

Ministry of Commerce & Industry
(Department of Commerce)

New Delhi, the 2nd September, 2003

NOTIFICATION

Subject: Anti-dumping investigations concerning import of Gypsum Plaster Board from Indonesia and Thailand – Termination of investigation.

No. 14/10/2003-DGAD - Having regard to the Customs Tariff Act, 1975 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof :

PROCEDURE

The procedure given below has been followed with regard to the investigations:

- i. The Designated Authority (hereinafter referred to as Authority), under the above Rules, received a written petition from M/s. India Gypsum Ltd., New Delhi alleging dumping of Gypsum Plaster Board originating in or exported from Indonesia and Thailand (hereinafter referred to as subject countries).
- ii. The preliminary scrutiny of the application revealed certain deficiencies, which were subsequently rectified by the petitioner. The petition was thereafter considered as properly documented.
- iii. The Authority on the basis of sufficient evidence submitted by the petitioner decided to initiate investigations against alleged dumping of imports of Gypsum Plaster Board originating in or exported from Indonesia and Thailand. The Authority notified the Embassies of the subject countries about the receipt of dumping allegation before proceeding to initiate investigations accordance with sub-rule 5(5) of the Rules.
- iv. The Authority issued a Public Notice dated 5th August 2003 published in the Gazette of India Extraordinary initiating Anti-dumping investigations concerning imports of Gypsum Plaster Board classified under sub-heading 6809.11 of Schedule I of the Customs Tariff Act, 1975 originating in or exported from the subject countries.
- v. The Authority forwarded a copy of the Public Notice to the known exporters, whose details were made available by the petitioner, and gave them an opportunity to make their views known in writing within forty days from the date of the letter.

PRODUCT UNDER CONSIDERATION

The product under investigation in the present case was Gypsum Plaster Board of all types and sizes. The Gypsum Plaster Board are generally manufactured and supplied in the different dimensions and sizes having thickness 6-16 mm, width 600-1250 mm and length 1800-3200 mm.

Gypsum Plaster Board is mainly used as partitions and false ceilings for interiors of buildings. Besides providing décor, it is a fireproof and eco-friendly product.

LIKE ARTICLE

The petitioner had claimed that goods produced by it are like articles to the goods originating in or exported from Indonesia and Thailand. Goods produced by the petitioner were being treated as Like Articles to the goods imported from the subject countries/territory within the meaning of the Rules.

PERIOD OF INVESTIGATION

The period of investigation for the purpose of the present investigations was 1st July, 2002 to 30th June, 2003 (12 months).

DOMESTIC INDUSTRY

"Article 2(b) of the Customs Tariff Act, 1975 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 provides for"

(b) "domestic industry" means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in which case (such producers may be deemed) not to form part of domestic industry:"

The Authority notes, after initiation of the investigation, that the petitioner had imported the subject goods from its related company during the period from April 2002 to September 2002, therefore, M/s India Gypsum limited may not be deemed to form part of domestic industry under Rule 2(b) of Anti Dumping Rules for the period of investigation from July 2002 to June 2003.

Vide its letter dated 26th August 2003, Domestic Industry requested the application to be treated as withdrawn in terms of Rule 14(a) on grounds of change in period of investigation by Authority as July 1, 2002 to June 30, 2003 as against Domestic Industry's request from October 1, 2002 to March 31, 2003.

CONCLUSION

Therefore, under the provisions of Rule 14(a) and Rule 14(b) of Rules supra, the Designated Authority hereby terminates this investigation which was initiated vide notification No.14/10/2003-DGAD dated 5th August, 2003 against imports of Gypsum Plaster Board originating in or exported from Indonesia and Thailand.

(L.V.SAPTHARISHI)
DESIGNATED AUTHORITY