

# MINISTRY OF COMMERCE

## NOTIFICATION

New Delhi, the 18th December, 1998

**Subject:-** Anti Dumping investigation concerning import of Ortho Chloro Benzaldehyde from China PR – Final Findings.

**No. 26/1/97-ADD-** Having regard to Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff (Identification, assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof:

### A. PROCEDURE

1. The Procedure described below has been followed:

- i. The Designated Authority (hereinafter also referred to as the Authority) notified preliminary findings vide notification dated 14th Oct., 1998 and requested the interested parties to make their views known in writing within forty days from the date of its publication;
- ii. The Authority forwarded a copy of the preliminary findings to the known interested parties, who were requested to furnish their views, if any, on the preliminary findings with forty days of the date of the letter.
- iii. The Authority also forwarded a copy of the preliminary findings to the Embassy of the People's Republic of China (hereinafter referred to as China PR) in New Delhi with a request that the exporters and other interested parties may be advised to furnish their views on the preliminary findings.
- iv. The Authority provided an opportunity to all interested parties to present their views orally on 26th Nov., 1998. All parties presenting views orally were requested to file written submissions of the views expressed orally. The parties were advised to collect copies of the views expressed by the opposing parties and after rebuttals, if any. The hearing was attended by the petitioner.
- v. The Authority made available the public file to all interested parties containing non-confidential version of all evidence submitted by various interested parties, for inspection, upon request.
- vi. Argument raised by the interested parties before announcing the preliminary findings, which have been brought out in the preliminary findings notified have not been repeated herein for sake of brevity. However, the arguments raised by interested parties have been appropriately dealt in the preliminary findings and /or these findings.

vii. In accordance with Rule 16 supra, the essential facts/ basis considered for these findings were disclosed to known interested parties and comments received on the same have also been duly considered in these findings.

## **B. VIEWS OF PETITIONERS, EXPORTERS, IMPORTERS AND OTHER INTERESTED PARTIES AND EXAMINATION BY AUTHORITY**

2. None of the exporter from China PR and importers in Indian have offered any comments. The arguments raised by the petitioners have been discussed in the relevant paras herein below.

3. The arguments raised by the interested parties have been examined, considered and wherever appropriate, dealt in the relevant paras herein below.

## **C. PRODUCT UNDER CONSIDERATION, LIKE ARTICLES AND DOMESTIC INDUSTRY**

4. Product under consideration in the present investigation is Ortho Chloro Benzaldehyde. There is no dispute on the product under consideration and, therefore, the Authority confirms preliminary findings with regard to product under consideration.

### **Petitioners and domestic industry:**

5. M/s. Benzo Chem Industries Ltd. furnished information with regard to their production of Ortho Chloro Benzaldehyde. The Authority requested the other producer, M/s. Sonar Chemicals also to furnish information. No information was, however, furnished by the company.

6. The petitioner accounts for a major proportion of the total domestic production. The petitioner, therefore, satisfies the standing to file the present petition and constitutes domestic industry within the meaning of the Rules.

7. There is no dispute that the goods produced by the domestic industry are a like article to the product under consideration.

8. In view of the forgoing, the Authority confirms preliminary findings with regard to the product under consideration, like article, and domestic industry.

## **D. DUMPING**

9. The Authority notes that there is no response from any exporter or producer in China PR even after the preliminary findings.

10. The claim of the petitioner that it has been exporting to USA at significantly higher prices is not relevant, as the only relevant parameters for determination of dumping are the normal value of Ortho Chloro Benzaldehyde in China PR and its export price to India.

11. Normal value in the preliminary findings was determined on the basis of constructed value of Ortho Chloro Benzaldehyde in China PR. Since none of the exporters from China PR or importers in India have responded to the Authority, the Authority confirms the preliminary determination with regard to normal value.

12. Export price in the preliminary findings was determined on the basis of the information published by the Directorate General of Commercial Intelligence and Statistics, Calcutta. There is no information furnished either by the exporters from China PR or importers in Indian with regard to export price. The Authority, therefore, confirms the preliminary findings with regard to determination of export price.

13. The Authority, in view of the foregoing, confirms preliminary findings with regard to determination of dumping and dumping margin.

## **E. INJURY AND CAUSAL LINK**

14. None of the interested parties have disputed the preliminary findings with regard to injury to the domestic industry and causal link between dumping and injury. The Authority, therefore, relies upon the details brought out in the preliminary findings and holds that material injury was caused to the domestic industry by the dumped imports from China PR.

15. The petitioner has requested that minimum anti-dumping duty to the extent of Rs. 60 per kg be imposed in addition to the variable anti-dumping duty recommended in the preliminary findings.

## **F. FINAL FINDINGS**

16. Authority, after considering the foregoing, concludes that:

- a. Ortho Chloro Benzaldehyde originating in or exported from China PR has been exported to India below its normal value;
- b. The domestic industry has suffered material injury;
- c. The injury has been caused to the domestic industry by the dumping of the subject goods originating in or exported from China PR.

17. The Authority confirms the preliminary findings with regard to imposition of anti-dumping duty and recommends imposition of definitive anti-dumping duty on all imports of Ortho Chloro Benzaldehyde (as per details brought in the para relating to product under consideration in these findings as also in the preliminary findings) falling under chapter 29 originating in or exported from the People's Republic of China. The anti-dumping shall be the difference between Rs. 200.21 per kg. and the landed price of imports per kg.

18. Landed value of imports for the purpose shall be the assessable value as determined by the customs under the Customs Act, 1962 and all duties of customs except duties levied under Section 3, 3A, 8B, 9 or 9A as the case may be, of the Customs Tariff Act, 1975.

19. Subject to above, the Authority confirms the preliminary findings dated 14.10.1998.

20. An appeal against this order shall lie to the Customs, Excise and Gold (control) Appellate Tribunal in accordance with the Act supra.

**RATHI VINAY JHA,**  
Designated Authority & Addl. Secy.