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

Date of Decision: 8th October, 2025

+ **W.P.(C) 14749/2025**

MOHAMMAD ALI BARAZANDEHPetitioner
Through: Mohammed Ather & Md. Mobeen
Akhter, Advs. (M: 7011359907)
versus

THE COMMISSIONER OF CUSTOM & ORS.Respondents
Through: Ms. Anushree Narain, SSC with Mr.
Naman Choula, 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, *inter alia*, seeking unconditional release of the Petitioner's gold chain seized by the Customs Department *vide* detention receipt dated 30th April, 2022.
3. The brief facts of the case are that the Petitioner is an Iranian national who was travelling from Iran to India on 30th April, 2022. Upon his arrival at the Indira Gandhi International Airport, New Delhi, the Petitioner was intercepted by the Customs Department and the Petitioner's gold chain was seized. It is stated that the said gold chain was appraised by the Customs Department on 30th May, 2022.
4. The Petitioner is aggrieved by the fact that no show cause notice has been issued till date and no personal hearing has been granted. Thus, the Petitioner's stand is that he is entitled to release of the gold chain.



5. On the last date of hearing *i.e.*, 23rd September, 2025 the ld. Counsel for the Petitioner had relied upon the recent judgment of the Supreme Court in ***Civil Appeal No.3489/2024*** titled ***Union of India & Anr. v. Jatin Ahuja*** dated 11th September, 2025 (hereinafter “*Jatin Ahuja - I*”). It is submitted that as per the said judgement where no show cause notice is issued within the period prescribed under Section 110 of the Customs Act, 1962 (hereinafter “*the Act*”), and the goods have not been provisionally released under Section 110A of the Act, then the same shall be released to the passenger. The relevant portion of the said judgement reads as under:

*“17. It is difficult for us also to subscribe to the views expressed by the Bombay High Court in Jayant Hansraj Shah’s case (supra). **We are of the view that the only power that has been conferred upon the Revenue to extend the time period is in accordance with the first proviso to Sub-section (2) of Section 110 of the Act, 1962. The Delhi High Court is right in saying that any effort to say that the release under Section 110A of the Act, 1962 would extinguish the operation of the consequence of not issuing show-cause notice within the statutory period spelt out in Section 110(2) would be contrary to the plain meaning and intendment of the statute.***

18. The Delhi High Court has done well to explain that this is so because Section 110A, is by way of an interim order, enabling release of goods like fast moving or perishable etc. The existence of such power does not, in any way, impede or limit the operation of the mandatory provision of Section 110(2).

*19. **In the case in hand, indisputably the car was seized under sub-section (1) and furthermore no notice in respect of the goods seized was given under clause (a) of section 124 of the said Act within six months of the seizure. The consequence, therefore, in such a case is***



that the goods shall be returned to the person from whose possession they were seized. The first proviso to sub-section (2) of section 110 of the said Act, however, provides that the Principal Commissioner of Customs or Commissioner of Customs may, for reasons to be recorded in writing, extend the six months' period by a period not exceeding six months and inform the person from whom such goods were seized before the expiry of the period so specified. The proviso therefore contemplates that the period of six months mentioned in sub-section (2) of section 110 of the said Act can be extended by the higher authority for a further period not exceeding six months, for reasons to be recorded in writing. The proviso also requires the higher authority to inform this to the person from whom such goods were seized before the expiry of the period of six months mentioned in sub-section (2) of section 110. We find that in respect of the seized car, there is neither any notice under clause (a) of section 124 issued to the respondent within six months of the seizure nor the period of six months ever came to be extended for a further period of six months. In the absence of there being any notice as required by the first proviso even within the extended period upto one year, the consequence that ought to follow is release of the seized car.

[...]

24. The appeals before us are all anterior in time to the coming into force of the second proviso to Section 110(2) of the Act, 1962. Although, it is not necessary for us to say anything further, yet we may clarify that the time period to issue notice under Clause (a) of Section 124 is prescribed only in sub-section (2) of Section 110 of the Act, 1962. This time period has nothing to do ultimately with the issuance of show-cause notice under Section 124 of the Act, 1962. The two provisions are distinct and they operate in a different field.



6. Ld. Counsel for the Petitioner further submits that bearing in mind the fact that there is no show cause notice issued within the period prescribed in law, in terms of the judgment in **W.P.(C) 2952/2012** titled **Jatin Ahuja v. Union of India & Ors.** (hereinafter “**Jatin Ahuja - I**”), which was passed by the Division Bench of this Court and upheld by the Supreme Court in **Jatin Ahuja-I**, the Petitioner is entitled to unconditional release of the goods. The relevant portion of the said judgment passed by the Division Bench of this Court reads as under:

“13. In the light of the above discussion, the Petition has to succeed. It is declared that the effect of non issuance of show cause notice under Section 124 in this case, has resulted in the operation of Section 110(2) and the statutory dissolution of the seizure order made in the case of the Petitioner’s car. The said vehicle – released provisionally and subject to conditions under Section 110-A – shall be deemed to have been unconditionally released. If the Maserati car has not been released, the same shall be released within two weeks and the superdarinama is hereby quashed. The writ petition is allowed in the above terms; no costs.”

7. Thus, where the show cause notice has not been issued within the period of six months, extendable by another six months, and the seized goods have not been provisionally released, the said goods would be liable to be released to the passenger. This position has now been settled by the Supreme Court as discussed above.

8. It is noted that on the last date 23rd September, 2025 in view of the above position Ms. Anushree Narain, Id. SCC had sought time to examine the same and seek instructions whether the show cause notice has been issued in the present case or not.



9. Today, it is submitted by Ms. Narain, Id. SCC that she has obtained instructions and no show cause notice has been issued to the Petitioner.

10. The Court has considered the matter. In view of the fact that no show cause notice has been issued within the prescribed period under Section 110 of the Act, the necessary consequence of the same, in light of ***Jatin Ahuja - I***, would be to direct the Petitioner's gold chain to be released.

11. The Petitioner is a resident of Iran and he is willing to re-export the gold item. Accordingly, let the Customs Department release the gold chain to the Petitioner for re-export subject to payment of warehousing charges as applicable on the date of detention, within a month.

12. The Petitioner shall appear before the Customs Authority through video conferencing mode at the time of release of the gold chain and the authorised representative shall collect it after confirmation and verification of the Petitioner's identity.

13. At this stage, Ms. Narain, Id. SCC submits that the appraisalment of the gold chain may also be directed to be carried out at the time of release. Accordingly, let the appraisalment of the gold chain, if not already conducted, may be conducted before release of the same.

14. The petition is disposed of in these terms. Pending applications, if any, be also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

OCTOBER 8, 2025/dj/msh