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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 23rd July, 2025
+ **W.P.(C) 198/2025, CM APPL. 8813/2025 & CM APPL. 38634/2025**
QAMAR JAHANPetitioner
Through: Mr Ashish Panday, Adv.
versus
**UNION OF INDIA, REPRESENTED BY SECRETARY,
MINISTRY OF FINANCE & ORS.**Respondent
Through: Mr. Jagdish Chandra, CGSC with Mr.
Sujeet Kr. Chaudhary, Adv. for UOI.
Mr. Harpreet Singh, SSC with Mr.
Aditya Singla, SSC, Mr. Shubham
Tyagi, SSC & Mr. Anushree Narain,
SSC along with 1) Mrs. Mayusha
Goel, ADC, Customs, 2) Mr. Shaikh
Salman, Deputy Commissioner, Board
Office and Mr. Anuj Pandey, ADC,
Customs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. There are a batch of petitions listed today, raising various issues *qua* the procedure for detention of goods by the Customs Department belonging to passengers travelling to India, of both Indian and foreign origin, which are being dealt with by the Court.
3. In this matter, the Court has passed various orders from time to time directing the Customs Department and the Central Board of Indirect Taxes & Customs (hereinafter “*CBIC*”) to reconsider the Baggage Rules, 2016



(hereinafter “*the Baggage Rules*”), especially in respect of issues which have been highlighted by this Court.

4. On 27th March, 2025, the Court had directed the Customs Department to place on record a Standard Operating Procedure (hereinafter “*SOP*”) that shall be in effect till the Baggage Rules are amended by CBIC. The relevant portion of the order dated 27th March, 2025 reads as under:

“21. If the Baggage Rules cannot be amended by the next date of hearing, a Standard Operating Procedure (hereinafter “SOP”) shall be placed on record by the next date which shall be followed by the Customs Department till the time the Baggage Rules are amended.

22. Let the said SOP cover all the issues which have been highlighted by this Court in the present petition as also any other issue which has a material bearing on the matter under consideration. In addition to the above, let the CBIC, Customs Department and other stakeholders also consider the following:

(i) The manner in which the statements under Section 108 of the Act are recorded in standard form from all passengers;

(ii) The procedures for appraisal and for disposal of the items which are detained, also require to be simplified and re-looked.

23. Let the Respondents file a further affidavit by the next date of hearing in terms of the directions passed today. The draft SOP as directed above be also placed before the Court.”

5. Thereafter, on 19th May, 2025, Mr. N. Venkataraman, Id. Additional Solicitor General had appeared for the Customs Department and the Union of



India and placed on record a short affidavit of Sh. Dharmvir Singh, working as Assistant Commissioner, IGI Airport, New Delhi along with a draft Standard Operating Procedure (hereinafter “draft SOP”), in respect of some of the issues which have been raised from time to time. The Court after considering the submissions of the parties had approved the draft SOP with certain modifications. Further to the same, the Court had observed as under:

“9. In addition to the above SOP, this Court is of the opinion that some of the areas that still need to be addressed are:

(i) the permissible weight of used gold jewellery that can be worn by an Indian passenger, who travels for a short duration to foreign countries and returns to India;

(ii) the used personal jewellery that can be carried by Foreign passenger/s or eligible passenger who travels to India;

(iii) permissible weight of gold or jewellery that is permissible for import through Red/Green channel for different categories of passengers;

(iv) procedure for issuance of show cause notice within the prescribed period under the Customs Act, 1962 and timely disposal of the same.

10. Mr. N. Venkataraman, ld. ASG, seeks further time to revert on the above issues as also for amendment to the Baggage Rules which is stated to be still pending consideration before the CBIC.

11. Though this Court was inclined to issue certain interim directions, even on these aspects, as there are several matter being filed before the Court on a daily basis, however, it is submitted by the ld. ASG that in order to avoid any further confusion and bring certainty to the above issues, a final policy decision would be placed before the Court for approval. This, as per the ld.



ASG would require some time. Considering the nature of the issues at hand, the request is acceded to.

12. It is made clear that on the next date of hearing, if no policy qua the amendments to the Baggage Rules as also in respect of the other issues under consideration, is placed before the Court, certain interim directions would be passed in terms of the consideration under Rule 5 and Rule 2(vi) of the Baggage Rules, bearing in mind the anomalies qua different categories of passengers as also the change in the price of gold over the years.”

6. Today, the Ld. Additional Solicitor General has appeared today along with ld. Counsels. The following officials of the Customs Department are also present:

- 1) Mrs. Mayusha Goel, ADC, Customs
- 2) Mr. Shaikh Salman, Deputy Commissioner, Board Office
- 3) Mr. Anuj Pandey, ADC, Customs.

7. It is submitted that the draft SOP which was approved with modification by this Court in terms of paragraph 8 of the previous order dated 19th May, 2025 has now been implemented.

8. On the said date, the submission was made that the amendment to the Baggage Rules is under consideration and that interim directions may not be issued as substantial progress has been made.

9. It is submitted that the officials of the Ministry of External Affairs, Ministry of Tourism and Culture along with certain agencies such as Directorate General of Foreign Trade (hereinafter ff“DGFT”), Customs Authorities, Directorate of Revenue Intelligence (hereinafter “DRP”) have worked closely with the Ministry of Finance for a complete review of the Baggage Rules bearing in mind the decisions of this Court as also the Madras



High Court in *Thanushika Vs. The Principal Commissioner Of Customs Vs. (Chennai), W.P. No. 5005/2024 (Decided On 31st January, 2025)*.

10. It is submitted that meetings have been held on six occasions since the last hearing on 19th May, 2025 and the proposal for the way forward has already been finalized and inputs are being presently received from the various agencies and Ministries.

11. It is submitted by the ld. ASG that the draft Baggage Rules are now going to be prepared and would be placed before this Court on the next date of hearing.

12. The copy of the e-office file in respect thereof has also been placed before the Court and the same has been perused.

13. The Court has considered the matter and perused the file. Some of the proposals being discussed include:

- (i) the change in the market value of the gold and alignment of the cap relating to jewellery in the Baggage Rules, bearing in mind the current tariffs,
- (ii) permission to re-import the used jewellery and personal effects of travellers,
- (iii) temporary import of jewellery worn by tourists who would be travelling back from India with the permission to re-export,
- (iv) baggage allowances for gift, souvenirs and personal effects, etc.

14. After perusing the file, the Court is satisfied that the progress is substantial in nature and that there would be a need to amend the Baggage Rules on all these aspects. Accordingly, the Court is inclined to grant further time of six weeks.

15. Let the draft Rules be placed on record at least two days before the next



date of hearing.

16. Insofar as the facts of this case is concerned, the Court had directed the Revision Authority to decide the matter within a period of one month and for the same to be placed on record.

17. Thereafter, the matter was considered on 19th May, 2025, and after hearing the parties the Court had directed as under:

“15. Today, the ld. Counsel for the Petitioner submits that the Revision Authority has not taken any decision in the matter. In view thereof, the gold items being two gold kadas and one gold chain, shall be released to the Petitioner within a period of four weeks.

16. Considering the facts of the case, since the Petitioner has already succeeded till the Commissioner (Appeals), the storage charges are waived of in this matter.

17. At this stage, the Court has been informed that despite the orders of this Court directing waiver of storage charges, the Central Warehousing Corporation (hereinafter “CWC”), continues to insist on payment of the said charges whenever the respective Petitioners approach for release of their goods. The grievances which have been raised against CWC are to the following effect:

(i) that the storage charges are not waived even when specific orders are passed by this Court;

(ii) that the release of the goods is not done within the time period stipulated by the Court.

18. This Court had directed on the last date in the batch of petitions that a senior official from the CWC should be present. Ms. Anjali Ralhan, Assistant Manager, CWC is present today pursuant to directions of the Court.



19. The concerned official has been sensitized about the complete compliance of the orders being passed by this Court, failing which stringent action shall be liable to be taken against the concerned personnel/management of CWC. Ms. Ralhan has assured the Court that the orders passed would be fully complied with.

20. The Petitioner may collect the detained goods through an Authorised Representative, in which case, the detained goods shall be released after receiving a proper email from the Petitioner or some form of communication that the Petitioner has no objection to the same being released to the concerned Authorised Representative.”

18. Today, upon query it is submitted by the Id. Counsel for the Petitioner that the detained goods, which are old personal jewellery, have not been released. The Customs Department disputes the fact that the detained goods are old personal jewellery.

19. The Court has heard the parties and perused the records. Considering the nature of the matter, let the detained goods be produced on the next date of hearing as there is a factual dispute as to the nature of the gold jewellery.

20. In the event the Court is satisfied on the next date that the detained goods are indeed the personal jewellery of the Petitioner, then the same shall be released in terms of the directions passed on 19th May, 2025.

21. List on 8th September, 2025 at 2:30 p.m.

22. Registry is directed to communicate this order to the OSD (Legal), CBIC through email (Osd-legal@gov.in) for necessary information and compliance. Let Mr. Harpreet Singh, Id. Sr. Standing Counsel, also communicate this order to the OSD (Legal), CBIC for necessary information



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and compliance.

23. This matter shall be considered as a part-heard matter.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

JULY 23, 2025

Rahul/msh