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

New Delhi, the 1st May, 2008

NOTIFICATION

Subject: Sunset Review of anti-dumping duty imposed against imports into India of certain grades alloy and non-alloy steels billets, bars and rounds from Russia and China PR.-Termination of Initiation.

No.15/6/2008-DGAD – Whereas M/S Kalyani Steels Ltd. filed a civil writ petition in Hon'ble High Court of Delhi as Writ Petition (Civil) No.15945/06, and as per direction of the Hon'ble Court vide judgment dated 3.12.2007, Sunset Review is required to be conducted in accordance with the procedure laid down in Rule 23 of the Rules.

2. AND Whereas the Hon'ble Court held that All imports of the subject goods made from Russia and China with effect from 1st February, 2008 should be provisionally cleared by the Central Government and in the meanwhile, the Central Government should carry out a review to determine whether the anti-dumping duty imposed by the Notification dated 25th June, 2001 should continue beyond the period of five years from 26th December, 2005 onwards. The Hon'ble Court in its Judgment also held that if it is found by the Central Government that the requirements of the first proviso to Section 9A (5) of the Act are met and anti dumping duty should continue, then the provisional assessments made with effect from 1st February, 2008 will take care of the interests of the domestic industry and further directed that the Central Government will complete the review as expeditiously as possible.

3. Pursuant to the said Order of the Hon'ble High Court, 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 (hereinafter also referred to as Authority), under the above Rules, initiated the review investigation to examine the likelihood of continuation or recurrence of dumping and injury on imports of "certain types/grades of alloy and non alloy steel billets, bars and rounds having 70 mm to 250 mm diameter conforming to IS specification or *any* other

international specification equivalent to IS standards". Vide notification dated 23rd January 2008,

4. And whereas the domestic industry were addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority relating to the present review and were allowed forty days (40 days) from the date of publication of the review notification to submit the information related to the case and it was also made clear that if no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

5. The Authority notes that the investigation into alleged dumping and injury was initiated based upon the directions of the Hon'ble High Court and the domestic industry has not come up, within the stipulated period of 40 days, with a documented petition for the Authority to assess whether there is sufficient evidence of dumping and injury. The Authority further notes that a request was received from M/S Kalyani Steels Ltd. And M/s Maharashtra Seamless Ltd. seeking an extension of time by four weeks to submit information related to the case but the fully documented petition was not received even at the expiry of this four weeks extended time and a notice of termination was served on both these responding producers to provide the information within 7 days time thereafter which has also not been forthcoming till date.

6. Section 9A(5) of the Customs Tariff Act provides that the anti-dumping duty imposed shall, cease to have effect on the expiry of five years from the date of such imposition, **provided** that the Central Government, in a review, is of the opinion that the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury. In the instant case, since there is no information on record to establish that the cessation of the present duty is likely to lead to continuation or recurrence of dumping and injury, the Authority does not consider it appropriate to recommend extension of the anti dumping duties earlier imposed. Therefore, the Authority hereby terminates the investigation initiated vide notification No.15/6/2008-DGAD dated 23rd January 2008, all proceedings connected with this case and recommends that the anti dumping duties need not be extended further.

R. Gopalan
Designated Authority