheja and Mr. Gaurav
Prakash, Advocates.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

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

CORAM:

MS. JUSTICE PRATHIBA M. SINGH

MR. JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner - Kamal Arora under Article 226 of the Constitution of India, seeking release of the gold bangle of the Petitioner which has been seized.
3. The Petitioner is an Indian citizen. He travelled to Bangkok on 20th April, 2024 and had arrived at the IGI Airport, New Delhi, by Flight No. CX679 on 30th April, 2024. His one gold *kada* weighing 76 grams was seized by the Customs Authorities and the detention receipt bearing DR No. DR/INDEL4/004303 was issued on 30th April, 2024.
4. The appraisal was also conducted, however, thereafter, no show cause



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notice has been issued to the Petitioner. A perusal of the detention receipt dated 30th April, 2024 itself shows that the detained article is a *kada* weighing 76 grams and this fact is not being disputed.

5. Once the goods are detained, it is mandatory to issue a show cause notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of The Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the Department for issuing the show cause notice. In this case, six months' period has elapsed. No intimation is stated to have been sent to the Petitioner regarding a further extension of six months having been obtained by the Customs Department. Thus, the detention would no longer be permissible.

6. The time for issuance of show cause notice has already lapsed and in the opinion of this Court, the goods can no longer be detained.

7. Accordingly, the detention is set aside. The Department is directed to return the gold item to the Petitioner within a period of four weeks without charging any storage charges.

8. The petition is disposed of. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 27, 2025/nd/abk