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

Date of Decision: 27th March, 2025

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W.P.(C) 3215/2025

PRIYA LUTHRA

.....Petitioner

Through: Mr. S. Vijay Kanth, Mr. Utkarsh
Tripathi, Adv.

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Harpreet Singh, Sr. SC with Ms.
Suhani Mathur, Mr. Jai Ahuja and Mr.
Akshay Saxena, Adv.
Mr. Gibran Naushad, SSC with Mr.
Harsh Singhal, 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 petition has been filed by the Petitioner – Priya Luthra under Article 226 of the Constitution of India *inter alia* challenging the detention of the gold *kada* belonging to the Petitioner by the Custom Authorities.
3. According to the Petitioner, she was travelling from Melbourne, Australia to New Delhi. On 14th April, 2024, the Petitioner arrived at Terminal-3 of IGI Airport, New Delhi, wherein she was intercepted by the concerned officials of the Customs Department. The said officials then seized a gold *kada* weighing 62 grams from the Petitioner and issued a Detention



Receipt bearing no. 4198 dated 14th April 2024.

4. The challenge raised in this petition is that no show cause notice has been issued till date.
5. Once the goods are detained, it is mandatory to issue a show cause notice and afford a hearing to the Petitioner. The time prescribed under Section 110 of The Customs Act, 1962, is a period of six months and subject to complying with the formalities, a further extension for a period of six months can be taken by the Department for issuing the show cause notice. In this case, the period has elapsed, thus no show cause notice can be issued. The detention is therefore impermissible.
6. Ld. counsel for the Respondent submits that no show cause notice has been issued in this matter.
7. Considering the weight of the *kada* and the fact that the same would constitute a personal effect/personal jewellery, the same be released to the Petitioner within four weeks. Storage charges are waived.
8. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 27, 2025

dj/tp