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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. 14/35/2010-DGAD

Dated the 1st June 2012

Final Findings

Subject: Anti-dumping investigation concerning imports of Melamine originating in or exported from European Union, Iran, Indonesia and Japan – Final findings

Background:

1. Whereas the Designated Authority (hereinafter also referred to as the Authority), having regard to the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time, (herein after referred to as the Rules) received an application from M/s. Gujarat State Fertilizers & Chemicals Ltd., (GSFC) Vadodara through M/s. TPM Solicitors & Consultants, New Delhi (hereinafter referred to as the Applicant) alleging dumping of Melamine (hereinafter referred to as subject goods) originating in or exported from EU, Iran, Indonesia & Japan (hereinafter referred to as subject countries) and requested for the initiation of Anti Dumping investigations for levy of anti- dumping duties on the subject goods.
2. And whereas the Authority on the basis of sufficient evidence submitted by the applicant on behalf of the domestic industry, after examination of the same with regard to adequacy and accuracy, issued a Public Notice dated 7th December, 2010 published in the Gazette of India, Extraordinary, initiating Anti-Dumping investigations concerning imports of the subject goods originating in or exported from the subject countries in accordance with the Rule 6 (1) of the Rules to determine the existence, degree and effect of alleged dumping and to recommend the amount of Anti Dumping Duty, which, if levied, would be adequate to remove the injury to the domestic industry.
3. And whereas, the M/s Century Plyboards (I) Ltd. filed a writ petition before Hon'ble Calcutta High Court, challenging a notification dated 7th December, 2010. The single bench of High Court in its judgment dated 19.08.2011 stated as follows:

“Mr. Bose argued that the Designated Authority had the discretion not to exclude an importer in view of use of the expression “may” in Rule 2(b). However, it is clear from Rule 2(b), as amended by D.R. Notification NO.18/2010 Customs (N.T.) dated 27th February, 2010, that importers have been excluded. The use of the expression

'except' is significant. 'Domestic industry' has been defined to mean the domestic producers as a whole engaged in the manufacture of like articles and any activity connected therewith, whose collective output of the said article constitutes a major portion of the domestic production of that article, except when such producers are related to the exporters or importers of the alleged dumped articles or are themselves importers thereof. Where producers are related to exporters or importers or are themselves importers, the term domestic industry might be construed as referring to the rest of the producers only.

As argued by Mr. Bose, 'shall' had been substituted by 'may'. Thus, the principle - 'may' could be construed as 'shall' - would not apply in that the rule maker had very consciously substituted the expression 'may' in place of 'shall'. However, further amendment by the Notification dated 27th February, 2010 leaves no manner of doubt that importers cannot be included in the definition of domestic industry. The Designated Authority may have discretion whether or not to construe 'domestic industry' as referring to the rest of the domestic producers apart from the importer. The initiation of investigation at the instance of Gujarat State Fertilizers, which is admittedly and on the face of the records, an importer, is legally not sustainable. The writ application is, thus, allowed. The impugned notification is set aside."

4. And whereas M/s. Gujarat State Fertilizers & Chemicals Ltd., Vadodara filed an appeal against the impugned order dated 19.08.2011. Subsequently, Govt. of India filed an appeal against the impugned order. While hearing the appeal, the division bench of Hon'ble Calcutta High Court passed the following order on 21.11.2011.

"The impugned judgment and order shall remain stayed, till the disposal of this appeal as the notification has been quashed. We direct the designated authority to proceed in accordance with law with regard to the enquiry and investigation as prescribed in the rules; however, no report may be submitted. If the report is against Dr' Chakraborty's clients, no action need be taken without the leave of this Court. The views we have expressed while passing the aforesaid order, gets support from a Supreme Court decision rendered in the case of Association of Synthetic Fibre Industry -vs- J.K. Industries Ltd' and Ors., reported in (2005) 11 SCC page 482."

5. And whereas by the order dated 7th May 2012, the division bench has granted liberty to present a report with the government but the government shall not take any action thereto till the disposal of the appeal.

Procedure:

6. The procedure described below has been followed:
 - i. The Authority notified to the Embassy/Trade Representative of subject countries in India about the receipt of application alleging dumping of subject goods made by the Applicant before proceeding to initiate the investigation in accordance with sub-rule (5) of Rule 5 supra;

- ii. The Authority sent copies of Initiation Notification dated 7th December, 2010 to the Embassy/Trade Representative of the subject countries in India informing about the initiation of the investigation in accordance with Rule 6 with a request to advise the exporters/ producers of the subject countries to respond to the questionnaire within the prescribed time. A copy of the letter and questionnaire sent to the exporters/producers and Non-Confidential Version of the application was also sent to them, along with the names and addresses of the known exporters from the subject countries as per the addresses made available by the applicant.
- iii. The Authority sent copies of Initiation Notification dated 7th December, 2010 along with non-confidential version of application as well as exporter's questionnaire to the known producers/exporters of the subject countries as per the addresses made available by the applicant and requested them to provide relevant information and make their views known in writing within 40(forty) days of Initiation Notification.
- iv. The Authority sent copies of Initiation Notification dated 7th December, 2010 along with importer's questionnaire to the known importers and domestic industry as per the addresses made available by the applicant and requested them to provide relevant information and make their views known in writing within 40(forty) days of Initiation Notification.
- v. The Authority sent questionnaire, to elicit relevant information to the following known exporters in subject countries in accordance with Rule 6(4):
 - a. Pt.DSM Kaltim Melamine, Indonesia
 - b. DSM Melamine, EU
 - c. DSM Melamine, Indonesia
 - d. Agrolinz Melamine International GmbH, EU
 - e. Nissan Chemicals Industries Ltd., Japan
 - f. Khorasan Petrochemical Company, Iran
 - g. Iran Petrochemical Commercial Co., Iran
- vi. Following exporters/producers from the subject countries have responded to the initiation but have not filed any questionnaire response.
 - a. Ministry of Trade on the Republic of Korea
 - b. PT OCI Kaltim Melamine, Indonesia
- vii. A questionnaire was sent to the known importers/user associations of the subject goods for necessary information in accordance with Rule 6(4).
 - a. Greenply Industries Ltd.
 - b. Merino Industries Ltd.
 - c. Merino Panel Products Ltd.
 - d. Golden Laminates Ltd
 - e. Surya Vikas Plywood Pvt. Ltd.
 - f. Katyani Chemtech India Ltd.
 - g. Rushil Décor Ltd.
 - h. Sundek India Ltd.
 - i. Bloom Dekor Ltd.

- j. HEF India Private Ltd.
 - k. Century Plyboards India Ltd.
 - l. Managlam Timber Products Ltd.
 - m. Virgo Industries
 - n. Alfa Ica Ltd.
 - o. The Bombay Burmah Trading Co.
- viii. Following importers/interested parties have responded to the initiation.
- a. Eximcorp India Pvt Ltd
 - b. Century Plyboard (I) Ltd
 - c. Indian Laminates Manufacturers Association, Ahmedabad
- ix. A request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to arrange details of imports of the subject goods made in India during the past three years and the period of investigation. The information received from DGCI&S was analyzed and the same was compared with the information received from the IBIS (secondary sources). After the detailed examination, it was decided to take into account the information from IBIS as it had reported higher volumes.
- x. M/s Century Plyboards (I) Ltd. filed a writ petition before Hon'ble Calcutta High Court, challenging a notification dated 7th December, 2010. The single bench of High Court in its judgment dated 19.08.2011 stated as follows:

*“Mr. Bose argued that the Designated Authority had the discretion not to exclude an importer in view of use of the expression “may” in Rule 2(b). However, it is clear from **Rule 2(b), as amended by D.R. Notification NO.18/2010 Customs (N.T.) dated 27th February, 2010, that importers have been excluded. The use of the expression ‘except’ is significant. ‘Domestic industry’ has been defined to mean the domestic producers as a whole engaged in the manufacture of like articles and any activity connected therewith, whose collective output of the said article constitutes a major portion of the domestic production of that article, except when such producers are related to the exporters or importers of the alleged dumped articles or are themselves importers thereof. Where producers are related to exporters or importers or are themselves importers, the term domestic industry might be construed as referring to the rest of the producers only.***

*As argued by Mr. Bose, ‘shall’ had been substituted by ‘may’. Thus, the principle - ‘may’ could be construed as ‘shall’ - would not apply in that the rule maker had very consciously substituted the expression ‘may’ in place of ‘shall’. However, further **amendment by the Notification dated 27th February, 2010 leaves no manner of doubt that importers cannot be included in the definition of domestic industry. The Designated Authority may have discretion whether or not to construe ‘domestic industry’ as referring to the rest of the domestic producers apart from the importer.***

The initiation of investigation at the instance of Gujarat State Fertilizers, which is admittedly and on the face of the records, an importer, is legally not sustainable.

The writ application is, thus, allowed. The impugned notification is set aside.”

- xi. And whereas M/s. Gujarat State Fertilizers & Chemicals Ltd., Vadodara filed an appeal against the impugned order dated 19.08.2011. Subsequently, Govt. of India filed an appeal against the impugned order. While hearing the appeal, the division bench of Hon’ble Calcutta High Court passed the following order on 21.11.2011.

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- xii. And whereas by the order dated 7th May 2012, the division bench has been granted liberty to present a report with the government but the government shall not take any action thereto till the disposal of the appeal
- xiii. In pursuant to the order of the division bench of Hon’ble Calcutta High Court the Authority proceeded with the investigation as per the Customs Tariff Act, 1975 as amended from time to time and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time.
- xiv. The Authority kept available non-confidential version of the evidence presented by various interested parties in the form of a public file maintained by the Authority and kept open for inspection by the interested parties as per Rule 6(7). A copy of the non-confidential application was also provided to other interested parties, as requested.
- xv. The Authority verified the information furnished by the Domestic Industry to the extent possible to examine the injury suffered and to work out optimum cost of production and cost to make and sell the subject goods in India on the basis of Generally Accepted Accounting Principles (GAAP) and the information furnished by the applicants so as to ascertain if Anti-Dumping Duty lower than the Dumping margin would be sufficient to remove injury to the domestic industry.
- xvi. In accordance with Rule 6(6), the Authority provided an opportunity to all interested parties to present their views orally in a Oral Hearing held on 6th March, 2012. The interested parties who presented their views in the Public Hearing were requested to

- file their written submissions of the views expressed orally and rejoinder to the submissions filed by other interested parties.
- xvii. The Period of Investigation (POI) for the purpose of the present investigation is 1st April-09 to 30th June-10 (15 months). The examination of the trends in the context of injury analysis covers the period from 2006-07, 2007-08, 2008-09 and Period of investigation.
- xviii. In accordance with the Rule 16 of the AD Rules, the essential facts under consideration before the Authority in the instant investigation were disclosed to the known interested parties. The comments received on the disclosure statement, to the extent considered relevant, have been duly considered in these findings. The following interested parties have submitted their comments pursuant to issuance of disclosure statement:
- (a) M/s GSFC, Vadodara
 - (b) M/s Century Ply (I) Limited , Kolkata
 - (c) M/s Eximcorp India Pvt. Ltd.
 - (d) M/s Indian Laminate Manufactures Associates (ILMA)
- xix. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, the parties providing information on confidential basis were directed to provide sufficient non confidential summaries of the information filed on confidential basis.
- xx. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has recorded the findings on the basis of the 'facts available'.
- xxi. *** in this notification represents information furnished by an interested party on confidential basis, and so considered by the Authority under the AD Rules.

Product under consideration and like article:

7. The product under consideration in the present petition is Melamine, a tasteless, odorless, and non-toxic substance. Melamine formaldehyde resin is used for laminates as it offers good hardness, resistance to scratch, stain, water and heat. Laminates used in some electrical applications possess high mechanical strength, good heat resistance and good electrical insulating properties. Asbestos filled Melamine resins possess very high dielectric strength and high resistance. Beside the best dimensional stability, Melamine Formaldehyde moulding powder gives clear and bright colors, easily moldable and offers resistance to surface scratching. Melamine is

reacted with formaldehyde and made into resins or moulding powder for making innumerable products of beauty and utility. Melamine is used for making melamine formaldehyde, which in turn is used in producing downstream products.

8. The subject goods is classified under chapter 29 of the Customs Tariff Act at subheading no. 29336100. The customs classification is however is for reference purpose only and will have no binding on the scope of the present investigation.

Views of the interested parties:

9. None of the interested parties made any submissions regarding the product under consideration at any stage of the proceedings.

Like Article:

10. With regard to like article, Rule 2(d) provides as under: -

"like article " means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

11. The applicant has claimed that there is no known difference in the product under consideration produced and exported from subject countries and subject goods produced by the domestic industry. It is noted that the subject goods produced by the Indian industry and those imported from subject countries are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably.
12. The Authority notes that none of the interested parties have raised any argument in relation to product under consideration and like article. The Authority after due consideration and examination of the submissions made by the interested parties notes that the subject goods produced by the petitioner company are like articles to the product under consideration imported from subject countries in accordance with the Anti-Dumping Rules.

Domestic Industry and Standing:

Views of the domestic industry

13. The following are the views of the domestic industry:
 - a. At the time of initiation, clear understanding even with the Designated Authority was that the Designated Authority has discretion under the law. Therefore the petitioner, while submitting the information, did not analyze the situation carefully.

- b. Petitioner has merely facilitated the imports – The petitioner has ordered the goods from the exporter and sold the same via high sea agreements/ex-bond
- c. The petitioner has not filed any bill of entry for clearance of the goods for home consumption. Petitioner has facilitated these imports and filed bill of lading and bill of entry for warehousing. Bill of entries for home consumption have been filed directly by the consumers/customers of GSFC.
- d. The petitioner has acted as a facilitator so that these customers do not start resorting to direct import of dumped goods and cause long term damage to the domestic industry.
- e. Designated Authority has discretion under Rule 2(b) to decide on merits whether a company who is importing the product under consideration or which is related to an exporter or importer should be included or excluded for the determination of the domestic industry.
- f. GSFC has not sold such material at significant profits. In general, GSFC policy is to sell the material at price comparable to import price. However, there may be small variations in the purchase and sale price in view of exchange fluctuations and such other factors.
- g. GSFC is not resorting to imports in order to benefit from dumping. Thrust of GSFC has not turned to imports. The company's thrust continues to be on own production. The company is in fact expanding its capacities to meet the demand for the product in the Country.
- h. Following the issuance of disclosure statement M/s GSFC has submitted that it should not be considered as the importer for more than one reason. Further they have stated that they have merely facilitated the imports i.e. the petitioner has ordered the goods from the exporter and sold the same via ex bond basis. Further, they have reiterated their comments made to the Authority on earlier occasion and stated that they facilitated the imports of these materials in order to prevent the customers from directly importing the material at the time of production suspension/disruption or against advance licence requirement of the consumers for the reason that these customers do not start resorting to direct import of dumped goods and cause long term damage to the industry.

Views of other interested parties

- 14. The following are the views of other interested parties
 - a. Applicant lacks basic qualifications under the statute to be treated as a domestic industry. No published information and reasons thereof has been provided by the

- applicants regarding the shutdown of plants as claimed by the petitioner as a reason for imports made by them.
- b. Petitioner does not constitute 'domestic industry' as they have imported the product under consideration.
 - c. After the issuance of disclosure statement the various interested parties have reiterated their views with regard to the fact that the domestic industry applicant does not constitute the domestic industry within the meaning of Rule 2 (b). They have also disputed the claims made by M/s GSFC that they are not importer but facilitator of the subject goods imported from subject countries. It has been submitted by various importers and users that this is a case where the subject goods have been imported for a valid consideration upon payment by the applicant to the overseas exporter for the purpose of its sale and stored or warehoused in bond until its sale by the importer applicant in India. It has further been stated that the sales having taken place after warehousing of the cargo on the prevailing market price does not allow the applicant to claim that they were merely a facilitator to such transactions.

Examination of the Authority

15. The petition was filed by M/s Gujarat State Fertilizers and Chemical Ltd (GSFC). Rule 2(b) read as follows at the time of initiation

“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 such case the term ‘domestic industry’ may be construed as referring to the rest of the producers only”

16. Rule 2(b) was amended on 01.12.2011. and now reads as follows.

“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 such case the term ‘domestic industry’ may be construed as referring to the rest of the producers”

17. At the time of initiation, the petitioner stated that they have made imports at the time of their production disruption to facilitate requirements of its small customers, who wished the petitioner to import the material and supply the same. It was submitted by the petitioner that bill of entry for these imports for customs clearance were not filed

by them. Further during the investigation, the petitioner contended that they are not importers but only have facilitated the imports. During the proceedings, M/s Indian Laminate Manufacturer's Association and Exim Corp India Private Limited and others contended that Applicant lacks basic qualifications under the statute to be treated as a domestic industry. The Authority has examined the submissions made by interested parties and has also carried out onsite verification of records of the domestic industry and on the basis of examination, it is noted that

- a. there was no high sale made by the domestic industry of the subject goods during the subject period. It was noted that M/s GSFC had filed the bill of entries for warehousing purpose to the customs while importing the subject goods from the subject countries. However, it was noted that they did not file the bill of entries for home consumption for the subject goods imported by them and had sold the subject goods made imported by them and sold the same on ex bond basis to various buyers.
 - b. It was noted that M/s GSFC has not paid sales tax on the imported product sold on ex-bond basis. Instead, the eventual importer filing bill of entry for home consumption has paid import taxes, including basic customs duty, CVD, SAD, etc.
 - c. It was further noted that M/s GSFC had sold the subject goods without significant additions for profits. After verifying the records, it was noted that if all expenses associated with imports of subject goods from subject countries for warehousing purpose and its sales on ex bond basis are considered, it is seen that there is a very marginal profit (in some transactions there is a marginal loss also) in these procurements. It is also noted that the procurement price of GSFC is quite comparable to the weighted average import price during the POI.
 - d. It was noted that the imports made by M/s GSFC constituted approx 11.78 % of its production, 7.44% of total imports and 4.57% of consumption in India during the POI.
18. During the investigation proceedings, Hon'ble Chennai High Court in the matter of Nirma Ltd. vs. Saint Gobain Glass India Ltd. has held that the Designated Authority has discretion under Rule 2(b) and the amendment dated 27th Feb., 2010 has not taken away the discretionary power of the Designated Authority.
19. The Authority has examined the matter and it holds that the Petitioner has not filed bill of entries for home consumption. The petitioner has filed bill of entries for warehousing and thereafter the bill of entries for home consumption have been filed directly by the consumers. Even though M/s GSFC had imported and sold the subject goods, the Authority is of the view that the focus of GSFC has not turned to imports and the company is not behaving like an importer trader. The focus of the company continues to be that of a producer and do its own production.
20. Having regard to the definition of Rule 2(b), the facts of the case as mentioned above, the Authority determines that the applicant constitutes domestic Industry within the

meaning of the Rule 2(b) and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

Other Issues

Views of the domestic industry

21. The following are the views of the domestic industry

- (a) The company uses urea for producing melamine which is not a fertilizer product. Hence there are the two price mechanism involved in natural gas (a) Administrative Price Mechanism (APM) and (b) Non Administrative price Mechanism (Non APM).
- (b) The Govt. of India provides natural gas to GSFC at its own prices and determines its cost of production for fertilizer purposes on the basis of these prices. The company is not allowed to use this natural gas for production of other products, including melamine. The company must buy it from market for production of such other products, including melamine.
- (c) Therefore the actual cost of production for production and sale of melamine for the company cannot be established unless the price at which the company has purchased natural gas for production of melamine. In a situation where the company has purchased an input at several prices for several purposes, it follows that the weighted average procurement cost of the company is not the cost of input for all such products, particularly when the company has bought the same input at different prices for different products.
- (d) Therefore, for the purpose of assessing injury, the Non APM price of natural gas must be taken for determining cost of ammonia which is required for the production of urea which in turn requires for the production of Melamine. Natural gas made available to the company at pre-determined price for eventual production of fertilizer is wholly irrelevant for the purpose

Views of other interested parties

22. The following are the views of other interested parties

- a) The petroleum feedstock prices in India are significantly higher than major exporting countries. The Indian industry is at disadvantageous position with regard to overhead costs.
- b) Petitioner has not disclosed complete information in the petition as per prescribed format. Following are missing
 - a. Question relating to users of the alleged dumped goods is missing in section I of the application.
 - b. Question 14 in section VI of application is missing, which requires for details of the purchases policy, Sales policy, Stores accounting, inventory/stock/WIP valuation and Quality control procedure.

- c. Question 10 in section VI of application is missing, which is related to return/profit.
- c) Cost of production claimed by domestic industry highly inflated. In sunset review on imports of Melamine from China PR, the Authority considered average price of natural gas after verification. Same approach should be adopted by the Authority in the present case.

Examination of Authority

- 23. The issues raised by the interested parties have been examined herein below by the Authority considering the legal provisions and practice being adopted by the Authority.
 - a. As regards the issue relating to price of natural gas which should be taken for determining cost of ammonia for production of melamine, the Authority notes that during verification at the premise of the domestic industry, the Authority found that the amount of natural gas required by GSFC for production of fertilizers is far more than what it gets under APM scheme from Government. Therefore, the company had to procure natural gas at non APM prices for production of Urea as well. Therefore there is no reason to believe that GSFC is using natural gas made available to the company on APM prices for production of melamine when the volume is not sufficient even for production of fertilizer. Hence, for the purpose of assessing injury, the Non APM price of natural gas alone is relevant for determining cost of ammonia which is required for the production of urea which in turn is required for the production of Melamine
 - b. As regards the argument relating to the approach adopted by the Authority in sunset review while determining price of natural gas, it is noted that at the time of sunset review on imports of Melamine from China PR, the law was different. At that point in time, the principle stated in *Reliance Industries vs. Designated Authority* related to non injurious price was the binding law and was given effect by the Designated Authority. The Hon'ble Supreme Court in the stated case held that market price of the inputs should be taken. Hence in light of the decision of Hon'ble Supreme Court, the Authority in the sunset review adopted market price of natural gas for NIP determination. However, in the present case, the law has been modified and Annexure III has been introduced which requires the Authority to determine non injurious price as per principles laid down in this annexure. This requires the Authority to consider the records maintained by the company relating to product under consideration.
 - c. As regards the argument that Indian industry is at disadvantageous position with regard to overhead costs, the Authority, after examining the contentions of the interested parties and after verification of the documents notes that the domestic industry has operated in these conditions throughout the injury period. The Authority also notes that the Hon'ble CESTAT held in the matter of *M/s. Nippon Zeon Co. Ltd., Japan & Others v.*

Designated Authority that question of injury to domestic industry cannot be decided by assuming ideal conditions, but has to be decided on prevailing conditions though giving reasonable adjustments.

- d. As regards the argument that Petitioner has not disclosed complete information in the petition as per prescribed format, the Authority notes that an application under the rules should be in the form as may be specified by the designated authority and should be supported by evidence of (a) dumping, (b) injury, where applicable, and (c) where applicable, a causal link between such dumped imports and alleged injury. Further, the rules provide that the Designated authority shall not initiate an investigation pursuant to an application received; unless the Authority examines the accuracy and adequacy of the evidence provided in the application and satisfies itself that there is sufficient evidence regarding dumping, injury, and causal link between such dumped imports and the alleged injury to justify the initiation of an investigation.

Methodology for calculation of dumping margin:

Views of the domestic industry

24. The following are the views of the domestic industry
 - a. Efforts were made to get any information/evidence of price of subject goods in the domestic market of subject countries. However, the petitioner has not been able to get any information/evidence of price of subject goods in the domestic market of subject countries.
 - b. In view of the above, petitioner has taken raw material price of urea as per the import price of subject countries - wherever available. In case of Iran, the export price from Middle-East (Qatar) to Japan has been taken for constructing the normal value of Iran
 - c. none of the foreign producers have responded to the authority in the form and manner prescribed
 - d. The dumping margin is not only above *de-minimus* but also substantial for all the four countries.

Views of other interested parties

25. The following are the views of other interested parties
 - a. petitioner has determined the normal value for the subject countries except Iran on the basis of construction method and raw material prices have been adopted on the basis of actual import price of Urea during calendar year 2009 (12 Months) and not on the basis of import price prevailed during period of investigation.
 - b. Except for Iran, all producers in the subject countries are public companies whose accounts are published, which could have been used to determine normal value.

Normal Value of subject countries

26. It is noted that no producer or exporter of subject goods from subject countries have filed response to the exporters questionnaire in the subject investigation. In fact, no estimates for the normal value or evidence have been placed on record by any interested parties (with the exception of domestic industry) to the Authority. Therefore under the Anti-dumping rules, the Normal value in respect of subject goods from EU, Iran, Indonesia & Japan needs to be constructed.

27. The normal value for the Melamine from subject countries has been constructed based on the following principles.

- (a) Based on WTA import data in respect of imports from world, the international prices for Urea have been considered. In the case of Iran, the international price of urea is not available in the WTA. Hence, the export price from Iran to India has been adopted after suitable adjustment. The best utilisation norm of the raw materials based on the best information available has been considered.
- (b) Cost of utilities, conversion cost, SGA expenses and interest have been considered on the basis of best information available.
- (c) 5% of cost of sales excluding interest has been allowed towards reasonable profit.

28 The CNV computed on the above basis is as follows:

Country	Normal value Rs /MT	Normal value US\$/MT
EU	***	***
Iran	***	***
Indonesia	***	***
Japan	***	***

Export price of subject countries

29. None of the exporters/producers in the subject countries have responded to the Authority in the form and manner specified. In view of non-cooperation from the concerned exporters, the export price has been determined on the basis of Indian customs data. The data reported by the IBIS for imports from subject countries has been relied upon to determine CIF export price. Adjustment on best information available, on account of ocean freight, marine insurance, commission, inland freight, port expenses, and bank charges, have been made to arrive at the ex-factory export price. By adopting the above method, the net export price has been calculated as mentioned in the table below.

Country	Net Export Price Rs /MT	Net Export Price US\$/MT
EU	54,124	1,130

Iran	50,640	1,058
Indonesia	57,198	1,195
Japan	57,401	1,199

Determination of dumping margin:

30. Considering the Normal value and the Export price as determined above, the dumping margin works out as follows:

	unit	EU	Iran	Indonesia	Japan
Normal value	US \$/MT	***	***	***	***
Net export price	US \$/MT	1,130	1,195	1,058	1,199
Dumping margin	US \$/MT	***	***	***	***
Dumping margin	Range %	25-35	25-35	20-30	40-50

31. The Authority notes that the dumping margin from each of the subject countries is more than the de-minimis limits prescribed.

Examination of Injury and Causal Link:

32. Rule 11 of Anti-Dumping Rules read with Annexure-II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, “taking into account all relevant facts, including the volume of the dumped imports, their effect on prices in the domestic market for the like articles and the consequent effect of such imports on domestic producers of such articles.” In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India or whether the effect of such imports are otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

Views of the Domestic Industry:

33. The following are the views of the domestic industry

- a. Almost 15 months have passed since the initiation of investigation and therefore adequate opportunity has been provided to the opposing parties since the initiation of investigation to file the relevant information. Hence requesting for more time for filing of the submissions on the part of the opposing party at this late stage, is

- nothing but malafide intention on the part of the opposing party to delay the investigation.
- b. ILMA's total estimated size of Rs. 3300 Crores, no industry can be a small industry. Further,
 - c. The margins of dumping for subject goods from each of the subject countries are more than the limits prescribed above;
 - d. The volume of imports from each of the subject countries is more than the limits prescribed;
 - e. Cumulative assessment of the effects of imports is appropriate since the exports from the subject countries directly compete with the like goods offered by the domestic industry in the Indian market.
 - f. The products manufactured by the producers from the subject countries inter-se and in comparison to the products manufactured by petitioner have comparable properties. In other words, goods supplied by subject countries and by the domestic industry are like articles.
 - g. There are limited parties who use this material. Imported and domestic materials are being used interchangeably by same segment of the customers.
 - h. The exporters from the subject countries and petitioner have sold the same product in the same periods to the same segment of customers.
 - i. Market share of imports from each of the subject countries is more than de minimus.
 - j. Domestic producer and exporters from the subject countries sell the like product to the same category of customers and both are competing in the same market. Both are being used by the consumers interchangeably.
 - k. The company uses urea for producing melamine which is not a fertilizer product. Hence there are the two price mechanism involved in natural gas (a) Administrative Price Mechanism (APM) and (b) Non Administrative price Mechanism (Non APM).
 - l. The Govt. of India provides natural gas to GSFC at its own prices and determines its cost of production for fertilizer purposes on the basis of these prices. The company is not allowed to use this natural gas for production of other products, including melamine. The company must buy melamine from market for production of such other products, including melamine.
 - m. Therefore the actual cost of production for production and sale of melamine for the company cannot be established unless the price at which the company has purchased natural gas for production of melamine. In a situation where the company has purchased an input at several prices for several purposes, it follows that the weighted average procurement cost of the company is not the cost of input for all such products, particularly when the company has bought the same input at different prices for different products.
 - n. Therefore, for the purpose of assessing injury, the Non APM price of natural gas must be taken for determining cost of ammonia which is required for the production

- of urea which in turn requires for the production of Melamine. Natural gas made available to the company at pre-determined price for eventual production of fertilizer is wholly irrelevant for the purpose.
- o. Demand of the product in the Country shows a positive growth throughout the injury period with a slight decline in the year 2008-09.
 - p. Imports from subject countries have increased significantly in the period of investigation.
 - q. the imports have increased in absolute terms;
 - r. the share of imports from subject countries has increased in relation to demand in India. Also, the share of domestic industry has declined.
 - s. the imports have increased in relation to production in India.
 - t. the landed price of imports were substantially lower than the domestic selling prices in POI.
 - u. that imports are undercutting the domestic industry prices. As a result of this price undercutting, the imports are suppressing the prices in the domestic market in India
 - v. Production and consequently capacity utilization of the domestic industry has started declining from 2007-08. Production and Sales of the domestic industry should have increased with the pace of increase in demand of product in India but has significantly declined in the period of investigation. The dumped imports have taken a large share in demand by undercutting the domestic prices. Dumped imports have not only prevented the Domestic industry to adequately utilize its production capacities, but have forced the domestic industry to reduce its utilization at lowest level ever during the period of investigation. The dumping has thus caused significant volume injury to the domestic industry.
 - w. Sales volumes of the domestic industry have declined over the injury period. Further, the sales volume has declined by 20% from the base year in the period of investigation.
 - x. With the movements in urea price, the domestic industry reduced or increased its prices. After 2007-08, cost of production of the domestic industry increased significantly. The petitioner however could not increase its selling prices at the same rate due to presence of dumped imports at much lower prices from subject countries. Consequently, profitability of the domestic industry improved in 2007-08, but deteriorated thereafter significantly.
 - y. ROI and cash flow have shown the same trend as that of profits
 - z. Market share of the domestic industry has severely declined whereas that of imports has significantly increased due to low priced imports in period of investigation
 - aa. Inventories with the domestic industry have increased significantly during period of investigation.
 - bb. There is negative growth in sales volumes, production, capacity utilization over the injury period whereas cost of sales, selling price, profitability, etc. shows positive

- growth till 2008-09 and became negative in 2008-09 and period of investigation due to dumped imports
- cc. the injury to the domestic industry has been caused by the dumped imports.
- dd. the petitioners have filed copy of different letters from Ministry of Chemicals & Fertilizers stating as follows:
- a. the cheapest source of input must be used for restricting subsidy.
 - b. therein production plan of the company (for arranging and regulating natural gas). Any excess production of urea by the company for purposes other than fertilizers is not entitled for any subsidy or concessional rates.
 - c. laying down therein energy consumption norms for production of fertilizers, beyond which no subsidy is available to the unit.
 - d. in case of multi product companies, APM gas is to be allowed only for subsidized fertilizer activities
 - e. APM gas used by such units as ours for manufacturing of products other than fertilizers should be charged at market price
 - f. APM gas would be supplied to only the power and fertilizers section.

Views of domestic industry after issuance of disclosure statement

34. The following are the views of domestic industry on the issue of dumping, injury and causal link:

(i) The domestic industry has reiterated its submissions made by it on earlier occasions to the authority. In particular, they have stated that production of Melamine requires Urea as a major input. Urea is produced using ammonia as one of the inputs. In turn, natural gas is required for production of Ammonia. GSFC is obliged to sell fertilizer at a price determined by the Govt. of India. The difference between the cost of production of fertilizers and selling price fixed by the Govt. of India is paid by the Govt. of India. The Govt. of India has labeled this as subsidy, even though it is nothing but difference between the price that the company should charge from the market and the price at which the company has billed the product. This “subsidy” is provided by Govt. of India on natural gas for the fertilizer purposes only. The company uses urea for producing melamine which is not a fertilizer product. Hence there are the two price mechanism involved in natural gas (a) Administrative Price Mechanism (APM) and (b) Non Administrative price Mechanism (Non APM). The Govt. of India provides natural gas to GSFC at its own prices and determines its cost of production for fertilizer purposes on the basis of these prices. The company is not allowed to use this natural gas for production of other products, including melamine. The company must buy melamine from market for production of such other products, including melamine. Therefore the actual cost of production for production and sale of melamine for the company cannot be established unless the price at which the company has purchased natural gas for production of melamine. In a situation where the company has purchased an input at several prices for several purposes, it follows that the weighted average procurement

cost of the company is not the cost of input for all such products, particularly when the company has bought the same input at different prices for different products. Therefore, for the purpose of assessing injury, the Non APM price of natural gas must be taken for determining cost of ammonia which is required for the production of urea which in turn requires for the production of Melamine. Natural gas made available to the company at pre-determined price for eventual production of fertilizer is wholly irrelevant for the purpose.

(ii) It has been submitted that the consumption price of urea for the domestic industry is in fact comparable (or, even lower) than the price of urea prevailing in some of the subject countries. Thus, it is not a situation where the urea consumption price of the petitioner domestic industry is higher. Such being the case, there is no basis for the argument that the company's average consumption price of natural gas (which represents consumption in product under consideration as also products not under consideration) should be adopted for the present purposes.

(iii) It has been further submitted that there is no basis for the argument that the costs determined by the company are not on the basis of records maintained by the company. The costs are in fact on the basis of records maintained by the company. However, when the company is producing several products for which it is buying and consuming several inputs, the Designated Authority is required to consider the cost and price of the product under consideration. The Designated Authority cannot consider costs and prices of other products produced by the company. Similarly, the Designated Authority is required to consider profit in the product under consideration. Profit of the company or its unit or division is entirely irrelevant.

(iv) It has been submitted that the anti dumping duty may be imposed as fixed quantum of anti dumping duty (fixed form of duty), expressed as duty in US\$/kg. in order to serve the purpose for which anti dumping duties are imposed. This is required as the prices of natural gas and resultantly urea have increased very significantly after the investigation period. The price of natural gas at present is Rs. 17 per sm³, while the same was Rs. 11.87 per sm³ during the investigation period. Thus, on this account alone, the cost of production has increased by Rs. 8200 pmt. Such being the case, any other form of duty (except fixed or ad-valorem) would imply ineffective form of duty and continued dumping and consequent injury to the domestic industry. Natural gas prices are expected to increase further. Further, the appreciation of US\$ has direct impact on the cost of production

Views of the Exporters, Importers and other interested parties:

35. The following are the views of other interested parties

- a. Non injurious price has been constructed on data without any nexus to actual incidence but on hypothesis. The weighted average cost of urea the key input minus subsidies received be taken into account to construct the cost.
- b. The applicant despite such rising trends of raw material has generated sufficient and record profits.

- c. Domestic industry is unable to meet the demand in India and there is wide demand supply gap. Imports are made to fill the gap.
- d. No injury has been caused to the petitioner. There is no price suppression or depression effect.
- e. Non-confidential petition is not replica of the confidential petition. The initiation notification states that bill of entry for these imports for customs clearance were not filed by them.
- f. Cost of production claimed by DI highly inflated. In Sunset review on imports of Melamine from China PR, the Authority considered average price of natural gas after verification. Same approach should be adopted by the Authority in the present case.
- g. There is an increase in utilities consumption per unit of production and such increase in utilities cost cannot and should not be attributed to alleged dumping
- h. Petitioner cannot cater to the demand of the subject product in India due to capacity constraints.
- i. There is no Material Injury to the Domestic Industry
- j. No reasons as to why production-disruption has not caused injury to the domestic industry during POI. Further, utilities consumption i.e. power, steam has been significantly increased during POI as compared to base year
- k. If any imports are made under duty exemption scheme, same should be excluded from total imports
- l. Cost of the input of urea should be those adopted in the financial statement of the company in terms of closing value of stocks over the period concerned.
- m. No attempts were made to procure the prices prevailing in the Indonesian market which is an open and transparent market to work out dumping
- n. As per the annual reports, petitioner's net sales including subject goods have increased and generated healthy profits. Any slowdown in 2010 is because of the economy meltdown as stated in the annual reports.
- o. The company is operating at 92% capacity utilization and stocks declined to minimum levels and there are only few industries who could achieve such high levels.
- p. Any loss is due to the cost adjustments made to inflate the cost of upstream urea feedstock rather than the claimed price effect.
- q. Cost of sales trend is not reflective of the fluctuation in the international urea prices. Prices from Indonesia are closer to the fluctuation in the feedstock than domestic industry. The market of melamine is not supportive of the companies who do not follow the cost trend of urea.
- r. Reduction in market share is due to increase in consumption and inability of domestic industry to meet the increased demand.

- s. The cost of domestic industry is well above the trend of the decline in the urea price and these accounts for the purported loss of profitability.
- t. No causal link has been established.
- u. Injury during period of investigation is because of the faulty sales policy adopted by the petitioner. If the petitioner would follow the international prices, there would be no injury.
- v. The rising prices of the product under consideration per se are not a ground for seeking relief under AD law.
- w. There is no justification for POI which is more than 12 months period.

Views of various interested parties i.e exporters, importers and users and association after issuance of disclosure statement

36. The following are the views of other interested parties on the issue of dumping, injury and causal link:

(i) There is no injury to the applicant based on the Annual report and also from the fact that net sales realization (NSR) is higher than the highest possible NIP. The NSR is also higher than the cost of production. In such a situation, there cannot be any injury leave alone material injury to the domestic industry. Therefore, authority has made a grave error in the analysis of injury data submitted by the applicant. It has been submitted that the authority should revisit the injury determination in view of gross errors committed in the computation.

(ii) On the issue of other injury parameters submitted by the petitioner and analysed by the Authority, there is no injury to the domestic industry.

(iii) The normal value constructed by the authority should be divulged along with its principles.

(iv) On the issue of determination of non-injurious price to the domestic industry. It has been submitted that details of the computation of the same should be divulged by the authority. In particular they have requested the authority to disclose whether the value of ammonia recovered as feed stock was deducted from the cost of production of melamine and if no credit has been taken for ammonia, the same shall be made before issuing the final finding.

(v) Issues have been raised by various interested parties on the issue of taking the import data from IBIS source. Further, it has been claimed that the authority should

take into account the data from the primary sources for calculation of rightful volume of import.

(vi) The interested parties have reiterated their comments made earlier with regard to reconsideration of the APM price for natural gas for production of subject product. It has also been stated that the analysis of export price should not be based on assumption price of domestic industry.

(vii) It has also been stated that how the entire exports from subject countries have been treated as dumped exports.

(viii) It has also been submitted that for the purpose of complication consumption of NIP of and the injury analysis, the cost sheet of urea be drawn considering the market price of ammonia during the POI and NIP for Melamine should be arrived at on the basis of such computed cost of urea.

(ix) It has been submitted that the objective analysis has not been done to examine the casual link between the alleged dumping and injury.

(x) In view of significant increase in the exchange rate for US \$ in the post POI as compare to exchange rate during the POI, the definitive duty, if at all required to be imposed should be recommended on the basis of reference price in the Indian rupees.

Examination by the Authority:

37. The issues raised by the interested parties have been examined herein below by the Authority considering the legal provisions and practice being adopted by the Authority.

38. As regards the argument that GSFC is unable to meet the demand in India and there is wide demand supply gap, it is noted that the purpose of anti-dumping duty is to redress unfair trade practices and not restrict imports of the product under consideration in Indian market. It is further noted that the purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures would not restrict imports from the subject countries in any way, and, therefore, would not affect the availability of the products to the consumers. The Authority refers to its past consistent position in this regard and also relies upon the decision of the CESTAT in the matter of *DSM Idemitsu Limited vs Designated Authority* . If the exporters want to supply the goods to meet the requirement in Indian market that could be done by exporting the requirement at a price equivalent to normal value but not at dumped prices. During the investigation proceedings, it is noted that GSFC is setting up an integrated fertiliser and petrochemicals

complex at Dahej, Gujarat, at an investment of Rs 7,000 crore for which Detailed Project Report has been done. Land allocation and tendering are in progress. The complex will have a capacity to 40,000 mtpa of melamine apart from other fertilizer and petrochemical production capacity. Hence the company is taking steps to cater the demand of the Indian market. Further the impact of dumped imports shall be on commercialization of additional capacities being set up in India by GSFC as the producers may not even find market for the additional capacities that are coming up due to presence of dumped imports in the market. The Authority also notes that the domestic industry argued that if the market for the product under consideration is not fair, its investment shall not be remunerative. The domestic industry argued that, in fact, it would be unviable to set up the plant if the prices of the product remain so unreasonably low.

39. As regards the argument that non confidential version of the petition is not replica of confidential version, it is noted that the interested parties have compared the initiation notification with the non confidential version of the petition. There are lots of steps/discussions involved from filing of petition till the initiation of investigation. All the relevant information is available on record in the public file. The Authority, after considering all the relevant information and after satisfying itself as to the existence of prima facie evidence of dumping, injury and causal link has initiated the subject investigation. It is also noted that the issue with regard to imports made by the petitioner has been challenged by various interested parties and the domestic industry in its written submission provided detailed information with regard to imports made by the petitioner and its justification for consideration as a domestic industry. The issue has been analysed in detail under the relevant headings in this statement findings.

40. As regards exclusion of exports under duty exemption scheme, it is noted that it is the consistent practice of the Authority to include imports under duty exemption for the purpose of assessment of injury to the domestic industry.

41. As regards the argument that the domestic industry has generated record profits, it is noted that the present investigation relates to Melamine and therefore all the injury analysis has been done based on the data of the melamine product. GSFC is a multi-product company and any statement in the annual reports is not relevant unless it pertains to product under consideration. The Authority notes in this regard that the anti-dumping investigations are product specific investigations and not company specific investigation. The Authority has examined the injury parameters after verification of the records of the domestic industry and after the examination, the injury parameters have been analysed in the subsequent paragraphs.

42. As regards the argument that Cost of sales trend is not reflective of the fluctuation in the international urea prices, the Authority has analyzed the import and export price of Urea of subject countries and compared the same with the cost of domestic industry as can be seen from table below. It is noted that the urea prices considered by the petitioner for determining cost of sales are in fact lower than the international urea prices or prices prevailing in each of the subject countries.

SN	Description	2006-07	2007-08	2008-09	April'09- June'10
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A	Domestic Industry - Cost (Non-APM)	9,110	10,234	13,457	12,276
	Indexed	100	112	148	135
B	Import price of Urea				
1	India	10,323	12,319	19,646	11,458
2	EU	11,538	13,774	21,074	14,391
3	Indonesia	8,016	5,109	25,686	15,524
4	Iran	5,775	-	-	13,999
5	Japan	14,108	15,852	27,528	17,557
C	Export price of Urea				
1	India	13,230	25,221	30,572	16,523
2	EU	10,302	13,230	22,563	12,613
3	Indonesia	11,079	12,638	29,740	15,816
4	Iran	-	-	-	12,912
5	Japan	52,404	40,969	38,960	43,949

43. As regards arguments with regard to 15 months POI selected by the Authority for the subject investigation, it is noted that same has been selected keeping into account the consistent practice that the POI generally should be closer to the date of initiation and also the fact that it takes into account one full financial year data of the domestic industry.

44. Examination by the authority on the issues concerning dumping and injury raised by interested parties subsequent to public hearing and disclosure statement:

- i. Pursuant to receipt of comment from the interested parties, the injury parameters and determination of non-injurious price have been re-checked before taking the same on board in this Final Finding. Further the injury analysis have been carried out objectively and conclusions on the injury and casual link have been arrived at and is mentioned at appropriate headings. It is incorrect to state that cost of production is lower than selling price or the NIP determined for the subject goods is lower than the net selling price of the subject goods. It is further noted that all the injury information has been analyzed objectively and the conclusions have been drawn after examination of all parameters concerning injury and causal link in the appropriate headings. The Authority further notes that the cost of production as given within AR does not include profit and further it does not relate to POI.
- ii. With regard to principles concerning normal value is concerned, the same has been clearly spelt out in the appropriate headings. The normal value has been held confidential for the reason that some of the elements of construction constructed

normal value have been taken from the confidential information made available by domestic industry and therefore this information have been kept confidential.

- iii. On the issue of determination of non-injurious price for the domestic industry, it is noted that the same has been arrived at after following computed in terms of the principles laid down as per Annexure III of the Anti Dumping Rules as amended. The Authority further notes that the value of ammonia recorded as field stock has been deducted from the cost of production of Melamine for determination of NIP.
- iv. On the issue of taking into account the import data covering volume and value of subject goods from subject countries, it is noted that the same has been taken from IBIS data as the said data captures higher volume of subject goods from subject countries during the POI. For this purpose a comparison of the data containing imports of subject goods have been made from both the sources.
- v. On the issue of correctness of export price taken into account for the purpose of determining dumping margin and injury analysis, it is noted that the same has been rechecked.
- vi. On the issue of reconsideration of APM price for natural gas for production of subject goods while determining non-injurious price, it is noted that this issue has already been dealt in the appropriate paragraphs. With regard to the issue of the volume of dumped imports of subject goods from subject countries, it is noted that positive dumping margins have been determined with regard to subject goods from all subject countries. In view of this, all the volume of subject goods from subject countries have been treated as dumped imports in the injury analysis.
- vii. On the issue of monopolistic behavior of the domestic industry, the authority has examined the contentions of all interested parties and after examination, it is noted that the purpose of antidumping duty, in general, is to eliminate dumping which is causing injury to the domestic industry and to re-establish a situation of open and fair competition in the Indian market which is in general interest of the country. With regard to allegation of creating a monopolistic environment, it is noted that the authority determines dumping, injury and causal link between the dumped imports and injury to the domestic industry before recommending the imposition of anti dumping duties or otherwise. From the antidumping rules, it is not borne out that a company, even if monopolistic, is prohibited from requesting to the authority actions against the unfair imports
- viii. On the issue of duty structure for this subject finding, the contentions of both the domestic industry as well as importers and users have been considered. It has been noted that in the earlier case of the same product from China PR, the anti dumping duties have been imposed on reference price basis. In the subject case

also, it is considered appropriate to follow the same duty structure in this subject final finding.

Cumulative assessment of injury

45. As per annexure-II (iii) of Anti Dumping Rules, in cases where imports of a product from more than one country are being simultaneously subjected to Anti-dumping investigation, the Authority is required to cumulatively assess effect of such imports, only when it determines that (a) the margin of dumping established in relation to imports from each country is more than 2% expressed as percentage of export price and the volume of the imports from each country is 3% of the imports of like article and (b) cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic article. The Authority has found that the margin of dumping in respect of each of the subject country is more than 2% and the volume of imports from each country is also more than 3%.

46. With a view to assess the conditions of competition between imported products and the conditions of competition between the imported products and the like domestic product, the Authority notes that -

- a. The subject goods have been imported from the subject countries under the same tariff classification;
- b. The Authority has found that the imported subject goods are commercial substitutes of the domestically produced melamine.
- c. The information furnished to the Authority gives a reasonable indication that the exports made from the subject countries compete in the same market, as these are similar products.
- d. None of the interested parties have argued that cumulative assessment of the effects of dumped imports on the domestic industry shall not be appropriate in the present case.

47. Therefore, For the purpose of injury analysis the Authority has examined cumulative effect of dumped imports of the subject goods on the domestic industry and its effect on production, capacity utilization, sales, prices and profitability to examine the existence of injury and causal links between the dumping and injury, if any.

48. The Authority has taken note of submissions made by the interested parties. Annexure II of AD Rules provides for objective examination of both, (a) the volume of dumped imports and the effect of the dumped imports on prices in domestic market for the like articles; and (b) the consequent impact on domestic producers of such products. While examining the volume effect of the dumped imports, the Authority is required to examine whether there has been a significant increase in dumped imports either in absolute term or relative to production or consumption in India. With regard to price effect of dumped

imports, the Authority is require to examine whether there has been significant price undercutting by the dumped imports as compared to price of the like product in India, or whether the effect of such imports is otherwise to depress the prices to a significant degree, or prevent price increase which would have otherwise occurred to a significant degree.

49. Since positive dumping margins have been established for the imports from the subject countries, therefore, entire exports from the subject countries have been treated as dumped imports for the purpose of injury analysis and causal links examination.

50. The Authority has examined the injury parameters objectively taking into account the facts and arguments of the interested parties.

Volume Effect of dumped imports and Impact on domestic industry:

51. Transaction-wise information of imports of subject goods was called from DGCI&S and the same was compared with the information provided by the IBIS (secondary sources). After the detailed examination, it was decided to take into account the information from IBIS as it had reported higher volumes.

Import, Demand, Volumes and Market share:

52. The demand of the product in the Country has been assessed as the sum of domestic sales of the domestic producers and imports from all sources.

Imports from subject countries and other countries

53. It is noted that imports of the subject goods from subject countries has increased significantly in absolute terms during the injury period while the imports from other countries have been much less throughout the injury period and has increased marginally.

Market Share of imports

54. The imports of subject goods from subject countries, countries attracting anti dumping duties and other countries are mentioned below. It is noted that volume of imports of subject goods from subject countries have increased significantly during the injury period in absolute terms. The imports of subject goods from other countries are insignificant. In terms of market share of total imports, it is noted that share of imports of subject goods from subject countries have marginally declined while that of imports from other countries excepting countries attracting anti dumping duty have declined.

Particulars	Units	2006-07	2007-08	2008-09	POI	POI Annualized
Imports	MT	6,273	16,463	12,920	28,941	23,153
EU	MT	302	662	1,144	6,443	5,154
Indonesia	MT	2,787	6,665	989	3,801	3,041
Iran	MT	453	2,761	1,421	7,420	5,936
Japan	MT	980	840	280	2,160	1,728
Subject Countries	MT	4,522	10,928	3,833	19,824	15,859
China already ADD duty	MT	1,612	5,104	8,867	8,894	7,115

Other Countries	MT	140	430	220	223	178
Market share in Imports						
EU	%	4.81	4.02	8.85	22.26	22.26
Indonesia	%	44.42	40.49	7.66	13.13	13.13
Iran	%	7.22	16.77	11.00	25.64	25.64
Japan	%	15.62	5.10	2.17	7.46	7.46
Subject Countries	%	72.07	66.38	29.67	68.50	68.50
China already ADD duty	%	25.70	31.00	68.63	30.73	30.73
Other Countries		2.23	2.61	1.70	0.77	0.77

Demand particulars:

55. It is noted that the demand for the product under consideration increased throughout the injury period with a decline in 2008-09 which could be due to recession.

Particulars	Units	2006-07	2007-08	2008-09	POI	POI Annualized
Imports	MT	6,273	16,463	12,920	28,941	23,153
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China already ADD duty	MT	1,612	5,104	8,867	8,894	7,115
Other Countries	MT	140	430	220	223	178
Imports total	MT	6,273	16,463	12,920	28,941	23,153
Sales of Domestic Industry	MT	15,563	14,804	14,115	15,720	12,576
Demand	MT	21,836	31,266	27,036	44,661	35,729
Index demand		100	143	124	205	164

Imports in relation to various parameters:

56. It is also noted that imports of the product under consideration from subject countries increased in relation to production and consumption of the like product in India during the injury period. Further this has also increased in relation to domestic sales in India.

Particulars	Units	2006-07	2007-08	2008-09	POI
Imports in relation to					
Share in total imports					

EU	%	4.81	4.02	8.85	22.26
Indonesia	%	44.42	40.49	7.66	13.13
Iran	%	7.22	16.77	11.00	25.64
Japan	%	15.62	5.10	2.17	7.46
Subject countries		72.07	66.38	29.67	68.50
Share in Demand					
EU	%	1.38	2.12	4.23	14.43
Indonesia	%	12.76	21.32	3.66	8.51
Iran	%	2.07	8.83	5.25	16.61
Japan	%	4.49	2.69	1.04	4.84
Subject countries		20.71	34.95	14.18	44.39
Share in Production in India					
EU	%	1.97	4.49	8.37	39.00
Indonesia	%	18.17	45.22	7.24	23.01
Iran	%	2.95	18.73	10.40	44.92
Japan	%	6.39	5.70	2.05	13.08
Subject countries		29.48	74.14	28.07	120.01
Share in Sales of Petitioner					
EU	%	1.94	4.47	8.10	40.99
Indonesia	%	17.91	45.03	7.01	24.18
Iran	%	2.91	18.65	10.06	47.20
Japan	%	6.30	5.67	1.98	13.74
Subject countries		29.05	73.82	27.16	126.11

Market share of domestic industry:

57. It is noted that the market share of the domestic industry has declined during the injury period.

Particulars	Units	2006-07	2007-08	2008-09	POI
Market share in Demand	%				
Subject Countries	%	20.71	34.95	14.18	44.39
EU	%	1.38	2.12	4.23	14.43
Indonesia	%	12.76	21.32	3.66	8.51
Iran	%	2.07	8.83	5.25	16.61
Japan	%	4.49	2.69	1.04	4.84
Other Countries	%	8.02	17.70	33.61	20.41
Sales of Domestic Industry	%	71.27	47.35	52.21	35.20

58. It is thus noted that demand for the product under consideration increased throughout the injury period and has grown significantly during the injury period. Further, imports of the subject goods from subject countries have increased in absolute terms during the same period. As a result the market share of the domestic industry declined during the injury period.

Price effect of dumped imports n the domestic industry:

Price undercutting

59. With regard to the effect of the dumped imports on prices, it has been examined whether there has been a significant price undercutting by the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. A comparison for product concerned was made between the landed value of imported product from subject countries and the average selling price of the domestic industry for domestic market net of all rebates and taxes, at the same level of trade. The prices of the domestic industry were determined at the ex-factory level. The CIF prices of the subject countries concerned were adjusted for post importation applicable duties. This comparison showed that during the period of investigation, the subject goods originating in each of the subject countries were sold in the Indian market at prices which were lower than the domestic industry's prices. It is thus seen that imports were undercutting the domestic prices.

Particulars	Units	2006-07	2007-08	2008-09	POI
Landed Value of subject countries	Rs./MT	55,089	54,854	68,602	61,853
Net sales realization	Rs./MT	52,728	59,567	71,937	66,555
Indexed	Trend	100	113	136	126
Price Undercutting	Rs./MT	(2,362)	4,713	3,335	4,702
Indexed	Trend	(100)	200	141	199
EU	Rs./MT	(3,316)	(6,510)	1,134	3,334
Indexed		(100)	(196)	34	101
Iran	Rs./MT	3,219	5,396	11,179	9,099
Indexed		100	168	347	283
Indonesia	Rs./MT	(3,287)	5,578	(3,479)	703
Indexed		(100)	170	(106)	21
Japan	Rs./MT	(2,016)	4,448	(3,398)	710
Indexed		(100)	221	(169)	35
Price Undercutting of subject countries	%	(4.48)	7.91	4.64	7.06
Price Undercutting of subject countries	% Range	Negative	5-15	0-10	0-10
EU		(6.29)	(10.93)	1.58	5.00
Price Undercutting	% Range	Negative	Negative	0-10	0-10
Iran		6.10	9.06	15.54	11.30
Price Undercutting	% Range	0-10	5-15	10-20	5-15

Indonesia		(6.23)	9.36	(4.84)	4.17
Price Undercutting	% Range	Negative	5-15	Negative	0-10
Japan		(3.82)	7.47	(4.72)	3.01
Price Undercutting	% Range	Negative	5-15	Negative	0-10

Price underselling:

60. The Authority has also examined price underselling if any, suffered by the domestic industry on account of dumped imports from subject countries. After due examination, it is noted that the landed value of imports from subject countries is significantly below the cost of production and non-injurious price of the domestic industry

Particulars	Unit	POI
Non injurious price	Rs/MT	***
Landed Value		
Subject countries	Rs/MT	61,853
EU	Rs/MT	63,220
Iran	Rs/MT	57,455
Indonesia	Rs/MT	65,851
Japan	Rs/MT	65,845
Price underselling		
Subject countries	Rs/MT	***
EU	Rs/MT	***
Iran	Rs/MT	***
Indonesia	Rs/MT	***
Japan	Rs/MT	***
Price underselling		
Subject countries - Range	%	15-25
EU	%	10-20
Iran	%	25-35
Indonesia	%	5-15
Japan	%	5-15

Price Suppression

61. It is noted that the Domestic Industry is adversely affected by the reason of price suppression. It is noted that both the cost to make and sell as well as selling price of the domestic industry have increased during the injury period with a slight decline in POI. But the increase in cost to make and sale is more than the increase in selling price of the domestic industry resulting in price suppression. The price suppression is considered significant.

Particular	Unit	2006-07	2007-08	2008-09	POI
Landed Price - Subject countries	Rs./MT	55,089	54,854	68,602	61,853

Index	Trend	100	100	125	112
Cost of Sales	Rs./MT	****	****	****	****
Index	Trend	100	111	153	150
Domestic selling price	Rs./MT	****	****	****	****
Index	Trend	100	113	136	126

62. Thus, the information clearly establishes that imports of the product under consideration were undercutting the prices in domestic market and the effect of dumped imports was to suppress prices to a significant degree or prevent price increase which otherwise would have occurred, to a significant degree.

Economic parameters of the domestic industry

63. Annexure II to the AD Rules requires that a determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of like product. The Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments. An examination of performance of the domestic industry reveals that the domestic industry has suffered material injury. The various injury parameters relating to the domestic industry are discussed below.

(i) Production:

64. It is noted that production of the domestic industry declined over the injury period whereas the demand for the product increased by 64% during the same period.

	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
Capacity	MT	15,000	15,000	15,000	18,750	15,000
Production	MT	15,335	14,741	13,655	16,519	13,215
Trend	Indexed	100	96	89	86	86
Demand	MT	21,836	31,266	27,036	44,661	35,729
Trend	Indexed	100	143	124	164	164

(ii) Capacity & capacity utilization:

65. It is noted that capacity installed by the company during the injury period remained the same. It is also noted that petitioner is using the production capacities dedicatedly for the product under consideration. Whereas demand for the product increased during the injury

period, decline in production led to decline in capacity utilization. Thus, whereas demand for the product increased by about 64%, capacity utilization declined by 14%.

	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
Capacity	MT	15,000	15,000	15,000	18,750	15,000
Production	MT	15,335	14,741	13,655	16,519	13,215
Capacity Utilization	%	102.23	98.27	91.03	88.10	88.10
Trend	Indexed	100	96	89	86	86
Demand	MT	21,836	31,266	27,036	44,661	35,729
Trend	Indexed	100	143	124	164	164

Domestic sales:

66. It is noted that domestic sales of the domestic industry declined over the injury period whereas the demand of the product under consideration increased.

	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
Domestic Sales	MT	15,543	14,804	14,115	15,720	12,576
Trend	Indexed	100	95	91	81	81
Demand	MT	21,836	31,266	27,036	44,661	35,729
% of sales in demand	%	71.18	47.35	52.21	35.20	35.20

(iv) **Profitability:**

67. The profitability of the domestic industry in respect of domestic like product has been examined only in respect of domestic sales. It is seen that profitability of the domestic industry for the subject goods has been affected adversely during the injury period. In fact, it is noted that from the position of profit during the beginning of the injury period, the domestic industry has suffered losses in POI.

	Unit	2006-07	2007-08	2008-09	POI
Cost of Sales	Rs./MT	****	****	****	****
Indexed	Trend	100	111	153	150
Net Sales Realization	Rs./MT	****	****	****	****
Indexed	Trend	100	113	136	126

Profit/Loss	Rs./MT	****	****	****	****
Indexed	Trend	100	124	34	(25)
Profit before Interest & tax	Rs. Lacs	****	****	****	****
Indexed	Trend	100	108	44	(9)

68. The interested parties argued that despite rising trends of raw material, the company has generated sufficient and record profits. It is, noted that the profitability of the domestic industry declined over the current period. The argument of the interested parties with regard to sufficient or record profits is therefore factually incorrect.

69. It has been alleged that the domestic industry has claimed losses by making cost adjustment to inflate the cost of Urea. It is noted that the same methodology has been adopted for determining profits for the entire injury period. Thus the deterioration in profits is not on account of any possible inflated cost of urea.

70. It has been argued that the utilities consumption of the domestic industry increased in the period of investigation. It is noted that the non-injurious price of the domestic industry has been determined by the considering the optimum consumption of utilities. It is noted that the performance of the domestic industry has deteriorated in respect of profits, cash flow and return on investment even after adjusting the injury to the domestic industry from higher consumption of utilities

(v) **Employment and Wages:**

71. Employment with the domestic industry and wages paid were as follows

Productivity	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
Employment	Nos.	62	68	66	62	62
Indexed	Trend	100	110	106	100	100
Wages	Rs.Lacs	****	****	****	****	****
Indexed	Trend	100	109	130	121	121

72. It is noted that employment has remained unchanged throughout the injury period whereas wages paid have increased.

(vi) **Productivity:**

73. Productivity of the domestic industry was as follows

Productivity	Unit	2006-07	2007-08	2008-09	POI
Productivity per day	MT	44	42	39	38
Productivity per employee	MT/Nos	247	217	207	213

74. It is seen that productivity of the domestic industry was almost at similar levels during the injury period.

(vii) **Return on investments and cash flow:**

75. The return on investment has been determined considering profit before interest and capital employed in of cost of the product. Impact on cash flow has been determined considering profit before depreciation but after interest cost. It is noted that return on capital employed and cash profits have increased in 2007-08 but thereafter significantly deteriorated over the injury period. It is also noted that the performance of the domestic industry with regard to profits and return on capital employed & cash profits moved in same direction and deteriorated adversely during the injury period.

	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
ROCE	%	****	****	****	****	****
Indexed	Trend	100	120	65	(13)	(13)
Cash Profit	Rs.Lacs	****	****	****	****	****
Indexed	Trend	100	113	52	15	15

(viii) **Inventories:**

76. It is noted that the inventory of the domestic industry has declined during the injury period.

Stock (Volume)	Unit	2006-07	2007-08	2008-09	POI	POI Annualized
Opening	MT	763	538	476	16	13
Closing	MT	538	476	16	815	652
Average	MT	651	507	246	416	332
Sales	MT	15,543	14,804	14,115	15,720	12,576
Inventories equal to no. of days domestic sales	Nos	15	12	6	10	10

(ix) **Growth:**

77. Information with respect to growth in various parameters is given in the table below. It is seen that growth in terms of both volume & price parameters is negative.

Growth	Unit	2006-07	2007-08	2008-09	POI
In Production	%		(3.87)	(7.37)	(3.22)
In Domestic Sales	%		(4.75)	(4.65)	(10.91)
In Capacity Utilization	%		(3.87)	(7.37)	(3.22)
In Cost of Sales Rs/MT	%		***	***	***
In Selling Price Rs/MT	%		***	***	***
In Profit /Loss Rs/MT	%		***	***	***
In Profit /Loss Rs.Lacs	%		***	***	***
In PBT Rs.Lacs	%		***	***	***
In PBIT Rs.Lacs	%		***	***	***
In ROI %	%		***	***	***

(x) **Ability to raise capital investments:**

78. The domestic industry contended that it has planned capital investment of Rs. 7000 crores, which is for a number of products. This includes substantial capacity expansion for Melamine. The company has argued that it intends to enhance the capacity for Melamine by 40,000 MT. the feasibility report of which suggests that the investment is unviable at a price below Rs. *** per MT(considering the input price prevailing in that period). The domestic industry argued that continued dumping of Melamine is adversely impacting the expansion plan of the company with regard to the product. It is noted that continued dumping of the product and financial losses in the product are bound to adversely impact the ability of the domestic industry to raise capital investments. Though the domestic industry is a multi-product company, the adverse impact on the operating performance of the domestic industry on account of this product could affect the ability of the domestic industry to raise capital investment for the subject goods.

(x) **Level of dumping & dumping margin:**

79. The dumping margin established hereinabove in respect of subject countries are quite significant and above the de-minimus level.

Causal Link

80. The Authority has examined whether other factors listed under the AD Rules could have contributed to injury to the domestic industry. It was found as follows.

(i) **Imports from third countries:**

81. The Authority has collected the transaction-wise imports data of the subject goods. From the information available on record, the Authority notes that imports from the

countries other than subject countries are either at higher prices or import volume is below the prescribed limit or the country is already attracting ADD.

(ii) **Contraction in demand:**

82. The Authority notes that the demand for the product under consideration has shown significant improvement during the injury period. Possible contraction in demand could not have caused injury to the domestic industry.

(iii) **Changes in the pattern of consumption:**

83. The pattern of consumption with regard to the product under consideration has not undergone any change, nor there is any quantified allegation in this regard. The investigation so far has not shown existence of alternate competing products and possible injury being caused by such alternate products.

(iv) **Trade Restrictive practices of and competition between foreign and domestic producers:**

84. It is noted that the imported subject goods and domestically produced goods are like articles and are used for similar applications/end uses. There is no evidence of trade restrictive practices of and competition between the foreign producers and domestic producers causing injury to the domestic industry.

(v) **Developments in Technology:**

85. There is no allegation of developments in technology, nor the investigation so far has shown that possible injury to the domestic industry could have been caused by developments in technology.

(vi) **Export performance:**

86. The petitioner apart from the year 2006-07 has no exports during the injury period. However, the Authority has considered only domestic operations and domestic profitability.

(vii) **Productivity of the Domestic Industry:**

87. There is no material change in productivity of the domestic industry. Possible decline in productivity cannot be the reason for the established injury to the domestic industry.

Level of dumping margin and injury margin:

88. The authority has determined non injurious price considering the records maintained by the company and subsequently verified by the Authority for the inputs procured with regard to production of the product under consideration.

89. The level of dumping margins and injury margins as determined are mentioned below. It is thus noted that these levels are considered significant.

	Unit	EU	Iran	Indonesia	Japan
Dumping Margin	US\$/MT	***	***	***	***
Dumping Margin	Range %	25-35	25-35	20-30	40-50
NIP	Rs./MT	***	***	***	***
Exchange Rate	Rs./US\$	47.88	47.88	47.88	47.88
NIP	US\$/MT	***	***	***	***
Landed Value	US\$/MT	1,320	1,200	1,375	1,375
Injury Margin	US\$/MT	***	***	***	***
Injury Margin	Range %	10-20	25-35	5-15	5-15

Conclusion on Injury and causation

90. There has been a significant increase in the volume of dumped imports from subject countries at the absolute level. The market share of dumped imports in total demand of subject goods has also increased significantly. It is also noted that the dumped imports were undercutting the prices of the domestic industry in the market. It is also determined that the dumped imports have had significant adverse price effect in terms of price undercutting, price suppression and price underselling. Further, the dumping margins from subject countries have been determined and are considered significant.

91. It is noted that dumped imports of subject goods from subject countries have had significant adverse price effect which in turn have led to significant deterioration in profits and return on investments. The domestic industry is suffering losses in period of investigation. Therefore, the Authority concludes that the domestic industry has suffered material injury and injury has been caused significantly by price and volume effects of dumped imports from the subject country.

92. The Authority therefore holds that material injury to the domestic industry has been caused by the dumped imports of subject goods from the subject countries.

Indian industry's interest & other issues

93. The Authority notes that the purpose of anti-dumping duties, in general, is to eliminate injury caused to the Domestic Industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures would not restrict imports from the subject countries in any way, and, therefore, would not affect the availability of the products to the consumers.

94. It is recognized that the imposition of anti-dumping duties might affect the price levels of the product manufactured using the subject goods and consequently might have some influence on relative competitiveness of these product. However, fair competition in the Indian market will not be reduced by the anti-dumping measures, particularly if the levy of the anti-dumping duty is restricted to an amount necessary to redress the

injury to the domestic industry. On the contrary, imposition of anti-dumping measures would remove the unfair advantages gained by dumping practices, would prevent the decline of the domestic industry and help maintain availability of wider choice to the consumers of the subject goods.

Recommendations

95. After examining the submissions made by the interested parties and issues raised therein; and considering the facts available on record, the Authority concludes that:

- (a) The product under consideration has been exported to India from the subject countries below Normal values.
- (b) The domestic industry has suffered material injury on account of subject imports from subject countries.
- (c) The material injury has been caused by the dumped imports of subject goods from the subject countries.

96. The Authority notes that the investigation was initiated and it was notified to all interested parties. Adequate opportunity was given to the exporters, importers and other interested parties to provide information on the aspects of dumping, injury and causal link. Having initiated and conducted a investigation into dumping, injury and the causal link thereof in terms of the AD Rules and having established positive dumping margins as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of duty is required to offset dumping and injury. Having regard to the lesser duty rule followed by the Authority, the Authority recommends imposition of definitive anti-dumping duty equal to the lesser of margin of dumping and margin of injury, so as to remove the injury to the domestic industry. For the purpose of determining injury, the landed value of imports of product under consideration has been compared with the non injurious price of the domestic like product produced by domestic industry determined for the period of investigation.

97. With regard to duty structure, keeping into account factual matrix of the case and having regard to contentions raised, information provided and submissions made by interested parties, it is deemed appropriate to recommend benchmark/reference form of anti dumping duties, equal to the difference between the amount indicated in the column 8 of the table below and landed value, to be imposed from the date of notification to be issued in this regard by the Central government on all imports of subject goods originating in or exported from subject countries

Duty Table

Sl. No	Tariff Item	Description of Goods	Country of Origin	Country of Export	Producer	Exporter	Amount	Unit of Measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	29336100	Melamine	European Union	European Union	Any	Any	1537	MT	USD
2	Do	Do	European Union	Any country other than EU	Any	Any	1537	MT	USD
3	Do	Do	Any country other than EU	European Union	Any	Any	1537	MT	USD
4	Do	Do	Iran	Iran	Any	Any	1446	MT	USD
5	Do	Do	Iran	Any country other than Iran	Any	Any	1446	MT	USD
6	Do	Do	Any country other than Iran	Iran	Any	Any	1446	MT	USD
7	Do	Do	Indonesia	Indonesia	Any	Any	1537	MT	USD
8	Do	Do	Indonesia	Any country other than Indonesia	Any	Any	1537	MT	USD
9	Do	Do	Any country other than Indonesia	Indonesia	Any	Any	1537	MT	USD
10	Do	Do	Japan	Japan	Any	Any	1537	MT	USD
11	Do	Do	Japan	Any country other than Japan	Any	Any	1537	MT	USD
12	Do	Do	Any country other than Japan	Japan	Any	Any	1537	MT	USD

98. Landed value of imports for the purpose shall be the assessable value as determined by Customs under the Customs Act, 1962 and all duties of customs except duties levied under Sections 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975.

99. An appeal against this order shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975 as amended in 1995 and Customs Tariff Rules, 1995.

(Vijaylaxmi Joshi)
Designated Authority