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

*Date of decision: 18<sup>th</sup> August, 2025*

+ **W.P.(C) 8856/2025**

**AKMAL USMANOV THROUGH AZIZA** .....Petitioner

Through: Dr. Ashutosh, Ms. Fatima, Mr. Parvej  
Hasan, Advocates.

versus

**COMMISSIONER OF CUSTOMS** .....Respondent

Through: Mr. Satish Aggarwala, SSC.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE SHAIL JAIN**

### **JUDGMENT**

**Prathiba M. Singh, J.**

1. This hearing has been done through hybrid mode.

#### **Background:**

2. The present petition has been filed under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the detention of the gold chain of the Petitioner weighing 84 grams.

3. This Petition is stated to have been filed by the Petitioner on behalf of her brother, who was a passenger on 30th January, 2024 while arriving at the Indira Gandhi International Airport, New Delhi from Russia. On the said date, the gold chain of the Petitioner weighing about 84 grams was detained by the Customs department.

4. It is the case of the Petitioner that on the basis of an authority letter dated 5th February, 2024 issued by the Petitioner herein, the appraisal of the gold chain of the Petitioner was done on 29th May, 2024, on which date, the detention receipt was issued. However, till date, no Show Cause Notice



has been issued to the Petitioner. Thus, the gold chain of the Petitioner ought to be released.

5. On 2nd July, 2025 the Court after hearing the parties had directed the Petitioner to satisfy the Court as to who has filed the present petition as the *Pairokar*. Thereafter, on 23rd July, 2025 it was submitted by Id. Counsel of the Petitioner that the *Pairokar* is the sister of the Petitioner, who resides in India. In view thereof, the Court directed the *Pairokar* to appear before the Court on the next date of hearing. The relevant portion of the order dated 23rd July, 2025 is extracted hereunder:

*“3. It is submitted by the Id. Counsel for the Petitioner that the Pairokar is the sister of the Petitioner, who resides in India.*

*4. The Pairokar is directed to appear before the Court on the next date of hearing.”*

6. In terms of the order dated 23rd July, 2025 the *pairokar*- Aziza Usmanova has appeared before the Court in person. She submits that the passenger from whom the gold chain was seized on 30th January, 2024 is her brother. The Petitioner is a resident of Tajikistan.

7. Further she states that she herself is an Overseas Citizen of India (*OCI*) card holder. The Court is satisfied that the *pairokar* is *bona fide* and genuine.

8. In a short affidavit that has been filed by the Customs Department on 22nd July, 2025, it is clearly stated that in respect of the detention receipt dated 30<sup>th</sup> January, 2024, only personal hearings have been granted to the Petitioner has been on 10<sup>th</sup> June, 2025, 17<sup>th</sup> June, 2025 or 24<sup>th</sup> June, 2025. The relevant portion of the said affidavit is extracted hereunder:



*“It is respectfully submitted that vide letter dated 29.05.2025, Annexure-R1, the petitioner had been informed that his case was pending in respect of DR No.3664 dated 30.01.2024 for decision before the competent authority and he was granted an opportunity to present himself for personal hearing alongwith supporting documents from 10:00 am to 6:00 pm on 10.06.2025, 17.06.2025 or 24.06.2025. However, the petitioner has not appeared, till date, for personal hearing.”*

**Analysis:**

9. The present writ petition has been filed on 28<sup>th</sup> May, 2025. It is clear that personal hearing has been given post the filing of the writ petition. Further, no Show Cause Notice has been issued in this matter till date.

10. The Petitioner being a foreign national, is willing to re-export the gold chain weighing 84 grams. Considering the weight of the article and the fact that it is merely a gold chain, the Petitioner being a foreign national is an eligible passenger in terms of the Baggage Rules, 2016.

11. This Court has pronounced several orders/judgments, wherein it has been held clearly that if the gold items seized are personal jewellery, the same would not be liable to be confiscated. The few orders/judgments passed by this Court in this regard are as under:

- i. ***Nathan Narayanswamy v. Commissioner of Customs, [Delhi High Court, W.P.(C) 6855/2023 dated 15th September, 2023]***
- ii. ***Farida Aliyeva v. Commissioner of Customs, (2024:DHC:9533-DB).***
- iii. ***Rahul Vattamparambil Remesh v. Union of India & Ors. (2025:DHC:1444-DB)***



iv. ***Gopika Vennankot Govind v. Union of India & Ors.***  
***(2025:DHC:1660-DB)***

12. Moreover, in the present case, a Show Cause Notice has not been issued to the Petitioner.

13. It has been repeatedly observed by this Court that once the goods are detained by the Customs department, it is mandatory to issue a Show Cause Notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of the Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the said department for issuing the Show Cause Notice. In this case, the one year period itself has elapsed, thus no Show Cause Notice can be issued. The detention is therefore impermissible.

14. This principle of law was affirmed in ***Mohammad Arham v. Commissioner of Customs (2025:DHC:1789-DB)***, wherein the Court observed that the Customs department is required to issue a Show Cause Notice in accordance with Section 110 of the Customs Act, 1962. It was further held that upon the expiry of the one-year period prescribed under the said provision, the continued detention of goods, in the absence of such notice, is impermissible. The relevant portion of the said decision is extracted hereunder:

*“4. Thereafter, no show cause notice has been issued and more than one year has passed. Hence, the present petition has been filed seeking release of the detained goods.*

*5. Issue notice. Mr. Harpreet Singh, ld. Senior Standing Counsel for Respondent accepts notice. He submits, on instructions, that admittedly, no show cause notice has been issued upon the Petitioner within*



*the stipulated time period of six months of seizure of goods. Moreover, there has been no appraisalment of the goods either.*

**6. Once the goods are detained, it is mandatory to issue a show cause notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of The Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the Department for issuing the show cause notice. In this case, the one year period itself has elapsed, thus no show cause notice can be issued. The detention is therefore impermissible.**

**7. Accordingly, let the goods be appraised by the Respondent department on their own and the same be released, subject to verification, within four weeks to the Petitioner.** Since the Petitioner has now attained majority, the appraisalment shall be done either in the presence of the Petitioner or an Authorized Representative.”

15. Accordingly, the detention of the Petitioner’s article is quashed. The gold chain of the Petitioner is directed to be released in favour of the Petitioner.

16. The Petitioner/Pairokar shall appear before the Customs Department on 21<sup>st</sup> August, 2025. For this purpose, the Petitioner is free to approach the nodal officer, who shall thereafter guide the Petitioner to the appropriate authority. The said authority thereafter, shall release the gold item of the Petitioner, after due verification. The details of the nodal officer are as under:

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



2025:DHC:7061-DB



17. The warehousing charges shall be liable to be paid as applicable on the date of detention.

18. Petition is disposed of in these terms. All pending application(s), if any, are also disposed of.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**AUGUST 18, 2025**

*Rahul/rks*