

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No.7429 of 2026

Putlur Naveen Kumar

...Appellant

Versus

Union of India & Ors.

...Respondents

ORDER

The appellant is aggrieved with the impugned order, which declined release of the gold ornaments seized from him on 15.09.2024 by the Customs Officials, while he was returning, allegedly from a business meeting at Dubai. The detention was made by the Customs Officials at the Rajiv Gandhi International Airport at Hyderabad and the appellant was wearing the said jewellery. The detention was made in accordance with Annexure P5 signed by the appellant, which indicates the articles having been detained at his request pending production of the receipt in original of the purchase having been made from India, to seek delivery of the goods.

2. The appellant filed a representation for release of the goods, which was declined and a notice was issued asking him

to pay the applicable duty as also warehousing charges for obtaining the goods within two months as per Annexure P8 dated 04.10.2024. The same was challenged in a Writ Petition before the High Court of Telangana at Hyderabad, in which an interim order was passed at Annexure P10. On the matter coming up for hearing the same was dismissed.

3. We heard Shri Priyanshu Upadhyay, learned Counsel for the appellant and Shri Raghavendra P. Shankar, learned Senior Counsel for the respondent.

4. It is the submission of the appellant that under Section 110(2) of the Customs Act, 1962, when a seizure is made under sub-section (1) and there is no notice issued under Section 124 within six months of the seizure, the goods shall be returned. The learned ASG, however, points out that since an interim order was obtained immediately after the notice at Annexure P8 was issued the respondents had stayed their hands and not taken any precipitative steps. The appellant, however, points out that there is no stay as such and the order was only one restraining the authorities from disposing of the detained goods, if not already disposed of, which does not necessarily restrain the authorities from taking proceedings under Section

124 of the Customs Act. It is then pointed out by the learned ASG that the appellant could have either satisfied the authority, of the purchase within India or taken delivery of the ornaments when he returned to Dubai. The Baggage Rules specifically provided for an entry of only 20 gms of gold, if accompanied in the person of a male passenger and if the purchases were made in India and carried outside India, the same should have been declared at the time of exit from India.

5. The High Court rejected the claim specifically finding that there is discrepancy in the weight in the invoices produced and the actual weight of the detained goods. What was detained, was a gold chain of 78 gms and two gold rings totaling 19.71 gms. The invoices produced of the years 2020 and 2022, show two rings of 10.070 and 9.680 gms. The chain detained was of 78 grams while the invoice shows the purchase of a chain and a necklace respectively of 75.40 and 3.09 grams in 2023. The High Court found these to be not substantiating the plea raised by the appellant.

6. We cannot but notice that the appellant had himself voluntarily sought detention of goods on the ground that he would produce proof of purchase from India. Obviously, the

same was not done and the representation filed did not speak of any invoices of purchase of the ornaments from India and sought for release of the detained gold jewellery without payment of duty. It is then that communication/Notice (Annexure P8) was issued on 04.10.2024 requiring the appellant to pay the applicable duty and warehousing charges for release of goods. Upon receipt of such notice, the appellant had approached the High Court and obtained an interim order against disposal of the detained goods. For all practical purposes since the matter was pending, any steps taken to issue notice would have been frowned upon by the High Court.

7. Be that as it may, as of now, the appellant is willing to pay the customs duty and warehousing charges, under protest, so that the adjudication proceedings can be taken to its logical conclusion.

8. In the above circumstances, the appellant is directed to appear before the competent authority within a period of one month from today, in person or through an authorized representative, who shall be issued with the computation of applicable duty and warehousing charges. The amounts so

computed shall be paid under protest and the notice under Section 124 shall be issued and the proceedings taken to its logical conclusion after affording an opportunity of hearing to the appellant.

9. We make it clear that the observations made by the High Court or this Court shall be deemed to be *prima facie* observations, to merely decline jurisdiction under Article 226 and the same shall not govern the adjudication of the issue under the Customs Act. All contentions of the appellant and the department are left open to be considered by the Adjudicating Authority in accordance with law. This order is passed on the peculiar facts arising in this case.

10. The appeal is disposed of with the above directions.

11. Pending application (s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
MAY 11, 2026.