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

Date of decision: 18th August, 2025

+ **W.P.(C) 9850/2025**

ASHILY MUHAMMED SHAMEER

.....Petitioner

Through: Ms. Richa Kumari, Mr. Pawan and Ms.
Arti Gupta, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Vishal Chadha, SSC with Mr.
Chandan Kumar, 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 under Article 226 of the Constitution of India has been filed by the Petitioner *inter alia* challenging the detention of one gold chain weighing 90 grams and one elongated gold wire bent in ring shape of 10 grams. The same were detained by the Respondent - Customs Department on 13th February, 2024 *vide* Detention Receipt No.3779 when the Petitioner was travelling from UAE to Delhi.
3. The case of the Petitioner is that no Show Cause Notice (*hereinafter* 'SCN'), pursuant to the detention, has been issued to the Petitioner till date. However, in the counter affidavit which has been filed, the Respondent - Customs Department has informed the Court that the hearing notice was issued to the Petitioner. This is vehemently opposed by the Id. Counsel for the Petitioner who submits that the said hearing notice was in fact a knee jerk



response to filing of the present writ petition.

4. Be that as it may, considering the nature of the gold items and the fact that no photographs have been placed on record to show that the same are old and used jewellery of the Petitioner, this Court is of the opinion that the present case does not warrant the interference of this Court under writ jurisdiction.

5. At this stage, the Id. Counsel for the Petitioner informs the Court that the Petitioner is willing to re-export the subject matter goods.

6. Considering this position, let the Petitioner appear before the Department for a personal hearing. The nodal officer shall guide the Petitioner to the appropriate adjudicating authority.

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

The appropriate adjudicating authority shall grant the Petitioner a personal hearing on 12th September, 2025. The Adjudicating Authority shall consider the request of the Petitioner to re-export the gold items and pass an order in accordance with law.

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

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 18, 2025/kp/Ar.