

**MINISTRY OF COMMERCE & INDUSTRY**  
**DEPARTMENT OF COMMERCE**  
**(DIRECTORATE GENERAL OF ANTI-DUMPING &**  
**ALLIED DUTIES)**

New Delhi, The 14th May, 2004

**TERMINATION NOTIFICATION**

**Sub:** Anti-Dumping Investigation concerning imports of Metallurgical Coke originating in or imported from Japan

**No.14/41/2002-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, the Designated Authority (hereinafter also referred to as Authority), under the above Rules, initiated an investigation vide notification dated 20th March 2003, into the alleged dumped imports of metallurgical coke from Japan. The investigation was initiated on the basis of a written application received from Indian Metallurgical Coke Manufacturer's Association (IMCOMA), (hereinafter referred to as petitioner) on behalf of domestic industry, alleging dumping of Metallurgical Coke (Metcoke, hereinafter referred to as subject goods) originating in or exported from Japan.

2. The Authority issued a public notice dated 20th March, initiating Anti-Dumping investigations concerning imports of Metallurgical Coke classified under custom Code 27.04 of Schedule I of the Customs Tariff Act, 1975 and under ITC HS Classification Rule 2704.00, originating in or exported from Japan (hereinafter referred to as subject country).
3. Response/information to the questionnaire/notification was filed by the following exporters/producers from Japan:-
  - i. M/s Mitsubishi Corporation, Japan
  - ii. M/s JFE Steel Corporation, Japan
4. Response/information to the questionnaire/notification was also filed by a number of Importers and users of the subject goods whose views were taken into account at various stages of the investigation.
5. After completion of preliminary investigation into dumping, injury and causal link between the dumped imports from the subject country and injury suffered by the domestic industry, the authority notified its preliminary findings, vide notification dated 14th October 2003, published in the Gazette of India

Extraordinary, recommending imposition of antidumping duty on reference price basis. The reference price recommended by the authority on the basis of lesser duty principles was fixed at US\$118.44 Per MT.

6. The Authority conducted further investigation into the dumping, injury, and causal link between dumping and injury and also conducted public hearing, verification of domestic industry, as well as, foreign exporter's data. Due to exceptional circumstance, the Central Government, in terms of the powers conferred upon it under Rule 17 (1) of the Antidumping Rules, extended the time period for completion of the investigation till 20th September 2004.
7. The petitioners vide their letter dated 12th May 2004 have made a written submission before the Authority withdrawing their request for imposition of the antidumping duty on imports of the subject goods from Japan. In their written submission the petitioners have inter-alia submitted:
  - That as responsible corporate citizens of India the petitioners wish to bring to the notice of the authority the drastic changed circumstances in Metcoke market in the post POI period. China being the largest supplier of metallurgical coal and coke globally (dominating about 90% of global trade) has clamped up its supplies in the global market due its own domestic demand. As a result of which the prevailing price from Japan (if material is available) is far in excess of US\$300 on FOB basis. This however, in the opinion of the petitioners, highlights the extent of dumping resorted to by China and Japan during the POI, notwithstanding their request for withdrawal of the petition.
  - That Japan has no known source of metallurgical coal and was dumping the product (Metcoke) in India by leveraging the price differential between its suppliers and prevailing price in India.
  - That Japan with no coal resources of its own is unable to continue to dump into India in the short run.
  - That the petitioners are fully aware that it is settled law in India and in intentional jurisprudence that data pertaining to the POI alone is relevant in an AD investigation and post POI developments have no bearing on the case. However, as responsible corporate citizens they do not want the Government to put in place a levy, which in today's term will have no impact.
  - That their withdrawal of the request for imposition of Antidumping Duty is without prejudice to their contentions raised in the petition and their future rights to approach the Authority for imposition of Antidumping Duty against Japan if the situation so arises.
8. Rule 14 (a) of the Antidumping Rules provide that the Authority shall, by issue of a public notice, terminate an investigation immediately, if it receives a

request in writing for doing so, from or on behalf of the domestic industry affected, at whose instance the investigation was initiated.

9. The Authority notes that the investigation into alleged dumping and injury was initiated on the basis of fully documented written request filed by the Indian Metallurgical Coke Manufactures Association (IMCOM) on behalf of its members. The same applicants have now made a written submission withdrawing their original request for imposition of the duty in view of the changed condition in the market and the price structure of the product involved, which is unlikely to change in the short run. The Authority also notes the contention of the petitioners that the withdrawal of their petition is without prejudice to their contentions raised in the petition and their future rights to approach the Authority for imposition of Antidumping duty against Japan, if the situation so arises.
10. Therefore, in terms of Rule 14 (a) of the Antidumping Rules referred above, the Authority hereby terminates the investigation initiated vide notification dated 20th March 2003 and all proceedings connected with this case.
11. The Authority also recommends withdrawal of the provisional measure recommended vide its Preliminary Findings notified vide notification dated 14th October 2003 and imposed by the Department of revenue, vide notification No. 167/2003-Cus. Dated 13th November 2003.

**Abhijit Sengupta**  
Additional Secretary & Designated Authority