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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

F.No.15/26/2010- DGAD

16th August 2012

Final findings

Sub:-Sunset Review of Anti-Dumping duty imposed on imports of All Fully Drawn or Full Oriented Yarn/ Spin Drawn Yarn/ Flat Yarn of Polyester originating in or exported from Indonesia, Republic of Korea, Malaysia and Chinese Taipei- .

The Designated Authority (hereinafter referred to as Authority) initiated a sunset review of anti dumping duty imposed on All Fully Drawn or Full Oriented Yarn/ Spin Drawn Yarn/ Flat Yarn of Polyester on 1st March, 2011, in respect of alleged dumping of All Fully Drawn or Full Oriented Yarn/ Spin Drawn Yarn/ Flat Yarn of Polyester (herein after also referred to as FDY or subject goods) from Indonesia, Republic of Korea, Malaysia and Chinese Taipei. Earlier, the Authority had recommended imposition of Anti Dumping Duty on imports of All Fully Drawn or Full Oriented Yarn/ Spin Drawn Yarn/ Flat Yarn of Polyester (hereinafter referred to as subject goods) originating in or exported from Indonesia, Republic of Korea, Malaysia and Chinese Taipei, (hereinafter referred to as subject countries). The final findings notification of the Authority was published vide notification No. 14/3/2015- DGAD dated 26th December, 2006. On the basis of the findings, anti dumping duty was imposed on the imports of the subject goods from subject countries by the Department of Revenue vide notifications No. 15/2007 – Customs dated 20th February, 2007.

2. And whereas, the Act and the Rules require the Authority to conduct review of anti dumping duty earlier imposed. And whereas, in view of the order of the Hon'ble Delhi High court in the matter of Indian Metal and Ferro Alloys Ltd V/s Designated Authority, Writ Petition (Civil) No. 16893 of 2006 and in accordance with Section 9 A (5) of the Act, read with Rule 23 of AD Rules, the Authority issued a public notice dated 1st March 2011, published in the Gazette of India, Extraordinary, initiating the sunset review investigation to review the need for continued imposition of duties in force and to examine whether the cessation of such duty is likely to lead to continuation or recurrence of dumping and injury.

3. And whereas as notified vide Notification No. 82/2006 – Customs dated 21st August, 2006 followed by another notification no 15/2007 –customs dated 20th February 2007 giving effect to final findings, the Anti-dumping duty were to continue up to 20th August,2011. The said duties

were further extended by notification no 15/2012-customs (ADD) dated 5th march 2012 till 20th August 2012. The Central government extended the time limit to complete the anti dumping investigations till 29th August 2012.

4. The notice of initiation No 15/26/2010-DGAD dated 1st March 2011 was published in the Gazette of India. The Association of Synthetic Fiber Industry (ASFI) responded on behalf of four producers of subject goods in India to the notice of initiation and provided detailed information with regard to dumping, injury & causal link (including likelihood of dumping and injury). During the course of investigations, M/s ASFI provided injury information in respect of following companies-

- a) M/s. Reliance Industries Ltd.,
- b) M/s. JBF Industries Ltd,
- c) M/s. Wellknown Polyesters Ltd ,
- d) M/s. Garden Silk Mills Ltd. ,

5. The Authority forwarded a copy of the public notice to the known producers and/or exporters in the subject countries and provided them opportunity to provide relevant information and make their views known in writing within forty(40) days from the date of the letter in accordance with the Rule 6(2).

6. The Authority forwarded a copy of the public notice to all the known importers and/or consumers of subject goods in India and advised them to provide relevant information and make their views known in writing within forty days from the date of issue of the letter in accordance with the Rule 6(2).

7. The Authority provided copies of the non-confidential version of the application to the known producers and/or exporters and the Embassy of the subject countries in accordance with Rules 6(3) supra. A copy of the non-confidential application was placed in the Public File maintained and copies of the same were also made available for other interested parties, on request.

8. The Authority sent a questionnaire to elicit relevant information to the Governments of subject countries including known exporters/producers in accordance with the Rule 6(4).

The following producers and exporters from subject countries filed response/comments filed response to the questionnaire.

- a) M/s Recron, Malaysia
- b) M/s Woongjin Chemical Co. Ltd. , Korea RP
- c) M/s Hyosung Corporation Korea RP,
- d) M/s PT. Indo-Rama Synthetics Tbk, Indonesia.
- e) M/s Huvis Coporation, Korea RP,
- f) M/s Nan Ya Plastics Corporation ("Nan Ya")

9. Questionnaire was sent to known importers and users for providing necessary information in accordance with Rule 6(4). The Authority provided opportunity to the industrial users of the product under consideration, to furnish information considered relevant to the investigation regarding dumping, injury and causal link. The following known importers and users were individually informed and asked to file response:

- a) M/s Shree Krishna Trading Company,
- b) M/s Saheli Vastra Udyog Ltd.

- c) M/s Ramgopal Ploytex Ltd.
- d) M/s Boghara Polyfab Pvt,Ltd.
- e) M/s Kansal Texo-Tube Pvt. Ltd.
- f) M/s Jaylon Impex India Pvt, Ltd.
- g) M/s Aasu Exim Pvt, ltd.
- h) M/s Kiran Industrues,
- i) M/s Shyam Sunder Textiles
- j) M/s Kapi Textiles.
- k) M/s Shivam Textiles,
- l) M/s Soham Textiles,

10. The Authority held a oral hearing on 29th November, 2011 to provide an opportunity to all the interested parties to present relevant information orally. The Public Hearing was attended by various interested parties. The parties attending the public hearing were advised to file written submissions of the information presented orally and also file rejoinder submissions, if any.

11. Investigation was carried out for the period starting from 1st January, 2010 to 31st December, 2010 (12 months) and has been referred to as the period of investigation (POI. Later, the Authority sought additional information from the Domestic Industry as well Producers/exporters from subject countries for period covering six months after the period of investigation. A verification report was issued to all the cooperating producers and exporters from the subject countries post the onsite verification.

12. Vide their letter dated 12th July 2012, the domestic industry has informed the Authority that they are not interested in seeking extension of the period for imposition of original duties.

13. A disclosure statement was issued thereafter to interested parties on 27th July 2012 requesting them to forward their comments if any. No comments have been received from any of the interested parties with regard to the disclosure statement.

14. The Authority notes that the review investigation was initiated suo moto by the Authority in view of the order of the Hon'ble Delhi High court in the matter of Indian Metal and Ferro Alloys Ltd V/s Designated Authority. After initiation, the domestic industry had submitted an application requesting for a review and extend the anti dumping duty for a further period of five years. Since the domestic industry itself has conveyed that they are not praying for extension of period of imposition of anti dumping duties and none of the interested parties have offered any comments to disclosure statement issued in July, 2012 , the review investigation initiated in terms of section 9A (5) vide notification no 15/26/2010 dated 1st March 2011 is hereby terminated.

15. The Authority therefore recommends revocation of the anti dumping duty imposed on the import of the subject goods from the subject countries which was extended vide Notification No. 15/2012-Cus dated 5.3.2012.

(Vijaylaxmi Joshi)
Designated Authority