(2025) 04 DEL CK 0913

In the Delhi High Court

Case No : Writ Petition (C) No. 4004 Of 2025 & Civil Miscellaneous Application No. 18603 Of 2025

Ramdiya Verma APPELLANT

Vs

Commissioner Of Customs New Delhi & Anr RESPONDENT

Date of Decision : 01-04-2025

Acts Referred:
Constitution of India, 1950 — Article 226
Customs Act, 1962 — Section 111, 112(a), 112(b), 125, 125(3)

Citation : (2025) 04 DEL CK 0913

Hon'ble Judges : Prathiba M. Singh, J;Rajneesh Kumar Gupta, J

Bench : Division Bench

Advocate : D.S. Chadha, Anushree Narain, Ankit Kumar

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.

CM APPL. 18603/2025 (for exemption)

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

W.P.(C) 4004/2025

3. The present petition has been filed by the Petitioner- Mr. Ramdiya Verma under Article 226 of the Constitution of India inter alia seeking release of his gold kada detained by the Respondent No.1 - Commissioner of Customs vide Detention Receipt No. DR/INDEL4/25-0502023/001949 dated 25th May 2023 (hereinafter, 'detention receipt').

4. The case of the Petitioner is that he is a resident of Kurukshetra, Haryana and he had got made a gold kada in 2019, from the gold which his mother had given to him. The Petitioner travelled to Bangkok and returned back to Delhi on 25thMay, 2023. Upon arrival, the Petitioner was intercepted at the Indira Gandhi

International Airport, New Delhi (hereinafter, ‘IGI Airport’) by the concerned officials of the Custom Department. The said kada was seized by the Customs Department and a detention receipt for the same was also issued. The Order-in-Original was then passed by the Authority on14th June, 2023. The operative portion of the said order reads as under:

‟ ORDER

i) I deny the ‘Free Allowance' if any admissible to the passenger, Mr. Ramdiya Verma for the various acts of commission and omission;

ii) I declare the passenger, Mr. Ramdiya Verma is an "Ineligible Passenger" for the purpose of the Notification No. 50/2017-Cus dated 30.06.2017 (as amended) read with Baggage Rules, 2016 (as amended):

iii) I order confiscation of the "One gold Kada having purity 995 total weighing 250.04 gms. valued at Rs. 14,03,849.58 recovered from the Pax Mr. Ramdiya Verma and detained vide DR No. DR/INDEL4/25.05.2023/001949 Dated 25.05.2023, under Section 111 of the Customs Act, 1962;

iv I give an option to redeem the goods confiscated above, on payment of a fine of Rs. 2,10,000/- (Rupees Two Lakh ten Thousand only) under Section) 125 of Customs Act, 1962, along with applicable rate of Customs Duty applicable as on the date of detention of seized goods. I allow release of the detained goods within 120 days of issue of this order under Section 125(3) of the Customs Act, 1962). The redemption to be allowed after the completion of legal formalities in this regard and also fulfillment of any regulatory clearances/ approvals required. The offer of redemption, if accepted, shall be subject to condition that the Passenger shall not dispute the identity and valuation of the goods. The offer of redemption shall cease after 120 days of the receipt of this order.

v) 1 also impose a penalty of Rs.1,50,000/~ (Rupees One Lakh Fifty Thousand only) on the passenger Mr. Ramdiya Verma under Section 112(a) & 112(b) of the Customs Act, 1962.”

5. The appeal against the said order dated 14th June 2023 has also been dismissed by the Appellate Authority.

6. Ld. Counsel for the Petitioner submits that the Petitioner preferred a Revision Petition, however, the said Revision Petition has not been heard. It is further submitted by the Petitioner that he was wearing the said gold kada since 2019 and he has placed the photographs on record to prove the same.

7. In addition, there is another grievance of the Petitioner that when he landed in Delhi at the IGI Airport, he was carrying foreign currency and out of the same, a sum of 122,000/- Thai Baht is stated to have been seized by the Customs Department. Further, no detention receipt has been issued for the same.

8. The Petitioner filed a complaint in respect of thereof, immediately on 29th May, 2023 by way of the email to the Chief Commissioner of Customs.

9. Heard. This Court is of the opinion that if a complaint was received in this manner, the CCTV footage ought to be preserved immediately as the same is available only for 30 days. Moreover, the CCTV footage of the Petitioner at the time of departure could also have been preserved to determine whether the Petitioner was wearing a gold kada or not at the time of departure. Therefore, in such cases, immediate action ought to be taken when such a complaint is received.

10. Be that as it may, the Revision Petition of the Petitioner shall be decided within one month from today.

11. In addition, the Commissioner of Customs shall conduct an enquiry into the matter on the complaint of the Petitioner regarding illegal seizure of Thai Baht, as the same if true, is a very serious matter. After conducting enquiry, the Commissioner of Customs, shall also take action in accordance with law.

12. All notices/orders shall be served upon the Petitioner as also his counsel. The contact details, email and mobile number of the Petitioner are as under:

Ramdiya Verma

Email- rdverma7000@gmail.com

M: 9896153387

13. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

