

**No. 8/2/97-ADD**  
**Government of India**  
**Ministry of Commerce**  
**Udyog Bhavan**

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New Delhi, the 28th August, 1997

**Subject:** Initiation of anti dumping investigation concerning import of Metallurgical Coke from China.

M/s BLA Industries Ltd. has filed a petition on behalf of the domestic industry in accordance with the Customs Tariff (Amendment) Act, 1995, and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of Metallurgical Coke (subject goods) from China and request for anti dumping investigation and levy of anti dumping duties. The petition has been supported by the Industries and Commerce Association whose members represent the manufacturers of Metallurgical Coke in India.

1. **Standing:** The petitioners account for more than 25% of domestic production and alongwith the express supporters of the petition account for more than 50% production by the domestic industry and, therefore, the petitioner satisfies the test of standing to file the petition, on behalf of the domestic industry.
2. **Product under Consideration:** The product involved in the present investigation is Metallurgical Coke made out of low ash content coal originating in or exported from China PR, classified under Customs heading 27-04 of the Customs Ta-riff Act. The classification is, however, indicative only and in no way binding on the scope of the present investigation.
3. **Like Article:** The petitioner has alleged that the Metallurgical Coke produced by the Domestic industry has characteristics closely resembling those of the product under consideration. The petitioner has also submitted that product under consideration is technically and commercially substitutable to the Metallurgical Coke produced by the Domestic Industry and, therefor, Metallurgical Coke produced by the Domestic Industry can be considered as like article in terms of Section 2(d) of the Act supra.
4. **a Normal Value:** The petitioner has estimated the normal value of Metallurgical Coke of Chinese origin under Section 9A(1)(c)(ii)(b) of Customs Tariff Act, 1975 on the basis of cost production in China.

b. Export price: The petitioner has claimed export price on the basis of data from the Directorate General of Commercial Intelligence & Statistics (DGCIS), Calcutta.

c. Dumping: There is sufficient prima facie evidence that the normal value of Metallurgical Coke in China is significantly higher than the price at which it has been exported to India, indicating that the goods are being dumped by the exporters from China.

5. **Injury**: The petitioner has alleged that the volume of dumped Chinese Coke has increased by 849% during 1993-94 to 1996-97. The loss in the market share of the domestic producers fell from 79% to 41% and there is an increase in market share of Chinese Coke from 9% to 43% during the same period.

The profit level of the industry has been declining significantly during the period. The inventory levels have increased over the last three years. Petitioners have also stated that the capacity utilization of industry has gone down from 61% (1993-94) to 46% (1996-97). Various indicators relating to domestic industry collectively and cumulatively, prima facie, indicate that the domestic industry has suffered material injury and the same also pose a threat of material injury.

6. **Initiation of Anti-Dumping Investigation**: The Authority, therefore, initiates anti-dumping investigation into the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the said country.
7. **Period of investigation**: The period of investigation for the purpose of present investigations is 1st April, 1996 to 31st March, 1997.
8. **Submission of Information**: The exporters in the said countries and importers in India known to be concerned are being addressed separately to submit relevant information in the form and manner prescribed and make their views known to Shri Dipak Chatterjee, Designated Authority, Ministry of Commerce, Udyog Bhavan, New Delhi-110011. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below.
9. **Time Limit**: Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days from the date of publication to this notification. The known exporters and importers, who are being addressed separately, are, however, required to submit the information within forty days from the date of letter addressed to them separately.

10. **Inspection of Public File:** In terms of Rule 6(7), any interested party participating in the investigations may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.
11. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

**(Dipak Chatterjee)**  
Designated Authority