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Date: 05.05.2025

Delhi High Court Quashes Detention of Gold Kada

The Delhi High Court in *Daljeet Singh v. Commissioner of Customs* [W.P.(C) 5040/2025], quashed the detention of a 22-carat gold kada worn by the petitioner, ruling that it qualifies as a personal effect under the Baggage Rules, 2016, and cannot be confiscated without due process.

Case Background:

- **Petitioner:** Daljeet Singh, a Sikh tourist arriving from Dubai on 29 November 2024.
- **Item Detained:** 22-carat gold kada (60 grams) worn by the petitioner.
- **Customs Action:** Detained the kada at IGI Airport, New Delhi under Detention Receipt No. DR/INDEL4/29-11-2024/005522.

Legal Issues Raised:

1. Whether the gold kada qualifies as a personal effect under Baggage Rules, 2016.
2. Whether a pre-printed waiver form signed by the petitioner can legally substitute a show cause notice (SCN) and personal hearing under Section 124 of the Customs Act, 1962.

Key Observations by the Court:

- The gold kada is a religious and customary item typically worn by Sikhs and qualifies as a personal effect.
- Photographic evidence submitted supported its regular use.
- Cited prior judgments including:
 - *Makhinder Chopra v. Commissioner of Customs, 2025:DHC-1162-DB*
 - *Amit Kumar v. Commissioner of Customs, 2025:DHC:751-DB*

Findings:

- Baggage Rules include personal jewellery genuinely in use.
- A printed waiver of SCN and hearing is contrary to Section 124 of the Customs Act.
- The detention order was void due to lack of procedural compliance and unjustified seizure.

Final Order:

- Detention of the gold kada was declared illegal.
- Customs was directed to release the kada within four weeks, subject to warehouse charges.
- Petition was disposed of with directions to uphold principles of natural justice in future cases.

Legal Significance:

This decision underscores the judiciary's protection of cultural and religious practices, and its emphasis on procedural fairness under customs law. It warns customs authorities against overreach and reinforces that personal effects in genuine use must be respected under baggage provisions.

This Article has been written by Shri Ravi Shekhar Jha, Advocate Delhi High Court based on his interpretation of the law. He can be reached at his email id intelconsul@gmail.com or on his Mobile +91-9999005379.

Source: Delhi High Court

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

Date of Decision: 28th April, 2025

+ **W.P.(C) 5040/2025**

DALJEET SINGH

.....Petitioner

Through: Ms. Richa Kumari, Mr. Yatin Bhutani
and Mr. Pawan, Advs.

versus

COMMISSIONER OF CUSTOMS

.....Respondent

Through: Mr. Piyush Beriwal, Mr. Nikhil Kumar
Chaubey and Ms. Jyotsna Vyas, Advs.
for R-1. (M:9910396352)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Daljeet Singh under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ assailing the detention of the one gold *kada* of the Petitioner detained *vide* detention receipt no. DR/INDEL4/29-11-2024/005522 dated 29th November 2024 which is stated to be a personal effect of the Petitioner.
3. The case of the Petitioner is that he was travelling from Dubai as a tourist *via* flight no. SG-12 and arrived at the Indira Gandhi International Airport, New Delhi on 29th November 2024. During the said travel, the Petitioner was stated to be wearing a 22 carat gold *kada* weighing 60 grams.
4. According to the Petitioner, the same was used as a personal effect of



the Petitioner. It is also submitted that the Petitioner being a Sikh, always wears this *kada*. The Petitioner has placed photographs on record as well.

5. The Petitioner is also stated to have signed a pre-printed standard form recording that the Petitioner has requested not to receive the Show Cause Notice (hereinafter, 'SCN') and personal hearing and that the case may be decided on merits.

6. Clearly, a perusal of the photographs and the fact that it is one *Kada* which is usually worn by persons like the Petitioner who are Sikhs, leaves no doubt in the mind of the Court that the same was a personal effect of the Petitioner. Moreover, in the cases of *Mr Makhinder Chopra vs. Commissioner of Customs, New Delhi, 2025:DHC-1162-DB* and *Amit Kumar v. The Commissioner of Customs, 2025:DHC:751-DB* this Court has discussed various issues arising in such cases where the goods have been detained from a tourist by the Customs Department, including the issue of personal jewellery being part of personal effects under the Baggage Rules, 2016 and waiver of SCN and personal hearing by way of a preprinted waiver form. The relevant extracts of the said decisions are as under:

**“Mr Makhinder Chopra vs. Commissioner of Customs,
New Delhi, 2025:DHC-1162-DB**

*“17. A conspectus of the above decisions and provisions would lead to the conclusion that **jewellery that is bona fide in personal use by the tourist would not be excluded from the ambit of personal effects as defined under the Baggage Rules.** Further, the Department is required to make a distinction between ‘jewellery’ and ‘personal jewellery’ while considering seizure of items for being in violation of the Baggage Rules.*



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34. Since, the Court has made clear that **the practice of making tourists sign undertaking in a standard form waiving the show cause notice and personal hearing is contrary to the provisions of Section 124 of the Act,** hereinafter, the Customs Department is directed to discontinue the said practice. The Customs Department is expected to follow the principles of natural justice in each case where goods are confiscated in terms of Section 124 of the Act.”

Amit Kumar v. The Commissioner of Customs,
2025:DHC:751-DB

“19. **This Court is of the opinion that the printed waiver of SCN and the printed statement made in the request for release of goods cannot be considered or deemed to be an oral SCN, in compliance with Section 124.** The SCN in the present case is accordingly deemed to have not been issued and thus the detention itself would be contrary to law. The order passed in original without issuance of SCN and without hearing the Petitioner, is not sustainable in law. The Order-in-Original dated 29th November, 2024 is accordingly set-aside”

7. Considering the fact that the gold *kada* seized is merely a personal effect of the Petitioner, in the opinion of this Court, the detention itself would be contrary to law.
8. Accordingly, the detention of the gold *kada* is set aside.
9. The Petitioner shall be entitled to release of the gold *kada* within a period of four weeks from today subject to payment of warehouse charges.



2025:DHC:3071-DB



10. The petition is disposed of in these terms. All pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

APRIL 28, 2025/dk/ck