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

Date of Decision: 18th September, 2025

+ **W.P.(C) 14447/2025 & CM APPL. 59199/2025**

KUSHAL RAM

.....Petitioner

Through: Mr. Anupam Anand, Ms. Akanksha,
Mr. Ashish Dev and Mr. Akshit Saini,
Advs. (M:9220519292)

versus

COMMISSIONER OF CUSTOMS & ANR.

.....Respondents

Through: Mr. Aakarsh Srivastava, SSC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 59199/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 14447/2025

3. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, challenging the detention receipt bearing no. 4607 dated 10th June, 2024, by which the following goods were detained:

- *Two Silver coated Bracelet weighing 100 grams*
- *One Yellow Metal Kada weighing 100 grams*
- *Four iPhones 15 PRO*

(hereinafter 'detained goods')

4. The brief facts of the case are that, the Petitioner while travelling from



Dubai along with his three family members, arrived in India on 10th June, 2024. Upon his arrival at the Indira Gandhi International Airport, Terminal-3, New Delhi, he was intercepted by the concerned officials of the Customs Department, who seized the detained goods *vide* detention receipt dated 10th June 2024. (appraised on 9th September 2024).

5. Subsequently, the Order-in-Original dated 25th September, 2024 was passed by the Additional Commissioner of Customs, New Customs House, Indira Gandhi International Airport (*hereinafter 'impugned OIO'*) wherein it was directed as under:

“ORDER

i) I deny the 'Free Allowance' if any, admissible to the Pax: Mr. Kushal Ram 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 declare the passenger Mr. Kushal Ram as an "ineligible Passenger" for the purpose of the Notification No.50/2017-Customs dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended).

iii) I order absolute confiscation of:-

(i) One gold Kada having average purity 996 with both gross and net weight as 100 grams having Assessable value at Rs.6,82,605/-

(ii) One pair of silver coated gold anklet having average purity 996 with both gross and net weight as 100 grams having Assessable value at Rs.6,82,605/-

(iii) Four apple I-phone 15 pro 256 gb having assessable value at Rs. 3,79,796/-

The total Assessable value of the goods is Rs.17,45,006/-



Which were recovered from the Pax Mr. Kushal Ram and detained vide DR No.DR/INDEL4/10.06.2024/004609 dated 10.06.2024 under section 111(d), 111(i), 111(j) and 111(m) of the Customs act, 1962.

iv) I also impose a penalty of Rs.2,62,000/- (Rupees Two Lakh Sixty-two thousand Only) on the Pax Mr. Kushal Ram under section 112 (a) and 112(b) of the Customs Act, 1962.”

6. The Petitioner has filed an appeal against the impugned OIO, which is stated to be pending before the Commissioner of Customs.
7. The contention of Id. Counsel for the Petitioner is that the impugned OIO is not sustainable, as no Show Cause Notice was issued to the Petitioner, and no opportunity of personal hearing was granted prior to the passing of the impugned order.
8. Ld. SSC for the Respondent, on the other hand, submits that the case of the Petitioner is not *bonafide*. It is contended that the gold items seized from the Petitioner have been coloured silver and, therefore, there was an intention to conceal. Moreover, four Apple iPhones were also seized from the Petitioner.
9. This submission is refuted by Id. Counsel for the Petitioner on the ground that items were seized from four passengers, but only one detention receipt has been issued. Ld. Counsel for the Petitioner also submits that one iPhone qua each passenger is permissible to be brought in India.
10. At this stage, Id. SSC for the Respondent, however, submits that out of the four passengers, two were minors.
11. Be that as it may, considering the nature of the goods detained, the



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Court is not inclined at this stage to exercise its writ jurisdiction to interfere with the confiscation order. The appeal was filed by the Petitioner in November, 2024. The appeal shall, however, now be heard on merits, and an order shall be passed by 30th November, 2025. Personal hearing shall be granted to the Petitioner at the following email address and mobile number:

Email: anupamadvanand@gmail.com

M: 9220519292

12. All rights and remedies of the parties are left open.
13. The present writ petition is disposed of in the above terms. All the pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

SEPTEMBER 18, 2025/dk/sm/dg