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

*Date of Decision: 8<sup>th</sup> October, 2025*

+ **W.P.(C) 14673/2025**

BAKHODIRJON SULTONOV

.....Petitioner

Through: Mohammed Ather & Md. Mobeen  
Akhter, Advs. (M: 7011359907)

versus

COMMISSIONER OF CUSTOM & ORS.

.....Respondents

Through: Mr. Avijit Dikshit, Adv.

**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 Articles 226 and 227 of the Constitution of India, *inter alia*, challenging the continued detention of the following goods of the Petitioner (hereinafter “*seized goods*”):
  - (i) 9 gold chains having purity 600, weighing 175 grams;
  - (ii) 2 gold bangles having purity 588, weighing 21 grams;
  - (iii) 2 gold pendants having purity 591, weighing 7 grams;and
  - (iv) 5 gold rings having purity 583, weighing 25 grams.
3. The brief facts of the case are that the Petitioner is a national of Uzbekistan and had travelled from Uzbekistan to New Delhi on 16th December, 2023. Upon his arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the Customs Department and the seized goods were detained *vide* detention receipt dated 16th December, 2023.



It is stated that the seized goods were appraised by the Customs Department on 19th December, 2023 on which date the Petitioner had submitted a detailed representation claiming the seized goods as personal jewellery. It is also stated that the Petitioner did not seek waiver of show cause notice and no oral show cause notice was issued to the Petitioner. However, it is alleged that the Customs Department obtained a waiver of the show cause notice in a pre-printed form.

4. The Petitioner is aggrieved by the fact that no show cause notice has been issued to the Petitioner till date and also no personal hearing has been provided. In view of the same, the Petitioner has preferred the present petition.

5. On the last date of hearing *i.e.*, 22nd September, 2025, the Id. Counsel for the Petitioner had submitted that no show cause notice has been issued till date and thus, prayed for release of the seized goods for re-export.

6. Further, Mr. Avijit Dikshit Id. Counsel appearing for the Customs Department had submitted that he would like to verify certain facts and whether the show cause notice was issued or not.

7. Today, Mr. Dikshit, Id. Counsel submits that an Order-in-Original has been passed on 26th February, 2024 by the Assistant Commissioner of Customs in this matter. The Id. Counsel has handed across a copy of the said order and the same is taken on record.

8. It is submitted that the same would show that in fact a copy of the said order had been received by one Ms. Anisha Sharma, an advocate (D/862/2022), acting as the authorised representative of the Petitioner. The Order-in-Original also records that a waiver was signed by the Petitioner for issuance of the show cause notice.

9. Id. Counsel for the Petitioner submits that Ms. Anisha Sharma did not



inform the Petitioner of the passing of the said order.

10. The Court has heard the parties and perused the documents placed on record, including the Order-in-Original dated 26th February, 26th February, 2024 - the operative portion of which reads as under:

*“10. In view of the foregoing, I pass the following order:*

**ORDER**

*1) I deny the 'Free Allowance' if any admissible to the passenger, Mr. Bakhodirjon Sultonov for the various acts of commission and omission;*

*ii) I declare the passenger, Mr. Bakhodirjon Sultonov is "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 "Nine gold chains having purity 600 weighing 175 grams valued at Rs.6,49,562/-, two gold bangles having purity 588 weighing 21 grams valued at Rs.76,388/-, Two gold pendants having purity 591 weighing 7 grams valued at Rs. 25,593/-, Five gold rings having purity 583 weighing 25 grams collectively valued at Rs. 90,165/- all jewelry collectively valued Rs. 8,41,708/-)" recovered from the Pax Mr. Bakhodirjon Sultonov and detained vide DR No. DR/INDEL4/16.12.2023/003337 dated 16.12.2023, under Section under Section 111(d), 111(j) & 111(m) of the Customs Act, 1962; 24*

*iv) I also impose a penalty of Rs.85,000/- (Rupees Eighty Five Thousand Only) on the passenger Mr. Bakhodirjon Sultonov under Section 112(a) & 112(b) of the Customs Act, 1962.”*

11. At the outset it is noted that the copy of the Order-in-Original which has been handed across by Mr. Dikshit, Id. Counsel bears the signature of Ms.



Anisha Sharma, Advocate who has received the order, as the authorised representative of the Petitioner. Moreover, the bar card of Ms. Anisha Sharma, shows that she is registered with the Bar Council of Delhi.

12. In the opinion of the Court the submission of the Petitioner that Ms. Sharma had not informed the Petitioner about the order is not a believable submission. Once the lawyer/authorised representative of the Petitioner had received a copy of the order, the same would be considered to have been served on the Petitioner in terms of Section 153(1)(a) of the Customs Act, 1962. The said section is reads as under:

*“153. Modes for service of notice order, etc.—*

*(1) An order, decision, summons, notice or any other communication under this Act or the rules made thereunder may be served in any of the following modes, namely:—*

**(a) by giving or tendering it directly to the addressee or importer or exporter or his customs broker or his authorised representative including employee, advocate or any other person or to any adult member of his family residing with him;”**

13. Thus, once the advocate for the Petitioner had appeared and received the copy of the Order-in-Original the same ought to have been disclosed in the present petition. However, the same has not been done by the Petitioner.

14. Further, the Order-in-Original also records that the very same advocate *i.e.*, Ms. Anisha Sharma had also appeared before the Customs Department on 19th December, 2023 had submitted the representation on behalf of the Petitioner, whereby the Petitioner had waived the show cause notice and personal hearing.



15. The above facts have not been disclosed in the petition and it is clear that the Petitioner has not approached the Court with clean hands. Even if the Court wishes to give any benefit of doubt to the Petitioner, the only remedy available to the Petitioner would be to challenge the Order-in-Original.

16. In view of the above, the present petition is not maintainable and is dismissed in above terms with costs of Rs. 10,000/- to be deposited with the Customs Department.

17. Needless to add, if the Petitioner wishes to challenge the Order-in-Original he is free to do so in accordance with law and make all submissions which he wishes to make in respect of condonation of delay.

18. Let the documents handed over by Mr. Avijit Dikshit Id. Counsel be scanned by the Registry and retained with the electronic record of the Court.

19. Pending applications, if any, are also disposed of.

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

**SHAIL JAIN**  
**JUDGE**

**OCTOBER 8, 2025**

*dj/msh/hp*