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

Date of decision: 18th August, 2025

+ **W.P.(C) 10570/2025**

**MR. MOHAMMEDYASAR MOHAMMEDILIYAS
SHAIKH**

.....Petitioner

Through: Mr. Harsh Trikha, Adv.
versus

**COMMISSIONER OF CUSTOMS, IGI AIRPORT
& ANR.**

.....Respondents

Through: Mr. Avijit Dikshit, Standing Counsel

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 under Article 226 of the Constitution of India has been filed by the Petitioner *inter alia* seeking quashing of the detention of one iPhone 16 Pro Max which was detained by the Customs Authorities when he travelled from Hong Kong to Delhi. The Petitioner had not declared the said iPhone and the same was detained on 24th September, 2024 *vide Detention Receipt No. 18900* dated 24th September, 2024.
3. It is the grievance of the Petitioner that till date, however, no Show Cause Notice (*hereinafter* 'SCN') has been issued pursuant to the detention.
4. On the contrary, Id. Standing Counsel for the Respondent relies upon a signed waiver made by the Id. Counsel for the Petitioner, Mr. Mohammad Tabish. It is, thus, submitted that this is the reason why the SCN was not issued. It is further pointed out that the said fact has also not been disclosed in the present writ petition by the Petitioner. Therefore, it is contended that the Petitioner has not approached this Writ Court with clean hands and that the



present writ petition deserved to be dismissed on this very ground.

5. At this stage, Id. Counsel for the Petitioner submits that this waiver might have been signed by his predecessor. Further he also submits that he is willing to pay the applicable duty and redeem the goods.

6. Heard. Although the Court notes that a material fact, namely the execution of a waiver, has not been disclosed in the writ petition, having regard to the nature of the detained item, i.e., an iPhone 16 Pro Max, and the Petitioner's willingness to pay the applicable duty, this Court considers it appropriate to direct the Petitioner to appear before the concerned Customs Authority on 9th September, 2025, for release of the said item upon payment of the requisite duty and warehousing charges. Since no SCN has been issued, no other charges including redemption or fine shall be payable.

7. The Nodal Officer mentioned below shall facilitate the Petitioner's appearance before the competent Adjudicating Authority for compliance with the present order:

*Mr. Sandeep Lamba, Superintendent, Customs
Office of Commissioner, Customs
IGI Airport, T-3, New Delhi
Mobile No. 7405345000
Email Id: igilegaldelhi@gmail.com*

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

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

AUGUST 18, 2025/kp/Ar.