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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 2324/2025 & CM APPL. 10985/2025, CM APPL.
10986/2025, CM APPL. 10987/2025

MOHD GULSHER

.....Petitioner

Through: Mr. Yusuf Khan, Ms. Farhat Jahan
Rahmani, Mr. Yusuf Khan & Mr. Jatin
Sharma, Advs.

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Harpreet Singh, SSC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SAURABH BANERJEE

ORDER

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24.02.2025

1. This hearing has been done through hybrid mode.

CM APPL.10986/2025 & (for exemption)

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

CM APPL. 10987/2025

3. The present application has been filed under Section 151 of CPC seeking permission to file lengthy list of dates. For the reasons stated in the application, the same is allowed. Application is disposed of.

W.P.(C) 2324/2025 & CM APPL. 10985/2025

4. The present writ petition has been filed by the Petitioner under Article 226 of the Constitution of India challenging recovery proceedings initiated by the Respondent-Department against the Petitioner pursuant to order dated 23rd March, 2015 passed by the Commissionerate of Customs (Exports), New Delhi where in it had *inter alia* imposed a fine of Rs.4,50,000/-.

5. The brief background is that the Petitioner's goods were detained on 11th February, 2014 *vide Detention Receipt No. VIII (AP) 10 /469-*



C/Arrival/2014, when he travelled to India. The detention proceedings are said to have culminated in order dated 23rd March, 2015 which imposed a redemption fine of Rs.3 lakhs and a penalty of Rs.1,50,000/- totally amounting to a sum of Rs.4,50,000/-.

6. In the meanwhile, the Petitioner had challenged the Detention Receipt before this Court in a writ petition, being **W.P.(C)13077/2019**. According to the Petitioner, the order dated 23rd March 2015 was never served on him and came to his knowledge only when the Respondent-Department submitted it as an annexure to the counter affidavit in the writ petition. The Court in the said case had passed an order dated 25th August, 2023 wherein the Petitioner had sought to pay the redemption fine along with the penalty and also sought the release of goods. The same was accepted by the Respondent-Department. The said order passed by the Coordinate Bench reads as under:

“1. Learned counsel for the petitioner submits that prior to instituting the instant writ petition, the petitioner sought liberty to pay the redemption fine along with penalty and the release of the seized articles in terms of the order of 20 March 2015 which has been placed on the record by the respondent along with the counter affidavit.

2. Mr. Kumar, learned Standing Counsel appearing for the Customs states that subject to verification of all facts and contentions on merits being kept open, if the petitioner complies with all statutory formalities and the conditions imposed in terms of the aforesaid order, any prayer for redemption that may be made shall be duly considered by the competent authority and disposed of in accordance with law. The statement so made is recorded and accepted

3. In view of the aforesaid, the petition shall stand disposed of on the above terms.”



7. Pursuant to the above order, two representations were made by the Petitioner for payment of imposed fine and for release of goods. However, no response was received from the Department. Recently, it is the Petitioner's grievance that an attempt is being made to enforce the recovery notice.
8. Accordingly, issue notice. Mr. Harpreet Singh, Id. Senior Standing Counsel accepts notice.
9. Let a short affidavit be filed, if required. If not, let instructions be obtained by Mr. Harpreet Singh.
10. The Department shall confirm as to whether the gold which was seized is still available with the Department or disposed of, by the next date of hearing.
11. In the meantime, the recovery proceedings shall remain stayed till the next date.
12. List on 24th April, 2025.
13. Order *dasti*.

PRATHIBA M. SINGH, J

SAURABH BANERJEE, J

FEBRUARY 24, 2025

Rahul/am