



2025-DHC-1516-DB

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

+ **W.P.(C) 13092/2025 & CM APPL. 53630/2025**

UDAY JAIN & ANR.

.....Petitioners

Through: Mr. Satvik Varma, Sr. Adv. with Mr. Abhishek Garg, Mr. Yash Gaiha, Mr. Shantanu Parmar and Mr. Balram, Advs.

versus

**ADDITIONAL COMMISSIONER CUSTOMS AIR CARGO AND
IMPORT & ANR.**

.....Respondents

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Ritwik Saha & Ms. Arya Suresh Nair, Advs.
Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MINI PUSHKARNA

ORDER

% **27.11.2025**

1. This hearing has been done through hybrid mode.
2. On the last date i.e., 11th November, 2025 the Court had considered the submissions of the parties in respect of non-compliance of the directions in order dated 28th August, 2025 to release the subject painting. After hearing the parties the Court had observed as under:

“13. In the opinion of this Court, there can be no reason as to why there is a lack of communication between the different Commissionerates of the Customs Department. Despite the receipt of the information for release of the painting, the ACC (Imports) did not take any action for immediate release, though the date for release itself had passed. If the Customs Department needed any further time to release the painting, they ought to



have moved an application before the Court and sought time to release the painting, which they did not do. It was only when the Id. Counsel for the Petitioner mentioned the issue of non-release of the painting on 30th October, 2025, when a miscellaneous application was listed, that this Court was apprised of the said facts and a notice was issued to the Deputy Commissioner of Customs, ACC Imports, New Customs House, New Delhi, as to why contempt action should not be initiated against them.

14. The Court is not convinced with the explanation given by Mr. Varun Kumar Singh, Deputy Commissioner of Customs as to the delay in release of the painting despite the clear directions of the Court. In fact, upon a query by the Court as to when he had communicated the order of this Court to the Customs Department, Id. SSC, Mr. Ojha, has informed the Court that the proceedings before the Court were duly communicated to the Customs Department on 29th August, 2025 via a detailed e-mail.

15. The additional affidavit which has been placed on record in fact refers to the e-mail received from Mr. Ojha, Id. SSC.

16. Insofar as this Court is concerned, the Customs Department is one Department and they cannot take refuge under different Commissionerates within their own Department to pass on the responsibility.

17. The order of this Court dated 28th August, 2025 was uploaded on 2nd September, 2025 itself and was easily accessible to the Customs Department.”

3. In accordance with the above observations, the Court had issued notice



to the concerned officials of the Customs Department to explain as to why contempt proceedings should not be initiated against them. The relevant portion of the said order reads as follows:

“18. Under these circumstances, let a notice be issued as to why contempt proceedings should also not be initiated against the Assistant Commissioner of Customs (Preventive) Group-2. The said notice shall be served upon Assistant Commissioner of Customs (Preventive) Group-2, Customs Preventive Commissionerate, New Delhi.

19. The said official shall be served on the mobile number given by Mr. Ojha, Id. SSC for the Customs Department. The details of the officer is as under:

Name: Mr. Gopal Lal Meena

**Designation: Asstt. Commissioner
(Preventive) Group 2, Customs Preventive
NCH, New Delhi**

Mobile Number : 9911028315

20. The said Assistant Commissioner shall also file an affidavit explaining as to why the order of this Court dated 28th August, 2025 was not given effect to within the stipulated time.”

4. Today, compliance affidavits of Mr. Gopal Lal Meena, Assistant Commissioner, Customs (Preventive) and Mr. Varun Kumar Singh, Deputy Commissioner of Customs have been tendered before the Court.

5. Let both these affidavits be brought on record and tagged along with the electronic file of the Court.

6. The said officers are present in Court and have tendered their unconditional apology.



7. Mr. Aditya Singla, ld. SSC has tried to explain the delay in releasing of the Petitioner's painting by relying on a communication from the Petitioner which appears to be addressed to the wrong Department.
8. Be that as it may, the subject painting has now been released to the Petitioner in terms of the order dated 28th August, 2025.
9. In view thereof, the Court is inclined to accept the unconditional apology tendered by the officers. The contempt notice is discharged.
10. The said officers need not appear before the Court.
11. Let the rejoinder affidavit be filed within four weeks.
12. List on 4th February, 2026.

PRATHIBA M. SINGH, J

MINI PUSHKARNA, J

NOVEMBER 27, 2025

kk/msh