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

Date of Decision: 17th September, 2025

+ **W.P.(C) 14402/2025**

MAHESH MALKANI

.....Petitioner

Through: Dr. Ashutosh, Ms. Fatima and Mr.
Pravej, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Atul Tripathi, SSC with Mr.
Shubham Mishra, Adv. for CBIC. (M:
9560018960)

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 challenging the impugned order dated 30th January, 2025 passed by the Office of Commissioner of Customs, Indira Gandhi International Airport, New Delhi.
3. The Petitioner, who is a resident of Dubai, had travelled to India on 7th March, 2024. Upon his arrival at the Indira Gandhi International Airport, New Delhi, one Rolex watch (*hereinafter, 'the detained article'*), which he was wearing, was detained on the allegation of non-declaration *vide* detention receipt dated 7th March, 2024.
4. Thereafter, an Order-in-Original has already been passed in this matter permitting redemption *vide* order dated 30th January, 2025 (*hereinafter, 'the impugned order'*). The operative portion of the impugned order reads as under:



“ **ORDER**

i) I deny the 'Free Allowance' if any, admissible to the Pax Mr. Mahesh Malkani for not declaring the detained goods to the Proper Officer at Red Channel as well to the Customs Officer at Green Channel who intercepted him and recovered the detained goods from him.

ii) I order confiscation of "Rolex Watch Model No. 126610LV valued at Rs. 13,48,500/-" detained vide "DR/INDEL4/07.03.2024/003944 dt. 07.03.2024" under Section 111(d), 111(j), 111(l) & 111(m) of the Customs Act, 1962.

*iii) I give an **option to redeem**, the goods confiscated, above, **for re-export**, on payment of fine of Rs. 1,80,000/- (**Rupees One Lakh Eighty Thousand only**) being holder of **"Resident Identity Card ID No. 784-1984- 4594800-7 bearing issuing date 30.11.2024 & Expiry date 29.11.2026 issued by United Arab Emirates"**. I allow redemption of the detained goods within 120 days of issue of this order under Section 125(3) of the Customs Act, 1962). The redemption is allowed after the completion of legal formalities in this regard and also on fulfillment of any regulatory clearances/ approvals/ payments, as required. The offer of redemption, if accepted, shall be subject to condition that the Passenger shall not dispute the identity and valuation of the goods. The offer of redemption shall cease after 120 days of the receipt of this order.*

*iv) I also impose a penalty of Rs. 1,50,000/- (**Rupees One Lakh Fifty Thousand only**) on the Pax Mr. Mahesh Malkani under section 112 (a) & 112(b) of the Customs Act, 1962.”*

5. As per the above impugned order, the Petitioner was permitted to redeem the detained article by paying a fine of Rs. 1,80,000/- for the purpose of re-export. However, the redemption was to be undertaken by the Petitioner within 120 days of the receipt of the impugned order which have now lapsed.

6. The Court has perused the impugned order. There appears to be some



error in paragraph 8.4 of the impugned order, as pointed out by the Id. Counsel for Petitioner. The said paragraph is set out below:

“8.4 Further, provision of section 125 of the Customs Act, 1962 reproduced at Para 8.1(xviii) above is referred. The Pax had adopted the wrong channel for import of goods as passenger baggage, in violation of provisions laid down in this regard. Goods are clearly in commercial quantity and cannot possibly be for personal use. However, since the Pax is an Indian National working in Dubai and has valid "Resident Identity Card ID No. 784-1984-4594800-7 bearing issuing date 30.11.2024 & Expiry date 29.11.2026 issued by United Arab Emirates". It is felt that the same could be allowed for re-export on payment of redemption fine and penalty. Thus, though I have proposed for confiscation of the detained goods, I have a considered view that the goods may be allowed to be redeemed for re-export purpose only, to the Pax, being holder an "Resident Identity Card ID No. 784-1984-4594800-7 bearing issuing date 30.11.2024 & Expiry date 29.11.2026 issued by United Arab Emirates", on payment of redemption fine under the provisions of Section 125 of the Customs Act, 1962.”

7. Clearly, this Court is of the view that one Rolex watch cannot be held to be a commercial quantity and there is no reason as to why the same cannot be kept for personal use. However, considering the fact that the option of redemption was given to the Petitioner, the Petitioner shall now pay the redemption fine by 31st October, 2025 and redeem the detained article in accordance with the impugned order.

8. The adjudicating authority is cautioned to ensure that in future, such errors do not occur in the orders which are passed by the adjudicating authority.

9. In the facts of this case, warehousing charges shall be liable to be paid



by the Petitioner, as applicable on the date of detention.

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

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

SEPTEMBER 17, 2025

dj/ss