

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
(DEPARTMENT OF COMMERCE)
DIRECTORATE GENERAL OF ANTI DUMPING AND
ALLIED DUTIES
UDYOG BHAWAN|
NEW DELHI
CORRIGENDUM

Dated the 28th, January 2005.

Subject: - Anti-Dumping investigations concerning Anti dumping investigations concerning imports of Black and White Photographic Paper including both Resin coated/Fibre based from UK, France and Hungary

No. 15/1/2001-DGAD- Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof, the Designated Authority had notified final findings vide notification no. No. 19/1/99-DGAD dated 24th Oct., 2000. and the Central Govt. vide notification no. 149/2000-Customs 21st Dec., 2000 imposed anti dumping duty on imports of the said product.

And whereas the Central Excise and Service Tax Appellate Tribunal vide its Final Order No. 10/2001-AD dated 18th May, 2001 set aside the above indicated notification of the Central Government and noted in para 9 of its orders

“In the present case, the sickness and inefficiency of the only domestic industry, namely, HPL was not caused by the dumped imports of Black & White photographic paper. Thus, circumstances permitting imposition of anti-dumping duty on dumped imports of Black & White Photographic Paper did not exist. Imposition of anti-dumping duty in such a situation, based on the injury suffered by an excluded producer and his non-injurious price was not legally permissible. Therefore, the recommendation for anti-dumping duty made in the Final Findings of the Designated Authority has to be held as legally not tenable. Duty imposed pursuant to such a recommendation also can not be upheld. The antidumping duty imposed is required to be vacated. Accordingly, the present appeal is allowed and Notification No.

149/2000-Customs dated 21.12.2000 where under anti-dumping duty was imposed on black and white photographic paper is quashed.”

And whereas the Designated Authority filed a writ petition before the Hon’ble High Court of Delhi at New Delhi vide writ petition no. WP(C) 5567/2201.

And whereas the Hon’ble High Court at New Delhi vide Final Order dated 4th October 2004 has given the following directions in para 2 of said order:

“The alternative remedy being available, this writ petition is not required to be entertained. Accordingly the same is disposed of”

Having regard to the above and the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof, para K the final Finding notified vide Notification No. 24th October 20001-DGAD dated the 24th October stands replaced as under.

“In view of the reasons specified in the CESTAT order 10/2001-AD dated 18th May, 2001, the Designated Authority hereby recommends withdrawal of anti dumping duty on imports of Black and White Photographic paper including both resin coated/fibre based from UK, France and Hungary earlier recommended vide 19/1/99 dated 24th October 2000 and imposed by Central Government vide 149/2000- Customs dated 21st December 2000..”

Dr. Christy Fernandez,
Designated Authority