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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 23rd July, 20205

+ **W.P.(C) 8058/2025**

ALISHER OCHILOVPetitioner

Through: Mr. Aman Yadav and Mr. Aamir
Chaudhary, Advs. (7065153628)

versus

COMMISSIONER OF CUSTOMS,Respondent

Through: Mr. Harpreet Singh, SSC with Mr. Jai
Ahuja, Ms. Sanidhya Sharma & Ms.
Vanshika Kapoor, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed seeking release of two gold chains weighing 199 grams detained by the Customs Department *vide* detention receipt dated 24th March, 2023.
3. The Petitioner is an Uzbekistan national. The Petitioner is willing to give an undertaking that he would re-export the same.
4. It is submitted by the Petitioner that no Show Cause Notice (hereinafter "SCN") has been issued till date. Further, no order has been passed in the present matter. It is also submitted that the detained gold chains are the personal jewellery of the Petitioner.
5. Ld. Counsel for the Customs Department submits that a hearing was granted sometime in May 2025 around the time when the writ petition was



filed. However, the Petitioner did not appear for the said hearing.

6. Heard the Id. Counsels for the parties. The Court has also perused the documents placed on record. In the opinion of the Court, having considered the facts of the case and the documents placed on record, the detained goods clearly appear to be used personal gold items of the Petitioner.

7. The Petitioner is a foreign national and is undertaking to re-export the two gold chains.

8. The issue whether gold jewellery worn by a passenger would fall within the ambit of personal effects under the Baggage Rules, 2016 has now been settled by various decisions of the Supreme Court as also this Court including in the following decisions:

(i) ***Directorate of Revenue Intelligence and Ors. v. Pushpa Lekhumal Tolani, (2017) 16 SCC 93;***

(ii) ***Saba Simran v. Union of India & Ors., 2024:DHC:9155-DB;***

(iii) ***Mr Makhinder Chopra vs. Commissioner Of Customs New Delhi, 2025:DHC:1162-DB,***

9. Thus, it is no longer in doubt that the used jewellery worn by the passenger would fall within the ambit of personal effects in terms of the Baggage Rules, which would be exempt from detention by the Customs Department.

10. Further, once the goods are detained, it is mandatory to issue a show cause notice and afford a personal hearing to the Petitioner. The time prescribed under Section 110 of Act, is a period of six months. However, subject to complying with the requirements therein, a further extension for a period of six months can be taken by the Customs Department for issuing the show cause notice. In this case, the one year period itself has elapsed, yet no



show cause notice has been issued. Accordingly, the detention is impermissible.

11. Considering that no Show Cause Notice was issued in this matter and no order has been passed till date, the two gold chains are directed to be released for re-export to the Petitioner, subject to verification.

12. 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.

13. The entire storage or warehousing charges shall, however, be paid which shall be calculated on the basis of the charges applicable on the date of detention.

14. The present writ petition is disposed of in above terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

JULY 23, 2025
kk/msh