



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 29th August, 2025

+ **W.P.(C) 13229/2025**

GURPREET SINGH SONIKPetitioner
Through: Mr. Lalitaksh Joshi and Ms. Ananya
Sanjiv Saraogi, Advs.

versus

COMMISSIONER OF CUSTOMSRespondent
Through: Mr. Avijit Dikshit, Standing Counsel.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

JUDGMENT

Prathiba M. Singh J.

1. This hearing has been done through hybrid mode.

CM APPL. 54206/2025 (for Exemption)

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

W.P.(C) 13229/2025

3. The present petition is filed by the Petitioner challenging the detention of his gold chain weighing approximately 100 grams which was detained by the Customs Department *vide* detention receipt dated 13th March, 2024.

4. The background of the case is that the Petitioner was returning from Bangkok to India on 13th March, 2024 and the gold chain that he was wearing around his neck was detained by the Customs officials.

5. The Petitioner submitted an Affidavit-cum-Self Declaration of Mr. Ranjit Singh Jaura, a resident of Amritsar that has been placed on record, as per which he has stated that he is a gold smith since last 20 years and that he had manufactured the gold chain of the Petitioner weighing approximately 100



grams, sometime in 2020-2021.

6. On the basis of this Affidavit-cum-Self Declaration, the Petitioner claims that the said gold chain, which he was wearing while he landed in India ought not to be seized as it is his personal effect. Further, it is submitted that he was wearing the said gold chain while he had departed from India on 27th February, 2024, just 2 weeks prior to the detention.

7. It is further stated that the representation filed by the Petitioner pursuant to the detention has not been considered by the Customs Department and no Show Cause Notice (hereinafter “SCN”) has been issued till date.

8. Ld. Counsel for the Respondents, on the other hand, submits that the Petitioner did not appear for appraisalment of the detained gold chain. Hence, the SCN could not be issued.

9. This Court has already held in *W.P.(C) 9951 of 2025* titled *Dhiren v. Commissioner of Customs* that non-appearance for appraisalment does not stop the limitation for the issuance of the SCN in terms of Section 110 of Customs Act, 1962. The court, in the said case, has observed as under:

“6. Repeatedly, this Court notices that one of the reasons being taken by the Customs Department for explaining delay or non issuance of SCN is that the Petitioner does not appear for appraisalment.

7. It is made clear that non appearance of a passenger for appraisalment of detained goods is not a ground for withholding the issuance of an SCN in terms of Section 110 of the Customs Act, 1962.”

10. In addition, non-issuance of the SCN by itself is the sufficient ground to direct the Respondents to release the goods, as has been held by this Court in *W.P.(C) 3193/2025* titled “*Kartik Sahdev Vs. Commissioner of Customs*” wherein the Court has observed as under:



“ 9. 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 one year period itself has elapsed, thus no show cause notice can be issued. The detention is therefore impermissible.”

11. In view of the above, as has repeatedly been held by this Court in several cases, the position of law is clear to the effect that the detention of the gold chain of the Petitioner is no longer tenable and the same is liable to be released.

12. Accordingly, the detention is set aside. Let the Petitioner appear before the Customs Department on 18th November, 2025 for release of the gold chain. In respect of the same, let the Petitioner contact the following officer who shall assist the Petitioner with requisite procedure:

Officer: Mr. Sandeep Lamba, Superintendent, Customs
Address: Office of Commissioner, Customs, IGI Airport,
Terminal - 3, New Delhi

Mob. No: 7405345000

Email: igilegaldelhi@gmail.com

13. The Petitioner shall, however, pay 50% warehouse charges, as applicable on the date of the detention.

14. The present petition, along with pending applications, if any, stand disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

AUGUST 29, 2025/sh/ss