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

\# **CNR No. DLHC010061672026**

\+ W.P.(C) 2323/2026

MR. NIYAMAT KHAN .....Petitioner

Through: Mr. Mohit Kumar, Adv.

versus

COMMISSIONER OF CUSTOMS, IGI AIRPORT & ANR. .....Respondents

Through: Mr. Avijit Dikshit, SC with Ms. Monika Verma, Adv.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% 03.11.2026

1. Learned counsel for the petitioner seeks adjournment stating that the arguing counsel is unavailable today.

2. Learned counsel for the respondents on instructions submits that although the goods were detained in January, 2025, a notice dated 25.08.2025 granting an opportunity of personal hearing and fixing the matter in the second week of September, 2025 was issued. It is further contended that as the petitioner failed to appear for personal hearing, the matter could not be proceeded further.

3. It is pertinent to note that the present writ petition was drafted in November, 2025 and the notice thereof was issued on 18.02.2026. The Department was therefore, well aware of the pendency of the present

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proceedings since then.

4. It is not an isolated case wherein the goods detained by the Customs authorities remain in warehouse for months and years, without any adjudication of the matter while demurrage charges continue to accrue. In most of the cases the explanation advanced by the respondent Department is that the notice granting personal hearing opportunity was issued but the matter could not be adjudicated as the passenger failed to appear.

5. In the present case the goods were detained in January, 2025 and the notice affording an opportunity of personal hearing was issued in August, 2025 yet as on date i.e. 03.11.2026 the matter remains unadjudicated.

6. It appears that there is a lack of urgency on the part of the Department to adjudicate such matters and this is irrespective of the fact that some of the passengers may not be permanent residents of India. The delay in adjudication cannot be made a mode of punishment for the passengers whose goods have been detained. To add to the hardships of the passengers, demurrage charges continue to accumulate not only till passing of the order-in-original but till the revisional order, if the Department pursues the matter further.

7. In the totality of the facts and circumstances appropriate steps need to be taken to ensure that uniform instructions are issued prescribing a consistent procedure for expeditious adjudication to the extent possible.

8. Hence, all the panel counsel present in Court of the Customs Department are requested to lend assistance. This Court intended to summon the Chief Commissioner of Customs, however on the request made the Department is permitted to file detailed instructions by way of an affidavit within three weeks.

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9. The Chief Commissioner, if so desire, may collect data from various airports and Central Warehousing Corporation regarding the dates of detention of the goods and the cases pending as on date and to take it as a sample.

10. Put up on 27.11.2026.

AVNEESH JHINGAN, J

SHAIL JAIN, J

NOVEMBER 3, 2026
Ch

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