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

Date of Decision: 10th September, 2025

+ **W.P.(C) 7883/2025**

SHAKHNOZA MAKHMUDOVAPetitioner
Through: Mr. S. Vijay Kanth & Mr. Utkarsh
Tripathi, Advs.
versus

THE COMMISSIONER OF CUSTOMSRespondent
Through: Ms. Anushree Narain, SSC with Mr.
Naman Choula, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

Prathima M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner - Shakhnoza Makhmudova under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking to direct the Respondent-Customs Department to unconditionally release the following gold items of the Petitioner:

- 15 gold rings, collectively weighing 54 grams;
- 5 pair of earrings, collectively weighing 51 grams;
- 3 gold chains (two with pendant), collectively weighing 53 grams.

The said gold items were seized *vide* Detention Receipt No.4106 dated 29th March, 2024.

3. The Petitioner is a citizen of Uzbekistan. The Petitioner had arrived in India by Flight No. HY 421 on 29th March, 2024 at Indira Gandhi



International Airport, New Delhi. Upon arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the concerned officials of the Customs Department and the gold items of the Petitioner were seized.

4. The Petitioner had filed writ petition bearing number **W.P.(C) 5034/2025** titled '**Shakhnoza Makhmudova v. Commissioner of Customs**' in which after hearing the parties on 22nd April, 2025 the following order was passed:

“6. In the overall facts and circumstances, instead of dismissing the present petition as withdrawn, this Court is of the opinion that the representations of the Petitioner can be considered by the department. Considering that there are a substantial number of gold items seized, let the Petitioner appear before the Customs Department for appraisal of the goods and for passing of orders in accordance with law.

7. The Petitioner is permitted to appear either personally or through authorised representative before the Customs Department. All rights and remedies of the parties are left open.

8. The hearing shall be conducted on 5th May, 2025 at 11:30 A.M.

9. The hearing notice for the said hearing shall also be communicated to the ld. Counsel for the Petitioner and also to the Petitioner at the following email address and mobile numbers:

- *advmariya10@gmail.com;*
- *9650240991;*
- *9520260225;”*

5. The present writ has been filed on the ground that despite the direction for personal hearing *vide* order dated 22nd April, 2025 in **W.P.(C) 5034/2025**, the same has not been granted by the Customs Department and hence, release



of gold items is sought by the present petition.

6. On the last date *i.e.*, 29th May, 2025, notice was issued in this petition.

7. Today, Ms. AnushreeNarain, Id. SSC has placed on record an Order-in-Original dated 30th May, 2024, wherein it was directed as under:

“ORDER

(i) I deny the 'Free Allowance' if any admissible to the passenger Ms. ShakhnozaMakhmudova for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted her and recovered the detained goods from her;

ii) I declare the passenger, Ms ShakhnozaMakhmudova as "an ineligible Passenger" for the purpose of the Notification No. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended);

iii) I order absolute confiscation of “(i) Three gold chain (two with pendants) having average purity 585 with gross and net weight 53 grams having Assessable value Rs.2,01,934/-; (ii) Five pair of earrings having average purity 666 with gross and net weight 51 grams having Assessable value Rs.2,21,219/-; and (iii) Fifteen gold rings having average purity 572 with gross and net weight 54 grams having Assessable value Rs.2,01,172/- aforesaid gold jewelleries collectively weighing 158 grams, and valued at Rs.6,24,326/-" recovered from the Pax under Section 111 (d), 111 (j) & 111 (m) of the Customs Act, 1962;

iv) I also impose a penalty of Rs.65,000/- (Rupees Sixty Five Thousand Only) on the passenger Ms ShakhnozaMakhmudova under Section 112 (a) & 112 (b) of the Customs Act, 1962.”



8. Heard. This Order-in-Original was served upon the Petitioner on 19th June, 2024. The signature of the Petitioner is also appearing with the remark ‘*received original*’. The Order-in-Original dated 30th May, 2024, was not made part of either the earlier writ petition *i.e.*, *W.P.(C) 5034/2025* or the present writ petition.

9. At this stage, Mr. Vijay Kanth, Id. Counsel for the Petitioner submits that the Petitioner was not aware of this Order-in-Original. However, this is belied by the fact that the signature on the said Order-in-Original is matching with signatures on page 30 of the present petition where a representation was made by the Petitioner.

10. Thus, this Court is of the view that the Petitioner had received the Order-in-Original dated 30th May, 2024 and had failed to disclose the same before this Court. Even the time for filing the appeal assailing the Order-in-Original dated 30th May, 2024 has already lapsed.

11. Under these circumstances, due to non-disclosure of material and relevant facts, this Court is not inclined to either entertain the present writ or to permit the Petitioner to file an appeal in this regard.

12. The petition is dismissed with costs of Rs.10,000/- to be deposited with the DHCBA Natural Calamities Relief Fund. The details of the said fund is as under:

- ***Account Name: DHCBA Natural Calamities Relief Fund.***
- ***UCO Bank Account No.: 15530110174395***
- ***IFSC Code: UCBA0001553***
- ***Branch Address: Delhi High Court***



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13. List for compliance on 08th October, 2025.

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

SEPTEMBER 10, 2025*/pd/ck*