

Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping & Allied Duties
Udyog Bhawan,

NOTIFICATION

New Delhi, the 2nd July, 2003

Subject: Anti dumping investigations concerning imports of Induction Hardened Forged Steel Rolls from Russia, Ukraine and Korea RP– Final Findings.

No. 14/3/2002-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.

A. PROCEDURE:

1. The procedure described below has been followed with regard to the investigations:-

- i. The Designated Authority (hereinafter referred to as Authority), under the above Rules, received a written application from M/s. Gontermann-Piper (India) Ltd (GPA), West Bengal (hereinafter referred to as Petitioner) on behalf of the domestic industry, alleging dumping of Induction Hardened Forged Rolls (hereinafter also referred to as subject goods) originating in or exported from Russia, Ukraine and Korea RP (hereinafter referred to as subject country). The petition is also supported by M/s. Heavy Engineering Corporation (HEC) Ranchi.
- ii. The Authority notified the Embassies of Russia, Ukraine and Korea RP in India about the receipt of petition made by the petitioner before proceeding to initiate the investigation in accordance with sub rule (5) of Rule 5 supra;
- iii. The Authority on the basis of information and evidence available before it decided to initiate anti dumping investigations against imports of subject goods from the subject country;
- iv. The Authority issued a Public Notice dated 27th August, 2002 published in the Gazette of India, Extraordinary, initiating anti dumping investigations concerning imports of subject goods from subject countries, falling under Chapter Heading 8455 of Schedule I of the Customs Tariff Act.

- v. The Authority notified preliminary findings vide notification dated 11th December, 2002 on anti-dumping investigation concerning imports of subject goods from subject countries and requested the interested parties to make their views known in writing within forty days from the date of its publication;
- vi. The Authority forwarded a copy of the preliminary findings to the known exporters, importers and embassies of subject countries in India requesting them to advise the producers and exporters in their countries to respond to the Designated Authority , to furnish their views, if any, on the preliminary findings within forty days from the date of its publication;
- vii. The Authority also forwarded a copy of the preliminary findings to the Embassy of Russia, Ukraine and Korea RP in New Delhi with a request that the exporters and other interested parties may be advised to furnish their views on the preliminary findings in the time frame as stipulated in (v) and (vi) above.
- viii. The Authority provided an opportunity to the interested parties to present their views orally on 11th February, 2003. All parties presenting views were requested to file written submissions of their views expressed. The parties were advised to collect copies of the views expressed by the opposing parties and offer rebuttals, if any;
- ix. The Authority made available the public file to all interested parties containing non-confidential version of evidence submitted by various interested parties for inspection, upon request;
- x. Arguments made 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 the interested parties subsequently have been appropriately dealt with in these findings;
- xi. In accordance with Rule 16 of the Rules *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;
- xii. The investigation covered the period from 1st April, 2001 to 30th June, 2002. (fifteen months).
- xiii. **** in this notification represents information furnished by the interested party on confidential basis and so considered by the Authority under the Rules;

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

- i. The product under consideration is Induction Hardened Forged Steel Rolls, also known as Forged CRM (cold rolling mills) Rolls (above 300 mm dia). Forged Rolls are primarily used by steel plants for cold rolling of ferrous and non-ferrous coils obtained from Hot Rolling Mills. These Cold Rolled Coils with fine texture, thin gauge with superior mechanical properties are used for/by:-
 - a. Galvanizing Line where cold Roll Coils are coated with zinc and used as roof sheets for Buildings.
 - b. Equipment manufacturers (OEMs) such a Car Bodies, Scooters, Buses, Auto, Fridges, Washing Machines, Utensils, Cigarette Foils, and Bicycles etc.
- ii. Forged Rolls are basically made up of vacuum degassed alloy and forged under hydraulic press. The forging is to remove the internal stress and also to refine grains during forging operation. The roll is then spheroidized to the desired microstructure. After machining, the roll is Induction Hardened and also nitrogen quenching is done to achieve maximum hardness. Subsequently the tempered rolls are subjected to final machining. In order to ensure High Quality of Forged Roll, the roll is checked with ultrasonic equipment as also by other quality control equipment at each stage of operations and after final machining before dispatch to customer.
- iii. Forged Rolls are produced in many sizes. However, the present petition does not include forged rolls below 300 mm size. Forged Roll can be work roll or back up roll. Costs of work rolls and back up rolls vary significantly.
- iv. Forged Roll is classified under Custom sub-heading No. 8455.30.00 of Chapter 84 of the Customs Tariff Act, 1975.

2. Submissions made by SAIL:

- i. The domestic industry does not produce forged rolls above 600 mm dia.
- ii. The present petition is only against Induction Hardened Forged Rolls. There are several types of rolls, such as work rolls, back up rolls. Petitioner did not want anti dumping duty on these types of rolls, whereas the preliminary findings has recommended anti dumping duty on these types also. These other types of rolls have significantly different cost and price structure.
- iii. The Petitioner has merely given a description of the manufacture of Forged Rolls and its properties and use. Admittedly, the present petition is confined to Induction Hardened Forged Rolls above 300 mm and below 600 mm dia, which are within the production capacity of the petitioner. In view of this admission, the preliminary findings imposing duty on all Rolls above 300 mm dia is incorrect and not sustainable and needs to be dropped/withdrawn. Similarly, there can be no duty proposed or imposed on any other type of Rolls other than

Induction Hardened Forged Rolls above 300 mm and below 600 mm which are the only goods under investigation.

- iv. The product under investigation for consideration of anti-dumping duty or otherwise is Induction Hardened Forged Rolls of size above 300 mm and below 600 mm dia. The Chapter Sub-Heading 84.55.30.00 under Custom Tariff Act covers "ROLLS FOR ROLLING MILLS", thus unless clarified it will cover all rolls even including those which are not the subject goods under investigation.

Submissions made after Disclosure Statement By SAIL

- v. It is appreciated that the authority has agreed to restrict the subject goods to dia (300-600 mm dia). It is again submitted that the products not under investigation be specifically declared as beyond the scope of the present investigations.

3. EXAMINATION BY THE AUTHORITY:

- i. The Authority notes that the anti dumping duty in the present case has covered forged rolls (sizes above 300 dia). Further, the petition filed by the petitioner included work rolls and back up rolls. In fact, the export price considered by the petitioner included work rolls and back up rolls. Work rolls and back rolls are also induction hardened forged rolls. The only difference in the two rolls is in specific end application. While one type of roll may be directly employed in rolling the steel, the other type may be indirectly involved in rolling steel. Petitioner had, in fact, specifically stated that forged rolls can be work roll or back up roll. The mere difference in costs and prices does not make them different products.
- ii. The authority notes that the petitioner can produce Induction Hardened Forge Rolls of size ranging from 300 mm to 605 mm diameter. This position was also found to be correct at the time of visit to the production facilities of the petitioner. The petitioner has produced copies of order placed by Bokaro Steel Plant on the petitioner for supply of subject goods of 605 mm.
- iii. In view of the above, the Authority restricts the size of the product under consideration up to 605 mm. The Authority confirms the product description as Induction Hardened Forged Rolls (of size ranging from 300 mm – to 605 mm dia) including all types of induction hardened forged rolls, including back rolls and work rolls for the purpose of final findings.

C. Like Article

"Like article means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the article under investigation.

1. Submissions made by the Petitioner:

- a. There is no viable substitute for forged steel roll. There is no difference in forged steel roll produced by the petitioner and exported from subject countries. Goods produced by the petitioner and imported from subject countries are comparable in terms of characteristics such as physical characteristics and chemical composition, manufacturing technology, performance, plant & equipment, manufacturing process, functions and uses, marketing & pricing, consumer perception. The two are technically and commercially substitutable. Consumers of Forged Rolls uses the two interchangeably. Therefore, Forged Roll produced by the petitioner and those imported from the subject countries should be treated as like articles in accordance with Anti Dumping Rules.
- b. There is no known significant difference in the technology adopted by the Indian Industry and the manufacturers in subject countries. The technology adopted by the Indian industry is comparable to the technology adopted by the manufacturers of Forged Steel Rolls in subject countries. However, every manufacturers fine-tunes its production process on the basis of necessities and available facilities.

2. Submissions made by SAIL:

- i. The complainant domestic producers M/s. GPI does not have the production facility of the subject merchandise. It has no ingot making and forging facility at its production unit. In absence of the forging facility, GPI cannot be said to be the domestic producer of IHF Rolls, the subject merchandise. Admittedly, it is contended that M/s. GPI buys the blank roll from other sources and then carries process there on like heat treatment and machining so as to supply them under the name and style of Induction Hardened Forged Rolls, the subject merchandise. Such producer cannot be said to be domestic producer of the subject merchandise and its prices cannot be taken as a normal value of the product. GPI not being the producer and manufacturer of the subject merchandise is not entitled even to file and maintain the present petition for imposition of anti-dumping duty. M/s. GPI has not disclosed the sources wherefrom it is resourcing blanks for processing in its unit. It might be importing them. Such concealment is bad and attracts dismissal of the complaint.

- ii. Important Steps in the Manufacturing Process of Induction Hardened Forged Rolls are – Steel making and Ingot making, Reheating and Forging, Normalising (Heat Treatment) – Spheroidizing (Annealing), Tempering, Induction Hardening and Tempering. Proof Machining and Final Machining, besides Testing etc.
- iii. Facilities Available In Domestic Industry (to the best of knowledge of SAIL) :

GPI - They have Heat Treatment facilities and Machining Facilities only. They do not have Ingot Making & Forging press to make Blanks required as input material for making finished IH Forged Roll. (as can be concluded from the documents submitted by GPI along with their quotation to SAIL regarding the facilities available with them for manufacturing). It is also known that they buy their blanks from domestic/import source. Hence, their prices ought to be higher than manufacturers who make the Blanks by themselves.

HEC - They have all the required facilities for making Blanks, Heat Treatment facilities and Machining facilities. In case of Backup Rolls, they have facilities for sizes up to 25 T only.

- iv. As per SAIL's knowledge, GPI do not have facilities for making Forged Rolls above 605 mm. HEC have facilities for sizes up to 25 T (1300 dia) only, but they are not able to manufacture & supply due to their internal constraints as evident from their pending supplies delayed even up to 5 yrs. SAIL was constrained to divert pending orders from HEC in many cases.
- v. There is a significant difference between the products manufactured by different parties, not only with regard to manufacturing process, technology and equipment but specifically with regard to the Performance Guaranteed by the manufacturers/producers.

Submissions made after Disclosure Statement

- vi. SAIL have reiterated its earlier submissions.

3. Submissions made by Exporters:

M/s. NKMZ from Ukraine

- i. Analyzing the submitted description of the product manufactured by the Indian manufacturers of rolls, we notice that the production of our rolls greatly differs both regarding the production methods, applied equipment and regarding the chemical composition of the material.

- ii. Routine procedure for cold rolling mill manufacturing alongwith material/process description have been given.
- iii. High quality of cold rolling mill work rolls of JSC NKMZ production is defined by the following:
 - Use of special heat – resistant allow steel 60 X 2 CM F provision of metal high quality by means of efficient ladle refining and vacuum degassing.
 - Use of special modes of rolls forging and induction hardening providing considerable depth of hardened case with high level of physical and mechanical properties and good distribution of residual stresses which assures their durability in the service and also under conditions of high speed rolling.

Cold rolling mill work rolls made of 60 X 2 CM F steel differ from rolls of 9 X 2 M F steel by the following:

- chemical composition;
- high hardenability and hardness penetration.
- less brittleness;
- increased heat stability.

Metal for rolls is characterized by improved complex of physical and mechanical properties, high isotropy over the whole section. Operating durability of work of 60 x 2 CM F steel at different cold rolling mills is 1.3 – 1.7 times higher than that of rolls made of 9 X 2 M F steel by Indian makers.

In addition we would like to note that NKZ has the certificate of TUV NORD Co. which certifies that JSC NKMZ has introduced Quality Assurance System in conformity with the international standard ISO 9001 in the field of development, designing, manufacture and erection of metallurgical facilities.

Submissions made after Disclosure Statement

- iv. No submissions have been made by the exporters.

4. Examination by the Authority

- i. The Authority notes that one of the exporters from Russia have indicated that the domestic industry do not produce the goods of the quality as desired by the Indian user industry. M/s. NKMZ from Ukraine have asserted that their rolls differs both regarding the production method and regarding the chemical composition of the material. However, there are no claims to this effect by the user industry and that even such claims have not been substantiated. Though it

- has been claimed that technology has been different, impact of this aspect on normal value could not be worked out as exporters have not fully cooperated.
- ii. With regard to the argument that the petitioner does not hold facility for production of forged blanks, the Authority notes that the product under consideration in the present petition is induction hardened forged rolls. Forged blanks are raw material to production of forged rolls. Even though it is possible that some of the producers are backward integrated in as much as they produce forged blanks and forged rolls, the two constitute two different and distinct products. It can be said that a producer must possess facilities for production of forged blanks also before it can be described a producer of forged rolls.
 - iii. The Authority also notes that the petitioner has supplied these goods to M/s. Rourkela Steel Plant, Katni, M/s. Agarwal Metals, Jaipur, M/s. Bhusan Steel, M/s. Hero Cycles, M/s. Ispat Industries Ltd., M/s. ITW Signotec India Ltd., M/s. Jindal Industries Ltd., M/s. JISCO (Tarapur), M/s. JISCO (Vasind), M/s. Lloyds Steel, M/s. Lyka Engg., M/s. National Steels, M/s. Nezone Strips, M/s. Ruchi Strips and Alloys Ltd., M/s. Shree Precoates, M/s. Stelco Gujarat, M/s. Surya Rosini, Indian Melting and Refining CO., Ltd., M/s. Tinsplate Co., M/s. Uttam Steel, M/s. Vallabh Steel and M/s. Walzen Strips.
 - iv. In view of the foregoing, the Authority holds that the goods exported from the subject countries and those produced by the Domestic Industry, as like article as per Rule 2 (d) for the purpose of final findings.

D. Initiation, Standing and Domestic Industry

The petition has been filed by M/s. Gontermann-Peipers (India) Limited, West Bengal on behalf of the domestic industry. The petitioners have claimed that they account for 54.46% of the total Indian production of the subject goods. M/s. Heavy Engineering Corporation (HEC) with a standing of 45.55% has supported the petition filed by the petitioner. As per 5(3) of the anti dumping rules, Designated Authority shall not initiate any investigations pursuant to the application made under sub rule (a) unless it determines on the basis of an examination of the degree of support for, or opposition to the application expressed by domestic producers of the like product that the application has been made by or on behalf of the domestic industry provided that no investigation shall be initiated if domestic producers expressly supporting the application account for less than 25% of the total production of the like article by the domestic industry. It has also been explained in the sub rules that the application is deemed to have been made by or on behalf of the domestic industry if it is supported by those domestic producers whose collective output constitutes more than 50% of the total production of the like article produced by that portion of the domestic industry expressing either support for or opposition as the case may be to the application.

1. Submissions made by SAIL:

- i. SAIL's annual requirement of Forged Rolls are around 4000 T as indicated at Annexure. The IHF Rolls constitute only around 25% of the total requirement of Forged Rolls of SAIL. The Forged Rolls required by SAIL are even up to 45 T in weight & upto 1610 mm dia each. M/s. GPI does not have facility to produce and meet the total requirement of SAIL
- ii. It was conceded by the Petitioners during the Public Hearing, that they are the only private company having Induction Hardening and Machining facilities for Induction Hardened Rolls of sizes 300-605 mm diameter and they do not have the Steel Making & Blank making facilities. Regarding M/s. TAYO, Jamshedpur, the petitioner has stated that mere final machining or finishing of the product does not constitute "production" nor does the company have facilities required for producing IHF Rolls. It can be concluded from the view of the petitioner that on the same lines, since GPI also has only Induction Hardening and Machining facilities and they do not have steel making & forging facilities, they also cannot be considered as a "producer" of I H Forged Rolls. On this basis, GPA could only be considered as a trader as they do not have the required steel making facility, technology and expertise essential for producing Induction Hardened Forged Rolls.
- iii. GPI does not have production facilities to produce the goods. It does not have ingot making and forging facilities. Important steps in production of rolls are steel making, ingot making, reheating, forging, normalising, spheroidizing (annealing), tempering, induction hardening tempering, proof machining and final machining. GPI does not have all these facilities. While HEC has all these facilities, it is not able to supply due to their internal problems.
- iv. Capacities claimed by the petitioner appear exaggerated, since these companies have not been able to supply.
- v. Even HEC and GPI would not be able to cater to the full requirement of SAIL.
- vi. Since the company has commenced commercial production only from last 2-3 years, it can not claim injury, as it does not have full manufacturing facilities and created only final processing facilities only in the last two years.
- vii. In view of the above, the petitioner are not the producer of the subject product and are not entitled to file and maintain this petition for imposition of anti dumping duty. The petitioners are trying to gain advantage by unfair trade practices whereby they are trying to unfairly eliminate the roll producers giving very little choice to the Indian customer not only on the quality but also on the products/prices.

2. Submissions made by Ukraine:

- i. It is submitted that the price for cold rolling mill work rolls supplied to the Indian market is at the level of prices for the similar rolls supplied by NKMZ to the home market and countries of CIS. To our mind, the petitioner, namely : private company Gonterman – Peipers Ltd does not come out on behalf of industrial majority and they do not represent more than 50% of the total production of similar goods and given in the document importer’s point of view is unconvincing, because it is presented by one company only "Tinplate Co. of India Ltd." but opinion of such large importers of JSC NKMZ products as SAIL Rourkela, Bokaro Steel Plant Rourkela Steel Plant is not presented in the document.

3. Examination by the Authority:

- i. The Authority notes that it is not necessary that the petitioner should undertake production from basic stage. No cogent reasoning has been adduced to establish why production from the stage of forged blank does not constitute production within the meaning of the Anti Dumping Rules. Moreover, it seems to have been assumed that production of forged blanks would not involve efforts. It has not been established that the company has been forced to pay significantly higher prices for forged blanks.
- ii. The Authority notes that Rule 2 (b) lays down definition of domestic industry, inter-alia, " means the domestic producers as a whole engaged in the manufacture of like article and any activity connected therewith.....". In view of this rule position, the petitioners are to be treated as part of the domestic industry.
- iii. In view of the above, the Authority holds that petitioners satisfy the criteria of standing to file the petition on behalf of the Domestic Industry in terms of rules 5 (3) (a) of the Rules supra. The Authority also considers these petitioner companies as ‘domestic industry ‘within the meaning of Rules 2(b) supra.

E. De-Minimus Limit

The imports of the subject countries are reported in terms of "nos". However the information collected from secondary sources by the petitioner suggested that the import are being reported in number of different units like numbers, weight PCs and meters. Further in case of nos. one large size Forged CRM Rolls and one small size Forged CRM Rolls would become two whereas, value of these two would be significantly different. As regard ascertaining that the imports from the subject countries during the period of investigation are above de- minimus levels, authority has referred to the Secondary sources submitted by petitioners (viz.: Infodrive India and tender information) published data for the POI. The Authority has assessed import

volumes in terms of weight of forged blanks to assess whether imports from a particular country were beyond de-minimus. Share of imports from the three Countries are given below.

| Country name | Quantity MT | % Share |
|--------------|-------------|---------|
| Russia | ***** | 17.07 |
| Ukraine | ***** | 23.9 |
| Korea | ***** | 25.88 |

Thus the Authority finds that the imports from the subject countries during the POI are above de-minimus level.

1. Normal Value & Export Price :

Normal value in relation to an article implies

- i. Comparable price, in ordinary course of trade, for the like article when meant for consumption in the exporting country or territory.
- ii. When there are no sale of the like articles in the ordinary course of trade in the domestic market of the exporting country or territory, or because of the particular market situation or low volume of the sales in the domestic market, of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either
 - a. Comparable representative price of the like article when exported from the exporting country or territory to an appropriated third country, or
 - b. The cost of production of the subject goods in the country of origin along with reasonable addition for the administrative, selling and general costs and for profits, as determined in accordance with the rules made under sub-section (6)

Provided that in the case of imports of the article from a country other than the country of origin and where the article has been merely trans-shipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

The Authority sent questionnaires to all the known exporters for the purpose of determination of normal value in accordance with section with 9A(1)(c) of the Custom Tariff Act.

a) Submissions made by Ukraine:

- i. The exporter has submitted that one cannot agree with the statement that Ukraine is a country with the non-market economy. As is generally known the market economy is based on the development of the social division of labour, commodity production and exchange. In the market in the course of competition prices formation and movement and shaping of demand and offer proceed. Every private commodity producer in the process of exchange of his goods for money gets to know how much his labour is necessary for the society, involved in the system of social division of labour and how much it has acquired social nature.
- ii. The efficient functioning of the market economy suggests a diversity of forms of property and economic management and a well-developed infrastructure. The market economy has a complicated structure and includes the following kinds of markets:
 - A. Commodity and services market.
 - B. Production factors market
 - C. Financial or monetary market.
- iii. The economic situation established in Ukraine meets all these requirements. This fact is verified by the current legislation of Ukraine. The above-mentioned relations are governed by the Civil Code, Code of labour legislation, Ukrainian Laws "On prices and price formation", " On property", "On protection against unfair competition", "On entrepreneurship", "On enterprises in Ukraine" and a number of the other regulatory and legal acts of Ukrainian and international nature.
- iv. As we have already noted above, JSC NKMZ produces forged rolling mill rolls for more than 60 years and has vast experience in this area. Naturally, we have the adjusted technology for rolls manufacture and low cost for their making. "Gontermann-Peipers Ltd" produces forged rolling mill rolls since recent time and, to our opinion, they would like to enter the Indian market not by means by expenditures reducing for rolls making and, as a consequence, price reduction for rolls, but by exerting pressure on enterprises of Russia, Ukraine and Korea with the aid of anti-dumping investigation.

b) Submissions made by Russia

- i. The Russian Party in the person of "Uralmash Plant" JSC, has submitted all possible data, requested by the Indian Party, including the data on the roll manufacturing price. The Joint Stock company has not submitted the information on Form 7 of the questionnaire for the exporters as the contents of this document were not clear. This fact does not mean that the Joint stock company did not submit completely the data on the manufacturing price of the

products, as such information was submitted in the other forms of the questionnaire.

- ii. Besides in the information attached to the questionnaire "Uralmash Plant" JSC told about the necessity to explain how to fill in Form No. 7 in order to submit the required data and about its readiness to submit any requested information, including the information on the manufacturing cost.
- iii. The Indian Party has determined Russian as a country of non-market economy in comparison with such countries as USA and countries of the European Union. At the end of 2002 Russia was recognized by the said countries as a country of market economy and the solution is prepared for its affiliation in the World Trade Organization (Russia fully agreed the conditions of enlistment to this Organization with nine countries – members of WTO and the talks with fifteen countries shall be finished to the spring of 2003)

c) Submissions made by SAIL:

- i. The petitioners have made no attempt to establish the alleged dumping, but have taken resort to the contention that the alleged exporting countries are non-market economies. The exporting countries are not non-market economies for the subject merchandise. Russia is already been recognized as a country of market economy. It would be incorrect to assume Russia or Ukraine as non-market economy, and to impose dumping duty. The assumptions which the petitioners are trying to draw are wholly untenable and no finding can be concluded on the basis on such untenable findings.
- ii. It is further submitted that the Induction Hardened Forged Rolls are not standard products. These Rolls do not have a standard price mechanism, they are supplied and purchased on the basis of weight and specification, which will vary from roll to roll, depending upon the requirement and end-use. Accordingly, the question of non-market economy has no bearing in relation to the subject product.

d) Submissions made by the Petitioner:

- i. The Designated Authority sent questionnaires to know exporters/producers in Russia, Ukraine and Korea RP and Embassies of the subject countries in India. However, none of the exporters from Korea and Ukraine responded to the Designated Authority. Therefore, the petitioner requests the Designated Authority to confirm the preliminary findings with regard to these countries.
- ii. With regard to Russia, it is submitted that the exporters have not rebutted the claim of the petitioner that Russia is a non-market economy. Petitioner claimed that Russia is a non-market economy on the basis of Rules, which states as under:-

There shall be a presumption that any country that has been determined to be, or has been treated as a non-market economy country for the purpose of an anti-dumping investigation by the Designated Authority or by the competent authority of any WTO member country during the three year period preceding the investigation is a non-market economy country.

Clearly, in case a country has been treated as non-market economy country by any other WTO member country, the country can be considered as non-market economy. Russia has been treated as non-market economy by US and European Union in a number of investigations in general and Structural bars (by US) in particular in the preceding three years period. Petitioner, therefore, submit that normal value has to be determined in accordance with the provisions contained in Rule 7 & 8 of the Annexure – 1.

- iii. Such being the situation, petitioner submits that the issue of providing cost of production or details of sales made in the domestic market has no relevance so far as determination of normal value for Russia is concerned. Such being the situation, the petitioner requests the Designated Authority to confirm the preliminary finding with regard to Russia also.

2. Examination by the Authority:

i) South Korea and Ukraine

(a) Normal Value

The authority notes that none of the exporters from South Korea or Ukraine have responded by way of questionnaire response. The Authority, in view of non-submission of data and non-cooperation by these countries, has constructed the normal value for all producers and exporters of South Korea & Ukraine on the basis of the best available information as made available by the petitioner in accordance with Rule 6(8) supra. The cost of production as provided by the petitioner with due adjustments has therefore been referenced for the purpose of determination of normal value of the subject goods in South Korea and Ukraine. The normal value so determined for South Korea and Ukraine is US \$ *****per/MT.

(b) Export Price

As regard the export price of the subject goods in the period of investigations the authority notes that in view of no cooperation from any of the exporters/importer, the information on export price is made available from the secondary sources by the petitioner. The authority in view of this confirms the methodology as indicated in

preliminary findings dated 11th December, 2001. The authority has considered the adjustments on account of inland freight, port expenses, ocean freight and marine expenses as provided by the petitioner. In respect of South Korea, after allowing these adjustments, the export price comes to \$ *****per/MT. In respect of Ukraine, the adjustments have been considered on the same level as allowed to Russia. After allowing these adjustments the export price comes to US\$*****per/MT.

ii) **Russia**

(a) Normal value

- i. The authority notes that only one of the exporters/ producers from Russia M/s Uralmashplant has provided domestic price and export price of subject goods to India. The response to the exporters' questionnaire is incomplete. The information required under Appendix-1 has been provided for the year 2000 and not for the period of investigation of April, 2001 to June, 2002. The company has not provided Appendix 7 to the Authority to ascertain the capacity, production as also to enable reconciliation of the Appendixes submitted. The information submitted in respect of factory cost and profit is also incomplete as no information under various cost headings have been provided. The exporter has not submitted its financial statement or other statements.
- ii. The authority, therefore, in view of the fact that the cost of production of the subject goods has not been adequately made available by the exporter thus not permitting the Authority to apply the ordinary course of trade test, has referenced the normal value claimed by the petitioner on the basis of the constructed cost of production with appropriate adjustment as per Rule 6(8) supra. The Authority has determined the Normal Value as US \$ ***** per/MT in case of all exporters from Russia.

(b) Export price

The Authority has referenced the CIF export price on the basis of adjustments on packaging, inland, freight, storage, ocean freight, ocean insurance and documentation cost as provided by the exporter for the subject goods during the period of investigation. The authority in view of this confirms the methodology as indicated in preliminary findings dated 11,December 2001 After allowing these adjustments, the export price is determined as US\$ ***** per/MT.

3. **Dumping Margin:**

Vide Section 9 A (a) of the Customs Tariff Act, 1975 "Margin of Dumping", in relation to an article, means the difference between its export price and its normal value. The dumping margin is as follows:

| Country | Russia (all exporters/producers) | Ukraine (all exporters/producers) | Korea (all exporters/producers) |
|-----------------|----------------------------------|-----------------------------------|---------------------------------|
| Normal Value | **** | **** | **** |
| Export Price | **** | **** | **** |
| Dumping Margin% | 79.65 | 67.51 | 11.06 |

F. INJURY AND CAUSAL LINK

a. Views of petitioner:

1. Petitioners have stated that various parameters collectively and cumulatively establish that the domestic industry is suffering injury.
2. Petitioners provided detailed information to the Designated Authority clearly establishing that the domestic industry has suffered severe injury. Further, dumping is resulting in severe threat of material injury. Petitioners submit that the following parameters summarize injury to the domestic industry.
3. Import of subject goods from the subject countries have increased significantly in absolute terms.
4. Market share of import from the subject countries to total imports of subject in India increased significantly.
5. The share of imports from the subject countries in relation to demand/consumption of subject in India increased significantly.
6. Economic Parameters affecting domestic industry.

Though Production, capacity utilization and hence sales of the domestic industry increased. However the domestic industry could not achieve the production targeted. The capacity utilization of the domestic industry is quite low, as industry is not able to sell the subject goods due to dumped imports.

The imports forced the domestic industry to sell the product below its fair value, since the domestic industry was forced to match the prices. Thus, the imports forced the domestic industry to sell the product at loss.

7. The landed value of imported material was significantly below the selling price of the domestic industry causing price undercutting in the Indian market.
8. The landed value of imported material is significantly below the cost of production and fair selling price of the domestic industry causing severe price suppression in the Indian market.

9. The domestic industry continues to incur significant financial losses as a result of continued dumping in the Indian Market.
10. Though the selling price of the domestic industry has increased however the industry is still facing losses.
11. The financial losses suffered by the domestic industry adversely affected the cash flow.
12. The domestic industry is not able to raise fresh capital or plan new investments. In fact, petitioner had to stagger implementation of the project.
13. The dumping margin are not only more than de-minimus, but also very significant. Significant dumping margins have very adversely affected the performance of the domestic industry.
14. DUTY IN US \$:

Though the Designated Authority has already recommended anti-dumping duty in terms of US \$, it is submitted that the final duties may also be recommended in terms of US \$ only, so that erosion in the quantum of protection does not take place on account of changes in the exchange rate. However, the duties may please be recommended in terms of reference price as done in preliminary finding.

15. Cumulative assessment of injury:

The parameters laid down under the Rules for cumulative assessment of injury are well met in this case, as (a) quantum of imports from each of the subject countries is more than the de-minimus; (b) dumping margin from each of the subject countries is more than de-minus; and (c) cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

Petitioner has already provided detailed information to the Designated Authority clearly establishing that the domestic industry has suffered material injury. Further, dumping is resulting in severe threat of material injury. Petitioners submit that the following parameters summarize injury to the domestic industry.

- i. Imports of subject goods from the subject countries have increased significantly in absolute terms.
- ii. Market share of imports from the subject countries to total imports of subject goods in India increased significantly.
- iii. The share of imports from the subject countries in relation to demand/consumption of subject goods in India increased significantly.

16. Meeting of Demand:

The domestic industry is seeking relief on Induction Hardened Forged Rolls of size 300-605 mm dia. The domestic industry is producing and selling Forged Rolls of these sizes. The domestic industry is able to fulfill the demand of the subject goods of specified sizes. It is further submitted that meeting demand is not a precondition to imposition of anti-dumping duty. In any event, in case there would be a situation of short supply and high prices in future, the Designated Authority has recommended a reference price in this case. Imports at fair prices can always be made by these parties.

17. Criticality of rolls for SAIL

The argument of SAIL more than reinforces the need for anti-dumping duty on the product so that SAIL is assured of the product all the times. In fact, whenever SAIL has not received supplies from foreign producers in time, GPI has come to their rescue and supplied them the critical raw material required by them.

18. Supply of Forged Rolls to SAIL:

The Statement of SAIL regarding GPI not supplying the material in time is not correct. In fact, GPI has come to rescue of SAIL when SAIL has not received delivery of imported material.

19. Lower prices quoted by HEC in tender:

It needs to be appreciated by SAIL that prices quoted in tender by various tenderer are in consideration of the various parties who are going to participate in the tender. Presence of other suppliers per se affect the prices which other producers would quote. Thus, lower prices quoted by HEC are to be seen in the context of other suppliers present in the market.

20. Production by HEC:

HEC is manufacturing the subject goods. The allegation of the SAIL that HEC is not able to manufacture the subject goods is factually incorrect. It is irrelevant that the company is a BIFR Company. A BIFR Company does not mean that the company is out of production. So long as the company is producing the subject goods, it can seek protection from the dumped imports. In the matter of PIB, though the petitioner was a BIFR company, the anti-dumping duty has been recommended on the dumped imports. Further, petitioner is not opposing any imports at fair prices. Petitioner is against imports at dumped prices.

21. With regard to supplies by HEC, petitioner is not aware of the reasons for the same. However, suffice it to say that petitioner is a producer of the subject

goods and has supplied goods to SAIL when SAIL failed to procure its goods from foreign sources. Thus, petitioner has supplied goods to SAIL at the time of emergencies. Designated Authority may kindly direct SAIL to confirm or deny this fact that the goods supplied by petitioner have been found acceptable by SAIL.

22. With regard to allegation of delay in supply by GPI, petitioner submitted that there was no delay in supply on account of GPI. The delay was due to verbal request by SAIL to delay supply of material as the company had sufficient stocks and has some financial constraints at that point of time. Therefore, the allegation of delay in supply by GPI is misleading

b. Submission made by SAIL:

- i. As already submitted, there is neither any dumping nor any injury to the domestic industry. The subject product is being procured by the Open Global tender basis and the price quoted by the Indian industries is comparable or even lower than the price quoted by the foreign suppliers. The submissions made earlier vide Paras 6,7, 8.20, 8.21, 8.23 and 8.16 are reiterated. There is neither any injury nor any causal link to it.
- ii. Cumulative Assessment of the injury and imposition of duty as being computed in the present case is wholly incorrect and untenable. The price structure of the petitioner is itself excessive and exaggerated even in comparison to its competitor in the domestic market i.e. HEC. It is also being said on record that HEC is supporting the petitioner in the present proceedings. Accordingly, the price of HEC has to be taken as the reference price for the consideration of any probable injury to the Domestic Industry.
- iii. As a normal procedure of procuring goods through the tendering process, the L1 prices of the tenderer who is able to meet the techno-commercial specification are taken as the standard, if the same are within the acceptable range of estimated cost. The other tenderers who qualify the techno-commercial specifications are given chance to match the L1 prices. Several times the petitioner, GPI has been given chance to match the price quoted by the other domestic tenderers, like HEC in the present case. Fair competition between the domestic industry and foreign suppliers already exists. The present proceedings have been initiated with the sole motive of removing the fair competition and to be the single available source for supply (monopolistic approach) which cannot be the object of the Anti-Dumping Duty.
- iv. The capacities of the domestic industry indicated in the notification appears exaggerated, since GPI & HEC have not been able to deliver against the pending orders in time. As a matter of fact, SAIL was forced to divert pending orders from HEC in many cases.

- v. Annexure II indicates the Rolls which HEC and GPI have failed to deliver on time. From this it can be inferred that even GPI and HEC together will not be able to cater to the full requirement of SAIL, in the event of restricting imports by imposing anti dumping duty.
- vi. It has been SAIL's experience that there are significant delays in the deliveries made by HEC & GPI causing serious problems in maintaining the production schedules. This can be seen from the delivery details provided by SAIL.
- vii. Delays in deliveries in some orders by GPI is ranging between 0 months – 1 yr. 4 months. The delays by HEC are ranging between 0 months – 5 yrs. 6 months. Even in some cases, SAIL was forced to divert pending orders from M/s HEC due to non-supplies / delays.
- viii. GPI accounts for more than 50% of the total production of the subject goods need to be reexamined since their processing facilities for IHF Rolls is limited & they do not have Forging & Blank Making facilities.
- ix. M/s GPI do not have basic facilities of ingot making & Forging of blanks which are a pre-requisite for IHF Rolls manufacturing. Even, they have the limitation of making rolls in sizes above 600 mm. Dia.

c. Submissions made by Russia:

- i. The exporters have submitted that the duty determined for Russia @ 79.91% is a consequence of an error. From the data given in the preliminary findings, Ukraine has the maximum dumping margin, hence the maximum anti-dumping duty shall be imposed on the products of this country. In case of rejection of the arguments of the Joint-stock company stated below, the size of the anti-dumping duty, imposed on the products from Russia shall not exceed the anti-dumping duty determined for Ukraine. Proceeding from item 2 of the General Agreement on Tariff (rates) and Trade, the rate of the anti-dumping duty for Russia cannot exceed the dumping margin, determined for our country, and will make up 31.43%.
- ii. Collection of a special duty is planned for the future period, therefore, it is necessary to consider the situation, existing at the moment of talking the decision on this duty. Collection of the specified duty contradicts item 1 of Clause 6 of the General Agreement on Tariff (rates) and Trade. According to item 1 of Clause 6 dumping is understood as a situation when the goods of one country are imported to the market of the other country by the price lower than normal value of the goods, originating from the country-Buyer.
- iii. The price for the rolls is determined by the Indian Party, it is not subject to alteration and is equal for all participants of the open international tender. So the price of the rolls, supplied to India, is a normal price. Besides, as the Indian Party indicated Party indicated in the preliminary decision of a special duty for

Russia. Gontermann Piper (India) Limited produced only a pilot hatch of forged rolls which it could not realize. Proceeding from the Indian Party's information the company began production of the cold forged rolls only in April, 2002. So in the period being under investigation, Gontermann Piper (India) Limited was not present at the Indian market and its rights were not infringed by the deliveries of the Russian rolls. In this situation no dumping is available in the actions of the Russian Party.

- iv. The General agreement on tariff and trade does not provide the possibility of collection of anti-dumping duty twice. The anti-dumping duty was already determined for Russia at the rate of 25%.
- v. The Heavy Engineering Corporation (HEC), mentioned by Indian Party as a company, supporting the petition, does not produce the rolls, being the subject of investigation. We think that such support of the petition of Gontermann Piper India Limited cannot operate.
- vi. The measures of supporting "Uralmash Plant" Joint Company from the side of the Russian Federation are absent. Moreover, the currency and customs legislation, being in force at present in the Russian federation, hinders, to a great extent, development of export and thus supports the organizations engaged in export of goods.

d. Submissions by Indian Non-Ferrous Metal Manufacturers Association and M/s Agrawal Metal Works Pvt. Ltd. :

- i. We have deliberated the matter in the meeting of our Association. It was resolved in the meeting of the Association that Anti-dumping duty on import of rolls is unwarranted at present, since manufacturing capacity available in India is not sufficient to cater the requirement of the users in quantity, quality as well as sizes and we feel that import of forged rolls from Russia, Ukraine & Korea is no threat to the domestic manufacturers.
- ii. Moreover, Indian manufacturers of rolls are not having an integrated plant starting from milting, casting, machining, forging, heat treatment and grinding. Basically, in India the roll manufacturers are having heat treatment process only whereas most of the raw stock is being imported. Small diameter forgings are being developed successfully in India as well which Indian manufacturers of the rolls are procuring for converting them into Steel Rolls for rolling mill application.
- iii. In view of the above, it will be too pre-matured to consider any proposal for imposing Anti-Dumping Duty and through this letter we are registering our objection to imposition of any Anti-Dumping Duty of the rolls.

e. Examination by the Authority

1. INJURY:

Under Rule 11 supra, Annexure –II, when a finding of injury is arrived at such finding shall involve determination of the injury to the domestic industry, "..... taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles" In considering the effect the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

For the examination of the impact on the domestic industry in India, the Authority also considered such further indices having a bearing on the State of Industry as capacity utilisation production, sales, net sales realization, profitability, etc. The Authority took into account various parameters indicating injury to the domestic industry, which are as follows:

The Authority has considered arguments of various interested parties for examination of injury to the domestic industry. The Authority notes that the petitioner declared its commercial production from 01.04.2002 onwards, thus, the injury parameters have to be seen in this backdrop.

(i) Cumulative assessment

Annexure II (iii) to the Indian Anti Dumping Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti dumping investigations, the designated authority will cumulatively assess the effect of such imports. The margins of dumping from each of the subject country are more than the limits prescribed. Quantum of imports from various countries is more than de-minimus. Cumulative assessment of the effects of imports is appropriate since the exports from the subject countries directly compete with the goods offered by the domestic industry in the Indian market. The Authority therefore has assessed injury to the domestic industry cumulatively from all the subject countries.

(ii) Production and Utilization of Capacity

The company has started its commercial production from 01.04.2002. In spite of significant investments and considerable trial runs, the company is not able to produce optimally due to very un-remunerative prices. Though the production and capacity utilisation have improved during the POI to 654.25 mt from 318 mt in 1999-00 and to

31.71% from 19.27% in 1999-00 but the same has to be seen in relation to the indices of production and capacity utilisation it could have achieved.

(iii) Sales

Sales volume of the company increased during the POI to 702.86 mt from 189 mt in 1999-00. The trial production of the company could be sold with lot of difficulty, as the prices offered to the petitioner were very un-remunerative. It is also relevant to note that the product is normally made against specific customer requirements, thus, production and orders received are more relevant than the sales effected.

(iv) Productivity

Productivity of the domestic industry is getting adversely affected. The petitioner has not been able to produce optimally in the absence of firm orders. This is resulting in lower productivity.

(v) Price undercutting

The landed price of imports from the subject countries is considerably lower than the selling price of the domestic industry, resulting in price undercutting. As against the fair selling price of Rs. ****/Mt the landed price of imports in respect of Russia was Rs ****/Mt, in respect of Ukraine was Rs ****/Mt and in respect of Korea RP was Rs.****/mt Further, in number of orders, the customers have forced the domestic industry to match the price of the imported product. In spite of very un-remunerative prices, the domestic industry had no option but to accept these orders at such low prices which were not at all remunerative and did not permit recovery of even cash cost of production to the domestic industry.

(vi) Price underselling

The domestic industry has been forced to sell the product at prices much below the cost of production in view of lower prices of the imported product. Since the customers have demanded matching prices from the domestic industry, price underselling better reflects the injury being faced by the domestic industry as compared to price undercutting.

(vii) Margin of dumping

The dumping margins are not only more than de-minimus but also very significant. Significant dumping is very adversely affecting the domestic industry.

(viii) Cash flow

As submitted by the petitioners, sales of the product under consideration, below cost of production is having adverse impact on the cash flow of the company. Cash flow is remaining negative due to higher cash outflow as compared to inflow.

(ix) Inventories

Since the subject goods are largely made as per specific customer requirements, the domestic industry has no option but to produce only against confirmed orders from the customers. Such being the situation, the authority notes that inventories would not be very relevant to reflect the injury to the domestic industry.

(x) Growth

The domestic industry is at its nascent stage. The domestic industry was expected to show decent growth as per the projections in the Project Feasibility Report, given that the domestic industry has commenced commercial production in the investigation period itself. Significant dumping is, however, very adversely retarding the growth of the domestic industry. Further, the petitioner is finding it extremely difficult to complete its planned investments on the product and the project in view of severe dumping which the petitioner is now facing even for whatever is offered in the market.

(xi) Ability to raise fresh investment

It can be seen from the project feasibility report provided by the company that the petitioner has not been able to fully make/utilize the planned investment. Phase-I of the project itself has met with serious marketing problems to the petitioner, as the prices the petitioner is getting in the market (in spite of acceptance of the material from established customers such as SAIL) is less than optimum.

(xii) Cost of production, selling price and profitability

As mentioned earlier, the price at which the company has been forced to sell the product did not permit recovery of reasonable cost of production. The company is forced to face severe financial losses.

(xiii) Material retardation to establishment of the domestic industry

The Authority notes that the petitioner has set up new production facilities. The petitioner commenced commercial production w.e.f 01.04.2002. While the petitioner

has suffered material injury in producing and selling this trial production, it is found that the petitioner is not able to establish itself as a new producer of the subject goods in the face of dumped imports being available in the market. The Authority in this regard notes that the production and capacity utilization of the domestic industry is significantly lower than what the domestic industry could have achieved. Given the nature of the goods involved where production can be undertaken only against firm order, the Authority holds that lack of orders at remunerative prices would prevent a producer from producing and selling a product for which it has set up new facilities. Such a situation, if continued for longer, would not only cause material injury to the domestic industry but also jeopardize its entire existence.

2. Causal Link :

In determining whether injury to the domestic industry was caused by the dumped imports, the Authority took into account the following facts:-

- i. Substantial imports of subject goods from subject countries/ at dumped prices forced the domestic industry to reduce its selling prices to unremunerative level, which has resulted in a situation of price undercutting in the Indian market.
- ii. The imports from subject countries suppressed the prices of the product in the Indian market to such an extent that the domestic industry was prevented from recovering its full cost of production and earn a reasonable profit from the sale of subject goods in India.
- iii. The Authority notes that imports of subject goods from the subject countries during the POI accounted for 66.85 % of the total imports into this country. The share of imports from subject countries with total imports was 17.07% in case of Russia, 23.9% in case of Ukraine and 25.88% in case of Korea RP. Imports from subject countries/territories have increased from 25.25% in 1999-00 of the total imports to 66.85% of the total imports in the POI. Thus, volume injury is clearly established. In examining the price effect, the Authority notes that the low priced imports from the subject countries has forced the petitioner to sell at suppressed prices and incur losses on the sale of the subject goods during the period of investigation. Dumped imports of subject goods have prevented the domestic industry from realizing a reasonable remunerative selling price in the domestic market. The domestic industry in its attempt to match the dumped import prices was forced to sell below its non-injurious price, which resultantly, the domestic industry was unable to recover.
- iv. Imports from other countries have been much less during the POI as against previous years and prices from these countries are higher. The Authority could not find any evidence of contraction of demand, change in pattern of consumption, trade restrictive practices of and competition between the foreign

and domestic producers. It is also noted that developments in technology have not been a cause for injury to the domestic industry.

- v. In establishing that the material injury to the Domestic Industry has been caused by the imports from the subject countries, the Authority holds that the increase in market share of imports from the subject countries resulted in decline in the market share of the petitioner i.e. Domestic Industry and prevented the domestic industry from raising its market share, considering that the petitioner has set up new facilities for production of the subject goods. These imports have significantly depressed the prices of the domestic product forcing the Domestic Industry to sell at un-remunerative prices. The material injury to the Domestic Industry has, therefore, been caused by the dumped imports from the subject countries.

3. Landed Value

The landed value has been determined for the subject goods after adding to the weighted average c.i.f. price the applicable level of customs duties (except duties levied under Section 3, 3 (A), 8B, 9, 9(A) and 1% towards landing charges.

4. Non-Injurious price

While determining the non-injurious price for the like articles for the domestic industry, the Authority has used the actual cost of production of the subject goods to determine optimum cost of production for the domestic industry taking into account the normated best consumption norms and the actual price of the raw materials which are consumed for the production of the subject goods during the period of investigation. For calculation of injury margin, the authority compared the ex-factory non-injurious price determined for the period of investigations with the landed value of imported goods.

5. Duty upto dumping margin:

The Authority recommends the amount of anti-dumping duty equal to the margin of dumping or less, which if levied, would remove the injury to the domestic industry.

G. INTEREST OF INDIAN INDUSTRY AND OTHER ISSUES

- i. The Authority holds that the purpose of anti-dumping duties, in general, is to eliminate dumping which is causing injury to the domestic industry and to re-

establish a situation of open and fair competition in the Indian market, which is in the general interest of the country.

- ii. The Authority also recognizes that the imposition of anti-dumping duties might affect the price levels of the products manufactured using subject goods and consequently might have some influence on relative competitiveness of these products. However, fair competition on the Indian market will not be reduced by the anti-dumping measures. On the contrary, imposition of anti-dumping measures would remove the unfair advantages gained by dumping practices, would prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of subject goods.
- iii. The Authority notes that the imposition of anti-dumping measures would not restrict imports from Russia, Ukraine & Korea in any way, and, therefore would not affect the availability of the product to the consumers.

H. CONCLUSIONS

It is seen, after considering the foregoing that:

- a. The subject goods originating in or exported from the subject countries have been exported to India below Normal Value, resulting in dumping.
- b. The Indian domestic industry has suffered injury. The domestic industry has suffered material injury in terms of subject goods produced by it. Further, establishment of the domestic industry is being materially retarded by the dumped imports, in as much as the domestic industry is trying to establish itself in the Indian market with new subject product.
- c. Injury has been caused by imports of subject goods from the subject countries.
- d. It is considered necessary to impose definitive anti-dumping duty on imports of subject goods originating in or exported from the subject countries.
- e. It is considered to recommend the amount of anti-dumping duty equal to the margin of dumping or lower so as to remove the injury to the domestic industry accrued on account of dumping. Accordingly, it is proposed that definitive anti-dumping duties equal to the difference between the amount of Column 9 of the Table below and the landed value of subject goods in \$/MT be imposed by the Central Government, on all imports of subject goods originating in or exported from subject countries under Chapter 84.55 of the Customs Tariff Act.

| SI.No | Sub-heading | Description of goods | Specification | Country of origin | Country of export | Producer | Exporter | Amt (USD/MT) | Unit measurement | Currency |
|-------|-------------|----------------------|--|-------------------|-------------------|----------|----------|--------------|------------------|----------|
| 1. | 8455.30 | Forged Rolls | Induction hardened Forged Rolls also known as Forged | Korea RP | All | Any | Any | 2851.91 | Metric Tonne | USD |

| | | | | | | | | | | |
|--------|-------------|----------------------|--|--|-------------------|----------|----------|--------------|------------------|----------|
| | | | Cold Rolling Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and up to 605 mm. Dia) | | | | | | | |
| 2. | 8455.30 | Forged Rolls | Induction Hardened Forged Rolls also known as Forged Cold Rolling Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and up to 605 mm dia) | Any country except Ukraine and Russia | Korea RP | Any | Any | 2851.91 | Metric Tonne | USD |
| SI. No | Sub-heading | Description of goods | Specification | Country of origin | Country of export | Producer | Exporter | Amt (USD/MT) | Unit measurement | Currency |
| 3. | 8455.30 | Forged Rolls | Induction Hardened Forged Rolls also known as Forged Cold Rolling Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and up to 605 mm dia) | Ukraine | All | Any | Any | 2783.05 | Metric Tonne | USD |
| 4. | 8455.30 | Forged Rolls | Induction Hardened Forged Rolls also known as Forged Cold Rolling Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and up to 605 mm dia) | Any country except Russia and Korea RP | Ukraine | Any | Any | 2783.05 | Metric Tonne | USD |
| 5. | 8455.30 | Forged Rolls | Induction hadened Forged Rolls also known as Forged Cold Rolling | Russia | All | Any | Any | 2762.79 | Metric Tonne | USD |

| | | | | | | | | | | |
|----|---------|--------------|--|---|--------|-----|-----|---------|--------------|-----|
| | | | Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and upto 605 mm dia) | | | | | | | |
| 6. | 8455.30 | Forged Rolls | Induction Hardened Forged Rolls also known as Forged Cold Rolling Mills Rolls including work rolls and back up rolls (Sizes above 300 mm dia and up to 605 mm dia) | Any country except Korea RP and Ukraine | Russia | Any | Any | 2762.79 | Metric Tonne | USD |

- f. Subject to the above, the Authority confirms the preliminary findings dated 11th December 2002.
- g. An appeal against this order shall lie before the Customs, Excise and Gold (Control) Appellate Tribunal in accordance with the Act, supra.

L.V.SAPTHARISHI
DESIGNATED AUTHORITY