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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 27th March, 2025

+ **W.P.(C) 1189/2025**

DILBER BAZAROVAPetitioner

Through: Mr. Ashish Panday, Mr. Ajay Singh,
Mr. Anshuman Gupta, Adv.

versus

UNION OF INDIA & ANR.Respondents

Through: Ms. Anushree Narain, Adv.

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 writ petition has been filed under Articles 226 and 227 of the Constitution of India seeking quashing of the impugned Order-in-Original dated 22nd August, 2024, whereby the Joint Commissioner of Customs, IGI Airport, New Delhi has directed confiscation of the seized gold articles from the Petitioner along with penalty.
3. It is the case of the Petitioner that she is a foreign national who arrived in India on 20th July, 2023. She was intercepted at the IGI Airport, New Delhi on the same date and a search of her belongings was conducted by the Customs Department. Out of the said search, a gold-colored chain, a copper-colored chain, metal rings, etc. were confiscated by the Customs Department. The details of the seized articles are as under:

“1. One (01) copper colored chain, One (01) golden colored chain, Four (04) yellow metal coins, one (01) yellow metal ring, Two (02) yellow metal bracelets (Total weighting 281 gms) recovered from the Pax’”



4. The total market value of the seized articles was assessed at Rs.14,09,543/- and the said articles weighed 280 gms.
5. The Joint Commissioner of Customs had issued a show cause notice dated 17th January, 2024 which was adjudicated and the impugned Order-in-Original has been passed by which the seized articles have been confiscated on the basis of the statement of the Petitioner.
6. In this matter, Order-in-Original has been passed on 22nd August, 2024. The present writ has been filed on 29th January, 2025. Considering this position, since the Order-in-Original directs absolute confiscation of the items, the Petitioner is given 30 days' opportunity to file an appeal. If the appeal is filed within the said period, the same shall not be dismissed on the ground of limitation as the petition was pending before this Court. The appeal shall be adjudicated on merits. In the appeal, the challenge to Section 108 statement is permitted to be raised and the same shall be considered by the Appellate Authority.
7. The stand of the Petitioner that the Gold of 16 carat is also permitted to be raised in the appeal.
8. All rights and contentions of the parties are left open.
9. Petition is disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 27, 2025/Rahul/abk