MAYUR KONDIRAM ADANE
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2026:BHC-OS:15477-

Mayur

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION IN WRIT PETITION NO. 70 OF 2026
IN
WRIT PETITION NO. 1000 OF 2026
WITH
IN PERSON APPLICATION (L) NO. 22000 OF 2026
IN
CONTEMPT PETITION NO. 70 OF 2026

Goldie Sud …Petitioner
Versus
Manjiri Khopade The Assistant Commissioner Of Customs & others. …Respondents

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Mr. Goldie Sud (In Person), for the Petitioner.
Ms. Maya Majumdar, for the Respondent No.1.
Mr. Ashutosh Mishra, a/w Ms. Shazia Ansari, for the Respondent No. 11 – UOI.

CORAM : SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

RESERVED ON : 7th JULY 2026.
PRONOUNCED ON : 13th JULY 2026.

JUDGMENT (Per Advait M. Sethna, J.) :-

1. This Petition is filed alleging contempt of the order dated 21st January 2026 passed by a coordinate Bench of this Court in Writ Petition (L) No. 789 of 2026 along with In Person Application (L) No. 1657 of 2026. The Petitioner has primarily prayed for

holding the Respondent Nos. 1 to 10 singly, jointly and severally liable for contempt of Courts and for punishment in accordance with the provisions of Section 12 and/or 17 of the Contempt of Courts Act, 1971.

2. Heard the Contempt Petition finally, with the consent of the parties.

3. Mr. Goldie, the Petitioner In Person has at the outset drawn our attention to the order of this Court dated 21st January 2026. He alleges gross contempt of this Court by the Respondents, particularly, for violation of the directions contained in paragraph Nos. 1, 3, 5 and 6 of the said order.

4. The Petitioner In Person would submit that the Respondents failed to provide an opportunity to the Petitioner to submit the declaration in respect of his baggage online and also failed to furnish the acknowledged copy of the same. Such request of the Petitioner was met with repeated refusal by the Respondents. This, according to the Petitioner, has resulted in wilful defiance by the Respondents of the directions contained in the order of this Court dated 21st January 2026.

5. Ms. Maya Majumdar, learned counsel for the Respondent has opposed the submissions made by the Petitioner In Person. According to her, the directions contained in this Court's order dated 21st January 2026 have been scrupulously complied with by the Respondents. According to her, this Contempt Petition is an abuse of the legal process and the Petitioner has habitually approached this Court against the Respondents without any just cause. In view thereof, the Contempt Petition is not maintainable and deserves to be dismissed.

6. We have heard the parties and with their assistance, we have perused the record. At the very outset, we may note that the contours of contempt jurisdiction are circumscribed and limited under the Contempt of Courts Act, 1971. It is imperative for the party alleging contempt to unequivocally demonstrate to the Court's satisfaction, a deliberate/wilful defiance and/or disobedience of the Court's orders. This is the *sine qua non* for invoking jurisdiction in a contempt proceeding.

7. In the aforesaid backdrop, we have carefully perused the order dated 21st January 2026 of which, contempt is alleged by the

Petitioner, against the Respondents. We deem it appropriate to reproduce the said order :-

> *"1. We have heard the petitioner, Goldie Sud, in person. The only prayer made in this petition is required to be noted, which reads thus:-*
>
> > *"a) Providing to the Petitioner and/or all Arriving International Passengers, option to make it's / their Truthful Declaration online / via Internet to comply with Section 77 of Customs Act 1962 and Baggage Rules thereto."*
>
> *2. Section 77 of the Customs Act, 1962 is very clear which provides for a declaration by the owner of the baggage to the proper Customs Officer for the purpose of clearing it. Section 77 of the Customs Act reads thus:-*
>
> > *"77. Declaration by owner of baggage.- The owner of any baggage shall, for the purpose of clearing it, make a declaration of its contents to the proper officer."*
>
> *3. The grievance of the petitioner is that in the past, a declaration sought to be made by the petitioner as per Section 77 was not accepted. We cannot delve into any issues in regard to any past baggage declarations of the petitioner, however, the fact remains that in respect of any baggage, as strictly provided under Section 77 of the Act, if a declaration is being submitted, it is the obligation of the authorities to accept such declaration for the purpose of clearance of baggage, as the provision mandates.*
>
> *4. We are hence not inclined to adjudicate any future issues in regard to the travel the petitioner intends to undertake.*
>
> *5. Needless to observe that the powers and authority of the Customs officials, as circumscribed under the provisions of the Customs Act and the rules made thereunder are always available to be exercised in given situation. In the event of*

any illegality in import or any objectionable baggage, the authorities would certainly have all the powers to take appropriate action in accordance with law.

6. We do not express any opinion on any of the issues in this regard and leave it to the Customs officials to take appropriate action as and when the need so arises, in the event the situation so requires, as the present petition is confined only in regard to the limited prayer (supra) being considered qua the petitioner only.

7. The petition is accordingly disposed of in terms of the aforesaid observations. No costs."

8. We have noted that the Petitioner has alleged contempt, *inter alia*, of Paragraph 1 of the order dated 21st January 2026 of which the Petitioner alleges defiance by the Respondent. In this regard, we may observe that this Court has in its introductory paragraph merely reproduced the prayer of the Petitioner in the proceeding before it.

9. The Court in the said order in paragraph No. 3 has primarily observed that it is the obligation of the authorities to accept such declaration for the purpose of clearance of baggage under Section 77 of the Customs Act, 1962. From the record, we do not find any evidence/material put-forth by the Petitioner to even remotely demonstrate deliberate defiance, much less non-compliance, of such directions of the Court by the Respondents.

10. A cumulative reading of paragraph Nos. 5 and 6 of the order of this Court dated 21st January 2026 would make it clear that the Court has left it open to the customs authorities to take appropriate action as and when the need so arises and in the event, the situation so requires, in the context of the limited prayer sought by the Petitioner. There is no other direction in the order dated 21st January, 2026.

11. The Petition is replete with statements of the Petitioner qua every Respondent, to the effect that there was a failure to provide an opportunity to the Petitioner to make online submission of his declaration and furnish an acknowledged copy of the same to the Petitioner. We cannot, at face value, accept such bare averments of the Petitioner, as a precursor to initiate contempt action. This is more so, since according to the Respondents, all the procedures and statutory mandate under Section 77 of the Customs Act, 1962 have been duly followed and complied with and there is nothing to the contrary available on record.

12. The Petitioner has fallen short to place any material and/or evidence on record to even *prima facie* demonstrate that directions in the order dated 21st January 2026 has not been complied with,

much less willfully disobeyed by the Respondents, so as to constitute 'contempt' as envisaged under the Contempt of Courts Act, 1971.

13. Considering the above, we do not find any of the ingredients of the 'civil contempt', as defined under the Contempt of Courts Act, 1971, being attracted in this case. In our opinion, there is no wilful, deliberate and/or intentional disobedience of the judgment/order passed by this Court, by the Respondents, so as to justify taking action against them under Section 14 of the Contempt of Courts Act, 1971. In view thereof, the question of invoking jurisdiction under Section 12 of the Contempt of Courts Act, 1971, which provides for punishment for contempt, in our considered view, does not arise in the given factual complexion.

14. Before parting with the record, we may observe that the interpretation of the Court's order in a particular manner by the party alleging contempt cannot make out a case of contempt of Court, unless the yardstick of willful and/or deliberate violation of the Court's order is established to the Court's satisfaction. This would constitute the essesence of contempt action, which we find is missing in the given factual matrix.

15. For the reasons aforementioned, we hold that there is no case made out for contempt. The Contempt Petition accordingly stands closed.

16. With the above observations, the Contempt Petition is Disposed of.

17. All concerned to act on an authenticated copy of this order.

(ADVAIT M. SETHNA, J.) (SUMAN SHYAM, J.)