



\$~52

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

*Date of Decision: 19<sup>th</sup> November, 2025*

*Uploaded on: 21<sup>st</sup> November, 2025*

+

**W.P.(C) 17522/2025**

SITA DEVI

.....Petitioner

Through: Dr. Ashutosh, Ms. Fatima, Advs.  
versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Atul Tripathi, SSC, CBIC, Mr.  
Shubham Mishra, Mr. Gaurav Mani  
Tripathi, Mr. Akshay Sagar, Advs.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE SHAIL JAIN**

**Prathiba M. Singh, J.(ORAL)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India, *inter alia*, seeking release of the gold items which were detained by the Customs Department.
3. A brief background of the Petitioner's case is that, the Petitioner is a Thailand Passport holder who had travelled from Bangkok to India on 9<sup>th</sup> January, 2024. Upon her arrival at the Indira Gandhi International Airport, New Delhi, she was intercepted by the concerned officials of the Customs Department and the jewellery that she was wearing, consisting of one gold chain weighing 76 grams and two goldkadas together weighing 152 grams (*hereinafter*, 'gold items') were seized by the Customs Department *vide* detention receipt dated 9th January, 2024



4. After the said seizure, the matter was adjudicated by the Adjudicating Authority and an Order-in-Original was passed on 18<sup>th</sup> January, 2024 (*hereinafter*, 'Order-in-Original'). By the said order, the Petitioner was permitted to re-export the gold items, subject to payment of redemption fine of Rs.2,20,000/- and personal penalty of Rs.1,40,000/-. The Order-In-Original reads as under:-

**“ORDER**

i) *I deny the 'Free Allowance' if any admissible to the passenger Miss Sita Devi for the various acts of commission and omission;*

ii) *I declare the passenger, Miss Sita Devi, 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 confiscation of the "One gold chain having purity 999, weight 76 grams, valued at Rs.4,92,9611-, Two gold kada having purity 999, weight 152 grams, valued at Rs.9,85,921/- (Total value Rs. 14,78,882)" recovered from the Pax Miss Sita Devi and detained vide DR No. DR/INDEL4/09.01.2024/003483 dated 09.01.2024, under Section 111 of the Customs Act, 1962;*

iv) *I give an option to redeem the goods confiscated above, on payment of a fine of Rs.2,20,000/- (Rupees Two Lakh Twenty Thousand only) under Section 125 of Customs Act, 1962 and allow the same for re-export from India only by the Pax since the passenger is a Thailand national having Thailand Passport No. AC5419449. The redemption is to be allowed after the completion of legal formalities in this regard and also fulfilment of any regulatory clearances/approvals required. The offer of redemption, if accepted, shall be subject to condition that the Pax shall not dispute the identity and valuation of the detained goods. The offer of redemption shall cease after 'One Hundred Twenty Days' from date of the receipt of this order;*

v) *I also impose a penalty of Rs.1,40,000/- (Rupees One*



***Lakh Forty Thousand only) on the passenger Miss Sita Devi under Section 112(a) & 112(b) of the Customs Act, 1962.”***

5. The Customs Department had preferred an appeal against the Order-in-Original, which was dismissed *vide* the Order-in-Appeal dated 31<sup>st</sup> July, 2024 in the following terms:-

***“Order***

***6.0 In light of discussions and findings as above, I dismiss the appeal and uphold 1159/003483/09.01.2024/WH/2023-24 dated 18-01-2024 passed by the Joint Conunissioner of Customs, T-3, IGI Airport, New Delhi.”***

6. Thereafter, a revision petition is stated to have been filed by the Customs Department on 29<sup>th</sup> November, 2024. However, more than one year has passed, and no decision has been taken in the revision petition. Hence, the Petitioner has filed the present petition.

7. Ld. Counsel appearing for the Petitioner submits that despite more than one year having passed, the revision petition has not been decided. Moreover, the Petitioner was also wearing the gold items when the same were detained by the Customs Department. It is submitted that the same were personal effects and are liable to be released in terms of the decision of the Supreme Court in ***Civil Appeal No. 4403/2010*** titled ***‘Directorate of Revenue Intelligence and Ors. v. Pushpa Lekhuma Tolani’***

8. On the other hand, ld. SSC for the Respondent, submits that the Revision Petition is pending and the same can be decided in an expeditious manner.

9. Heard. Considering the fact that the Revision Petition has already



been filed by the Customs Department on 29th November, 2024, the Court at this stage, is inclined to direct that the Revision Petition to be disposed of within a period of three months, *i.e.*, by 28<sup>th</sup> February, 2026, after affording a personal hearing to the Petitioner.

10. The notice for personal hearing shall be served on the following e-mail address and mobile number:

- **Mobile No.:** 9873554305
- **Email Id. :** fatima05adv@gmail.com

11. All rights and remedies of the parties are left open. All contentions are also left open.

12. There has been substantial delay in the adjudication of the Revision petition, after the same has been filed. Accordingly, from the date of Order-in-Appeal, the warehousing charges shall not be liable to be paid by the Petitioner, as the delay has been caused by the Respondents.

13. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH**  
**JUDGE**

**SHAIL JAIN**  
**JUDGE**

**NOVEMBER 19, 2025***/tg/sm*