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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16973/2025**

PRAVAZ TYAGIPetitioner

Through: Mr. Vijay Kanth, Adv.

versus

THE COMMISSIONER OF CUSTOMSRespondent

Through: Mr. Akarsh Srivastava, SSC, CBIC

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **10.11.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, challenging the detention of two gold bars, collectively weighing 56 grams, seized by the Customs Department *vide* detention receipt bearing no. 3227 dated 3rd December 2023.
3. The Petitioner was travelling from Riyadh, Saudi Arabia to India on 3rd December 2023. Upon her arrival at the Indira Gandhi International Airport, the Petitioner was intercepted by the Customs Authorities and the said gold bars were seized.
4. The Petitioner is aggrieved by the fact that till date no Show Cause Notice (hereinafter, 'SCN') has been issued to the Petitioner and no personal hearing has also been granted.
5. On the other hand, Id. Counsel for the Respondent has handed over a copy of the Order-in-Original (hereinafter, 'OiO') dated 24th April 2024 passed by the Customs Department. According to him, the same was sent on 30th April 2024 to the Petitioner through speed post and this fact has been concealed by the Petitioner. Id. Counsel further submits that the petition is



barred by delay and laches.

6. The above contentions are refuted by Id. Counsel for the Petitioner, who submits that the OiO has not been passed in this matter. Further, on the copy of the OiO handed over by Id. Counsel for the Respondent, Id. Counsel for the Petitioner submits that there is no DIN or order number. Moreover, he submits that the same has not been served on the Petitioner. In addition, it is submitted that there is a waiver of SCN and personal hearing, which is contrary to law.

7. Id. Counsel for the Respondent, however, submits that oral SCN has been received by the Petitioner which is recorded in paragraph no.4 of the OiO. The OiO is also digitally signed by the officer concerned.

8. At this stage, Id. Counsel for the Petitioner has been given an opportunity to avail of the appellate remedy though the said appeal would be belated as on date. However, Id. Counsel for the Petitioner submits that he does not wish to avail of the appellate remedy and that there is no concealment. He further submits that let the Respondent be directed to file a counter affidavit.

9. Accordingly, issue notice. Id. Counsel for the Respondent accepts notice. Let a reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.

10. List on 23rd March 2026.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

NOVEMBER 10, 2025

kk/ck