

MINISTRY OF COMMERCE AND INDUSTRY
Department of Commerce
Directorate General of Anti-dumping & Allied Duties

INITIATION NOTIFICATION

New Delhi, Dated : 20th March, 2003

Subject: Initiation of Anti-dumping investigation concerning import of Met Coke from Japan

No.14/41/2002-DGAD - Indian Metallurgical Coke Manufactures Association, New Delhi has filed a petition on behalf of the domestic industry in accordance with the 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 before the Designated Authority (hereinafter referred to as the Authority) alleging dumping of Metallurgical Coke with an Ash content of less than 18% originating in or exported from Japan and requested for Anti Dumping investigations and levy of anti dumping duties.

PRODUCT INVOLVED

2. The product involved in the present petition is Metallurgical Coke with an Ash content of less than 18% (hereinafter referred to as subject goods). Met Coke produced is mainly carbon along with some minerals and residual volatile material. Met Coke is used as a primary fuel in industries where a uniform and high temperature is required in kilns or furnaces. Met Coke (including subject Met Coke) is used in various industries including pig iron, foundries, ferro alloys, chemicals and integrated steel plants and others. The product is classified under Customs heading 27.04 of Schedule I of Customs Tariff Act and under ITC (HS) Classification 2704 00. This Custom classification is however, indicative only and is in no way binding on the scope of the present investigation.

DOMESTIC INDUSTRY

3. The petition has been filed by Indian Metallurgical Coke Manufactures Association, New Delhi and the following producers are the petitioner companies :

- i. M/s BLA Industries Ltd, Mumbai
- ii. M/s Antai Balaji Coke Ltd., Calcutta

- iii. M/s Durgapur Project Ltd, Kolkatta
- iv. M/s Saurashtra Fuels Pvt. Ltd, Mumbai
- v. M/s Southern Fuels Ltd. Bangalore
- vi. M/s Sesa Kembla Coke Co. Ltd.

Another domestic producer M/sGujarat NRE Coke Ltd. has supported the petition. The petitioner companies account for more than 50% of the total domestic production of subject goods and therefore, the petitioners satisfy the criteria of standing as domestic industry to file the petition in terms of Rule 5(3) (a) of the Rules supra.

COUNTRY INVOLVED

4. The country involved in the present investigation is Japan (hereinafter referred to as the subject country).

LIKE ARTICLE

5. The petitioners have claimed that there is no noticeable difference between the imported products and the products manufactured by them. The subject Met Coke produced by the petitioner in India is directly interchangeable with imported subject Met Coke. Therefore, for the purpose of the present investigation, the goods produced by the petitioners are being treated as 'like articles' to that imported from the subject country within the meaning of the Rules supra.

NORMAL VALUE

6. The petitioners have claimed Normal Value on the basis of constructed cost of production in Japan by using the Coal price at FOB level procured by Japanese producers from Australia. The cost of producing Coke has been constructed using the cost from Indian manufacturers using the recovery process with appropriate modifications. The Authority has prima facie considered the Normal value of subject goods in Japan on the basis of constructed cost of production as made available by the petitioners.

EXPORT PRICE

7. The petitioners have determined export price for subject country on the basis of the import figures of the DGCI&S. Adjustments have been claimed on account of ocean freight, marine insurance, inland transportation in the country of export, port

handling and port charges and commission to arrive at the Export Price at ex-factory level.

DUMPING MARGIN

8. There is sufficient evidence that Normal Value of the subject goods in the subject country is significantly higher than the net export price indicating prima-facie that the subject goods are being dumped by exporters from the subject country.

INJURY AND CAUSAL LINK

9. Petitioners have furnished information on various parameters relating to injury. Parameters such as increased imports from subject country, low price of imports from Japan, losses to the industry due to unremunerative selling price, price under selling, price under cutting, negative returns on capital employed and negative effect on cash flows prima-facie indicate collectively and cumulatively that the Domestic Industry has suffered material injury on account of dumping.

INITIATION OF ANTI-DUMPING INVESTIGATIONS

10. The Designated Authority, in view of the foregoing paragraphs, initiates anti-dumping investigations into the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject country.

PERIOD OF INVESTIGATION (POI)

11. The period of investigation for the purpose of present investigation is 1st April, 2001 – 30th June, 2002.

SUBMISSION OF INFORMATION

12. The exporters in the subject country and the importers in India known to be concerned with this investigation are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Directorate General of Anti Dumping & Allied Duties, Department of Commerce, Ministry of Commerce and Industry, Government of India, 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.

TIME LIMIT

13. 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 of 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 the letter addressed to them separately.

INSPECTION OF PUBLIC FILE

14. In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

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.

(L.V. SAPTHARISHI)
Designated Authority