

To be published in Part - I Section - I of the Gazette of India Extraordinary

F. NO. 14/9/2016-DGAD
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
(DIRECTORATE GENERAL OF ANTI-DUMPING & ALLIED DUTIES)
JEEVAN TARA BUILDING, 5, PARLIAMENT STREET
NEW DELHI-110001

Date: 10.04.2017

NOTIFICATION

Final Findings

Sub: Anti-dumping investigation concerning imports of “Hot-Rolled flat products of alloy or non-alloy steel” originating in or exported from China PR, Japan, Korea RP, Russia, Brazil and Indonesia.

F. NO. 14/9/2016-DGAD- Having regard to the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, (hereinafter referred to as the AD Rules) thereof M/s Essar Steel India Limited, M/s Steel Authority of India Limited and M/s JSW Steel Limited (hereinafter referred to as the “applicants” or “domestic industry”) had jointly filed an application before the Designated Authority (hereinafter referred to as this Authority), in accordance with the Act, and the Rules, alleging dumping of **“Hot-Rolled flat products of alloy or non-alloy steel” originating in or exported from China PR, Japan, Korea RP, Russia, Brazil and Indonesia** (hereinafter also referred to as ‘subject countries’) and requested for initiation of an investigation for levy of anti-dumping duties on the subject goods.

2. The Authority on the basis of sufficient *prima facie* evidence submitted by the applicant issued a public notice dated 11th April 2016, published in the Gazette of India, Extraordinary, initiating an anti-dumping investigation concerning imports of the subject goods, originating in or exported from the subject countries, in accordance with Rule 6(1) of the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.
3. The Authority vide Preliminary Findings issued vide Notification No.14/09/2016-DGAD dated 01.08.2016 recommended provisional anti-dumping duty in the present investigation. Ministry of Finance issued a customs notification imposing provisional anti-dumping duty vide Customs Notification No. 44/2016-Customs (ADD) dated 08.08.2016 accepting the recommendations of the Authority. The Authority issued a corrigendum dated 10th August, 2016. Ministry of Finance accordingly issued a corrigendum to the aforesaid Customs Notification on

07.09.2016. The Authority, in terms of the second proviso to Rule 13 of the AD Rules, on request of majority exporters from the subject countries, recommended extension of provisional anti-dumping duty for twomore months to the Central Government. The Ministry of Finance accepted the extension proposed by the Authority and extended the provisional anti-dumping duty vide Customs Notification No. 05/2017-Cus (ADD), dated 07.02.2017 for two months.

A. Procedure

4. The procedure described below has been followed:
 - a. The Authority notified the embassies of subject countries in India about the receipt of application before proceeding to initiate the investigation in accordance with sub-Rule 5(5) of the AD Rules.
 - b. The Authority sent a copy of initiation notification to the embassies of subject countries in India, known producers/ exporters from the subject countries and known importers/ users/ associations of the subject goods as per the addresses made available by the applicants and requested them to make their views known in writing within 40 days of the initiation notification in accordance with Rule 6(2) of the AD Rules.
 - c. The Authority forwarded a copy of the non-confidential version of the application to embassies of the subject countries in India, known producers/exporters form the subject countries and known importers of the subject goods, in accordance with the AD Rules. A copy of the application was also provided to other interested parties, wherever requested.
 - d. The embassies of subject countries in India were also requested to advise the producers/exporters from their countries to file their responses within the prescribed time limits.
 - e. The Authority sent exporter's questionnaires to elicit relevant information to the following known exporters in the subject countries in accordance with Rule 6(4) of the AD Rules:

China PR

1. Rizhao
2. Betai Iron & steel
3. Baotou Iron and Steel Group
4. Jiangsu Shagang Group Company Limited
5. Tonghua Iron Steel Group Corporation
6. Angang Steel Company
7. Nanjing Iron and Steel
8. Tangshang Iron & Steel
9. Wuhan Iron and Steel
10. Tianjin Iron & Steel Group Co Ltd

Japan

1. Nippon Sumitomo
2. Kobe
3. JFE Steel Corporation

Korea RP

1. POSCO
2. Hyundai Steel Co Ltd
3. Dongkuk Steel Mill Col Ltd.

Russia

1. Severstal
2. EVRAZ

Brazil

1. Arcelor Mittal

f. In response to the initiation notification, the following producers and exporter/traders from the subject countries and traders have filed response to exporter's questionnaire:

I. Korea:

1. Hyundai Steel Company (Producer)
2. Samwoo Co. Ltd. (Producer)
3. Hyundai Corporation (Trader)
4. P & A corporation (Trader)
5. Main Steel Co. Ltd. (Trader)
6. EIN Corporation (Trader)
7. GS Global Corp. (Trader)
8. POSCO Asia Company Limited (Trader)
9. POSCO, Korea (Producer)
10. Daewoo International (*Name changed w.e.f. 14th March 2016 to POSCO Daewoo Corporation*) (Trader)
11. POSCO Processing & Services Co. Ltd. (Trader)
12. Samsung C&T Corporation (Trader)

II. Japan

13. Hanwa Co. Ltd. (Trader)
14. Mitsui & Co. Ltd. (Trader)
15. Marubeni Itochu Steel Inc. (Trader)
16. JFE Steel Corporation (Producer)
17. JFE Shoji Trade Corporation (Trader)
18. Honda Trading Corporation (Trader)

19. Ohmi Industries Ltd. (Trader)
20. Nippon Steel & Sumikin Bussan Corporation (Trader)
21. Shinsho Corporation (Trader)
22. Nisshin Steel Co. Ltd. (Producer)
23. Sumitomo Corporation (Trader)
24. Nippon Steel & Sumitomo Metal Corporation (Producer)
25. Kanematsu Corporation Ltd. (Trader)
26. Toyota Tshusho Corporation (Trader)
27. Metal One Corporation (Trader)
28. Uttam Galva International FZE (Trader)
29. Uttam Galva International Pte. Ltd. (Trader)
30. Nissan Trading Co. Ltd (Trader)
31. Kyusho Co. Ltd., Japan

III. China PR

32. Zhangjiagang Hongchang Steel Plate Co. Ltd. (Producer)
33. Zhangjiagang GTA Plate Co. Ltd. (Producer)
34. Shagang International (Singapore) PTE. Ltd. (Trader)
35. Xinsha International Pte. Ltd. (Trader)
36. Zhangjiagang Shajing Heavy Plate Co. Ltd. (Producer)
37. Jiangsu Shagang International Trade Co. Ltd (Trader)
38. Nanjing Iron and Steel Co. Ltd. (Producer)
39. Nanjing Iron and Steel Group International Trade Co. Ltd. (Trader)
40. Singapore Jinteng International Pte. Ltd. (Trader)
41. Angang Group HongKong Co. Ltd. (Trader)
42. Angang Steel Company Limited (Producer)
43. Wuyang New Heavy & Wide Steel Plate Co. Ltd. (Producer)
44. Wuyang Iron & Steel Co. Ltd. (Producer)
45. Hebei Iron & steel (Singapore) PET. Ltd. (Trader)
46. Hebei Iron & steel (Hong Kong) International Trade Co. Ltd (Trader)
47. Salzgitter Mannesmann International GmbH (Trader)
48. Ningbo Cimei Import & Export Co. Ltd. (Trader)
49. Lu Qin (Hong Kong) Co. Ltd. (Trader)
50. Burwill Resources Limited (Trader)
51. Future Materials Industry (Hong Kong) Co. Ltd. (Trader)
52. Steelco Pacific Trading Limited (Trader)

IV. Indonesia

53. PT Krakatau POSCO, Indonesia

- g. None of the producers/exporters from China PR has claimed Market Economy Treatment (MET) rebutting the non-market economy treatment in the present investigation.
- h. Questionnaires were sent to the following known importers/users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the AD Rules:
1. Alstom India Ltd.
 2. Arcelor Neel Tailored Blank Private Limited
 3. Bharat Heavy Electricals Limited
 4. Bhilai Engineering Corporation Ltd.,
 5. C.R.I. Pumps Private Limited,
 6. Caterpillar India Pvt. Ltd.,
 7. Denis Plast Limited
 8. DesmiEquipmentsPvt.Ltd.
 9. Escorts Ltd.
 10. Exedy India Limited
 11. Fine Forge Limited.,
 12. Flakt (India) Limited
 13. Gamesa Wind Turbines P.Ltd
 14. Ganpati Enterprises
 15. Hindustan Shipyard Ltd.,
 16. Hindustan Construction Co. Ltd.,
 17. Idl Explosives Limited
 18. Ifb Automotive Private Limited
 19. JBM Industries Ltd.
 20. JCB India Limited
 21. Kalinga Fixtures Ltd.
 22. Kalpataru Power Transmission Ltd.
 23. Larsen & Toubro Limited
 24. Lloyds Steel Industries Ltd
 25. Maruti Suzuki India Limited
 26. POSCO Electrical Steel India Pvt. Ltd.,
 27. Ravi Steel Co.
 28. Superior Steel Industries
 29. Tranter India Private Limited
 30. TRF Limited
- i. The following importers/users of the subject goods have responded in the form of questionnaire responses or provided comments during the course of the investigation:
1. Hyundai Steel India Limited
 2. Automotive Steel Pipe India Private Limited
 3. Highly Electrical Applicances India Pvt. Ltd.
 4. Ferrum Extreme Engineering Pvt. Ltd

5. Rajasthan Prime Steel Processing Center Pvt. Ltd.
6. TT Steel Service India Pvt Ltd.
7. Hyundai Motors India Ltd.
8. PyungHwa India Pvt. Ltd.
9. Mobis India Limited
10. PHA India (P) Ltd.
11. Hwashin Automotive India Pvt. Ltd
12. TI Metal Forming
13. YSI Automotive Pvt Ltd
14. SungwooHitech India Limited
15. Sungwoo Stamping Private Limited
16. Myuong Shin India Automotove Private Ltd.
17. KwangJin India Autosystems Pvt. Ltd.
18. Nippon Steel & Sumikin Pipe India Pvt. Ltd
19. Tega Industries Limited
20. POSCO Maharashtra
21. Toyota Kirloskar Motor Pvt Ltd.
22. Welspun Corp Limited
23. Maruti Suzuki India Limited
24. Thyssenkrupp Electrical Steel India Pvt Ltd.

- j. Apart from the respondent exporters, importers, domestic industry and other domestic producers, submissions have been received on behalf of the following parties during the course of this investigation:

1. Mundhra Fine Blanc
2. Federation of Industries of India
3. Ministry of Economic Development of the Russia Federation
4. Nezone Tubes Limited
5. Nezone Strips Limited
6. Leomet Alloys Inc
7. PJSC NOVOLIPETSK Iron & Steel Corporation
8. Welspun Corp Limited
9. Kobelco Cranes India Private Limited
10. Kobelco Plate Processing India Private Limited
11. CORSMA
12. Toyota Kirloskar Motor Private Limited
13. The Japan Iron & Steel Federation
14. Manaksia Steel Limited
15. Renault Nissan Automotive India Private Limited
16. POSCO
17. Highly Electrical Applicances India Pvt. Ltd.
18. Nanjing Iron & Steel Co. Ltd., Singapore Jinteng International Pte. Ltd.
and Nanjing Iron & Steel Group
19. Hyundai Motor India Limited

20. MAN Industries India Limited
21. Manaksia Steels Limited
22. Stelco Limited
23. PAO Severstal , Russia
24. Thyssenkrupp Electrical Steel India Private Limited
25. Ferrum Extreme Engineering Pvt. Ltd.
26. Tega Industries Limited
27. Volkswagen India Private Limited
28. ISGEC Hitachi Zosen Ltd.
29. ISGEC Heavy Engineering Ltd
30. Maruti Suzuki India Ltd.
31. Model Infra Corporation Pvt. Ltd.
32. Tata Hitachi Construction Machinery Company Limited
33. Sokhi Engineering Co. Ltd.
34. Garg's Engineers Limited
35. Salzgitter Mannesmann International GmbH, Germany
36. Kobe Steel Ltd.
37. Embassy of Indonesia
38. Ministry of Economic Development of the Russian Federation
39. Ministry of Industry and Trade of the Russian Federation
40. Embassy of the Republic of Korea

- k. The Authority made available non-confidential version of the evidence presented by various interested parties in the form of a public file kept open for inspection by the interested parties. Submissions made by all interested parties have been taken into account in present findings.
- l. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. 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, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- m. Further information was sought from the applicant and other interested parties to the extent deemed necessary.
- n. 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 considered such parties as non-cooperative and recorded the findings on the basis of the facts available.
- o. The Non-Injurious Price (hereinafter referred to as 'NIP') based on the cost of production and cost to make and sell the subject goods in India based on the information furnished by the domestic industry on the basis of

Generally Accepted Accounting Principles (GAAP) and Annexure III to the Anti-Dumping Rules has been worked out so as to ascertain whether Anti-Dumping duty lower than the dumping margin would be sufficient to remove injury to the Domestic Industry.

- p. Considering the fact that the subject goods are being imported in various grades/sizes/dimensions, the applicants have proposed Product Control Numbers (PCNs) in order to make a PCN to PCN comparison for computing the dumping margin and injury margin. Accordingly, the authority has made PCN to PCN comparison for the purpose of computing dumping margins.
- q. Verification of the information provided by the applicant domestic industry was carried out by the Authority to the extent deemed necessary. Only such verified information with necessary rectification, wherever applicable, has been relied upon.
- r. Investigation was carried out for the period starting from 1st July 2015 to 31st December 2015 (6 months) (hereinafter referred to as the 'period of investigation' or the 'POI'). The examination of trends, in the context of injury analysis covered the period from 2012-13, 2013-14, 2014-15, April 2015 to December 2015 and the POI.
- s. The petitioners had submitted the petition alleging dumping of the subject goods from the subject countries relying upon transaction wise imports data sourced from IBIS. However, request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to provide transaction-wise details of the imports of the subject goods for the past three years, including the period of investigation. The Authority has relied upon the transaction-wise DGCI&S import data. The Authority has also kept the non-confidential version of transaction-wise DGCI&S import data in the public file. Confidential information such as names of importers, IEC codes of importers have been removed from transaction-wise DGCI&S import data before placing the same in the public file.
- t. Arguments raised and information provided by various interested parties during the course of the investigation, to the extent the same are supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority.
- u. In accordance with Rule 6(6) of the AD Rules, the Authority also provided opportunity to all interested parties to present their views orally in a hearing held on 13th October, 2016. All the parties attending the oral hearing were requested to file written submissions by 24th October 2017 of the views expressed orally. The parties were advised to collect copies of the views expressed by the opposing parties and were requested to submit their rejoinders by 4th November, 2016.

- v. The Authority again provided opportunity to all interested parties in view of the change in the Designated Authority to present their views orally in a hearing held on 10th January, 2017. All the parties attending the oral hearing were requested to file written submissions by 17th January, 2017 of the views expressed orally. The parties were advised to collect copies of the views expressed by the opposing parties and were requested to offer their rejoinders by 24th January, 2017.
- w. In order to examine the PUC exclusion related issues in an objective manner, the authority instructed all the parties seeking exclusions from PUC to provide PCN wise details of the grades sought to be excluded. The domestic industry was also asked to provide PCN wise details manufactured by them during the POI. The domestic industry was requested to reply to the exclusion requests in its rejoinder. Many interested parties had filed their PUC exclusion requests along with their written submissions. A few interested parties, however, requested that a certain grade in a PCN should be excluded. However, such grades were internal grades of such interested parties on which the domestic industry could not file its comments effectively as the domestic industry or the Authority is not aware about the chemical composition of such internal grades. The Authority requested such interested parties to provide equivalent Indian /international grades for the internal grades so that the domestic industry and Authority could meaningfully examine the exclusion request of such interested parties. They submitted that for certain grades for which exclusion has been sought were customer specific grades and not covered under Indian Standards and steel and steel products (Quality Control) Order, 2015.
- x. A Disclosure Statement containing the essential facts in this investigation which would have formed the basis of the Final Findings was issued to the interested parties on 31.03.2017. The post Disclosure Statement submissions received from the domestic industry and other interested parties have been considered, to the extent found relevant, in this Final Findings Notification.
- y. Exchange rate for conversion of US\$ to INR is considered for the POI as INR 65.93 as per customs data.
- z. In this notification, *** represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.

B. Product under Consideration and Like Article

5. The product under consideration (“PUC”) in the present investigation is

“Hot-rolled flat products of alloy or non-alloy steel in coils of a width upto 2100mm and thickness upto 25mm and Hot-rolled flat products of

alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm”.

The PUC covers products which are not further worked than hot-rolled and are flat products of iron, alloy or non-alloy steel, in prime or non-prime condition having ‘as-rolled’ edge or ‘trimmed’ edge or ‘slit’ edge or “milled” edge or “sheared” edge or “laser-cut” edge or “gas-cut” edge or any other type of edges. These products may be pickled or non-pickled (with or without skin-pass or tempering), slit or non-slit, normalized or un-normalized, ultra-sonically tested or untested or oiled or non-oiled etc. These products may be “as-rolled” or “thermo-mechanically rolled” or “thermo-mechanically controlled rolled” or “controlled rolled” or “normalized rolled” or “normalized” or subject to any other similar process. These products may have patterns in relief / chequered patterns of different types derived directly during hot rolling. These products may have been subjected to various processing steps like pickling, oiling, rewinding, recoiling, temper rolling, heat treatment, etc. These products may be sand blasted or shot blasted or subjected to similar processes. The PUC covers Hot Rolled flat sheets and plates of alloy or non-alloy steel, whether or not rolled from universal plate mill including reversible plate mill or hot strip mill or tandem mill or steckel mill or any other similar process with various type of rolling configuration including 2-High, 3-High, 4-High, cluster mill or any similar hot rolling process. The PUC includes sheets and plates produced either directly from the hot rolling process or cut / sheared from hot rolled coils.

The following are not included in the scope of the product under consideration:

- 1. Hot-rolled flat products of stainless steel.*
 - 2. Hot-rolled flat products of steel which are electrolytically plated or coated with zinc.*
 - 3. Hot-rolled flat products of steel otherwise plated or coated with zinc.*
 - 4. Cladded steel.*
6. The PUC is used in many applications and sectors such as automotive, oil and gas line pipes/exploration, cold-rolling, pipe and tube manufacturing, infrastructure and construction, general engineering & fabrication, earth-moving & mining equipment, storage tanks, low pressure heaters, capital goods including plant and process equipment for cement, fertilizer, refineries etc.

7. The PUC is classified under Custom Tariff Heading 7208, 7211, 7225 and 7226. The customs classification is indicative only and is in no way binding on the scope of the present investigation. The Designated Authority analyzed the transaction-wise DGCI&S import data to arrive at the import statistics for the PUC by removing the items that are not part of the product scope.

B.1 Views of the Interested Parties

8. Submissions made by exporters, importers, users and other interested parties with regard to issues related to PUC and considered relevant by the Authority are, inter alia, as follows:
 - a. The WTO (particularly in the case DS 135- European communities- Measures affecting asbestos) has determined that in every particular case the competent authorities should undertake a comprehensive analysis based on certain criteria such as product properties, end-users, consumer tastes and habits, nature and quality of the products, tariff classification in the Harmonized System. The PUC covers both narrow thickness sheets with a thickness less than 3 mm and wide thickness sheets with thickness more than 10 mm. The difference in plate thickness is crucial because it affects the end-use of the product and the consumer's preference as well. Besides the scope of investigation is expanded on hot-rolled products in coils and hot-rolled products not in coils.
 - b. The goods falling under headings 7208, 7211, 7225 and 7226 are different regarding their end uses. Narrow and wide flat rolled products are different in regard to their end uses, and they cannot be treated as substitutable or interchangeable.
 - c. There are two streams of flat products originating either from semi-finished products or from a plate mill (plates) or a hot strip mill. Most of the HR Coils are further rolled and processed to produce items such as cold rolled sheets/coils, coated sheets and coils, pipes etc. HR Coils are the most important intermediate products for various reasons. So, sheets and plates and HR Coils are different products in regard to the end-uses, and they cannot be treated as substitutable.
 - d. The Petitioners have clubbed heterogeneous products together, making it impossible to conduct investigation in a rational and fair manner. A new category of "HR not in coils" has been invented to support claim of dumping whereas there is no mention of this category in the domestic and global industry. Further, the qualities of steel excluded from Quality Control Order should also be excluded from purview of this investigation.
 - e. The scope of PUC is very broad and not clear and is completely contrary to the requirement of having only like articles covered within the scope of the

PUC. The products classified under sub-heading 7225 are materially different from material classified under subheading 7208 and cannot be put together in one basket to determine a single PUC.

- f. The Petitioners have treated the overall PUC as de-facto two separate products for its injury analysis without due analysis of the overall PUC. Such separate analysis is justified by their completely different cost and sales structures, and therefore injury determination. Therefore, it stems from the aforementioned that the PUC is over broadly defined. Moreover, the PUC in the present investigation were subject to two separate safeguard investigations in India. The same approach should have been applicable to the present anti-dumping proceedings.
- g. Tata Steel Limited is unable to supply HR Coils in thickness 1.20 mm to 1.60 mm in the eastern regions.
- h. It is difficult to depend on Indian vendors due to unstable and inconsistent quality and supply. Minimum Order Quantity of qualified vendor in India is very high whereas Japanese and Korean suppliers do not ask for such volumes as MOQ. DGAD should not levy anti-dumping duty for plates which are used for construction machinery and complying to IS Standard IS 2062:2011 E250C, E350C E450BR.
- i. Certain steel products which are not obtained in India ought to be excluded from the scope of the investigation. Such steel is consumed in various industries such as automotive, electrical and electronic sectors etc. Moreover certain grades which are excluded from the safeguard investigation should also be excluded from the scope of the current investigation.
- j. Anti-dumping duty should not be imposed on abrasion resistant alloy steel plates (Brinell hardness grade 400, 450 and 500) and high strength alloy steel plates (Yield Strength 690Mpa and above) from JFE Japan and SSAB Sweden. Domestic mills have not been able to manufacture the high strength steel plates. There are serious problems in such materials provided by domestic industry. JFE and SSAB material is very costly in comparison to Indian material. Further increasing the cost by imposing duties will make the products unviable. No mill in India is capable of producing such quality steel plates in next few years.
- k. N22CB, a special grade of Hot Rolled alloy steel from Japan is required to manufacture safety critical door latch parts in cars. No manufacturer in India and none of the petitioner companies is manufacturing a grade which has similar chemical, mechanical and metallurgical properties. The buying price of this steel is above USD 1500 per MT. N22CB grade should not be brought under the said anti-dumping investigation. Moreover, N22CB grade cannot be

fully described under any of the Indian steel standards and importers have also obtained an NOC from the Bureau of Indian Standards to allow import of this grade without obtaining BIS certification.

- l. The Authority should exempt imports of automobile steels from anti-dumping purview as only 12% of the total steel consumption is for automobile industry and cheap imports are targeted towards the industrial sector. Moreover, steels imported for automotive application, which is higher than the Minimum Import Price (MIP), should be out of the anti-dumping purview. The Petitioners lack quality for specialised downstream consumers such as automobile sector, consumer durable industry etc., for which evidence has been placed on record. User industry thus prefers imported PUC which are of better quality.
- m. “High Tensile Special Purpose Grade Steel” is imported from Korea for captive use by auto manufacturer in India. The import prices of such steel are higher than the “Normal Price” indicated in the Petition and are not causing any injury to the DI. It is requested to fix a reference price for both Hot Rolled and Cold Rolled investigations. It is also requested to exempt pickled and oiled hot rolled steel coils falling under HS Code 720825, 720826 and 720827 from anti-dumping duty.
- n. The steel grades imported from some overseas suppliers are as per Japanese Industrial Grades and include grades such as SK4, SK5, SKS81. These grades are not being produced by the Domestic Industry and are not “like products”. Therefore, these grades should be excluded from the scope of the PUC. Moreover, these grades are also not covered under the scope of mandatory BIS certification. The grades of steel which Stelco processes are 55C6, 60C6, 65C6, 70C6 (SAE 1074, SAE 1075), 80C6 (SAE 1080), SAE 1095, 50CrV4, SUP 10, SGS81. Stelco, therefore, requests DGAD to issue clarification that the said grades of steel which are used for cold rolling/ hardening & tempering do not fall under the purview of this investigation.
- o. Hot Rolled Silicon Electrical Non Oriented Steel (HRNO) is imported for manufacture of CRNO, falling under chapter heading 7225 1910, from Europe and China. The Indian producers with limited capacity and capability to manufacture this item have their own cold rolling facilities and hence are not selling HRNO in market. Thus, the product is not available in India commercially. It is requested to consider exclusion of HRNO under chapter heading 7225 1910 from the present investigation.
- p. Compressors for air conditioners require steel which must pass JIS standards. The auto car companies require special kind of steel, i.e., Hot Rolled Oil & Pickled coils (SPHC Steel or HRPO Steel). The Hot Rolled Oil & Pickled Coils from domestic suppliers fail to pass the pressure test. Such steel cannot

be used to manufacture compressors. This has also been communicated to the suppliers, i.e., JSW and Essar. A non SPHC steel manufactured by local suppliers under IS1062 and IS1079 cannot be used in place of SPHC steel being imported. The import of these grades could not have caused injury to petitioning domestic industry.

- q. Due to absence of reliable and qualified domestic suppliers of API grade steel, the user industry has no choice but to import the same. None of the grades supplied by the Domestic Industry during the POI is equivalent to the grades proposed for exclusion. It is, therefore, requested to exclude API grade from the product scope. Moreover API grade has also been excluded from the safeguard investigation as well as MIP notification issued by the Government of India. Thus, as recent as 2016, the Domestic Industry did not find that imports of API grade were causing it injury
- r. Auto grade steel, ultra low carbon high strength steel, advance high strength steel, IF/IFHS grades, plates used for construction machinery and complying with IS 2062:2011 E250C, IS 2062:2011 E350C and IS 2062:2011 E450BR should be exempted from anti-dumping duty, as the domestic industry is unable to meet the user requirements in India. SPHC grade, grades procured from NSSMC, JFE and Metal One Corporation should be exempted from anti-dumping duty, as the same are not manufactured in India. HRPO under CTSH 720825, 720826, 720827, 722530 and 722550 are not available in India and imports falling under them should be excluded from the product scope. Abrasion resistant steel and high tensile alloy steel plates should be exempted from anti-dumping duty. JFE EVERHARD series, HITEN series, NSSMC ABREX series and WELTEN series which it sources from Metal One Corporation, Japan should also be exempted from anti-dumping duty.
- s. All items excluded from the purview of safeguard duty should be excluded from the product scope in the present investigation.
- t. The domestic industry cannot manufacture IF/IFHS grade steel and other automobile grade steels. The contentions are based on Technical Delivery Contracts (“TDC agreements”) that POSCO has entered with JSW Steel and Essar Steel
- u. It is also noted that in paragraphs 9 and 10 of the Preliminary Finding, the domestic industry and the Hon'ble Designated Authority have repeatedly held that the interested parties have not provided evidence in justification of their exclusion claims. In this behalf, the Importer refers to its communication dated 1st July 2016, wherein it has substantiated its product exclusion claims with reasons and evidence. Therefore, it is incorrect on the part of the domestic industry and particularly the Hon'ble Designated Authority to claim that there was no evidence placed on record on exclusion. Further, the

Importer is available and willing to provide any further information if required by the Authority.

- v. On a plain reading of few extracts of Preliminary Finding, the following may be concluded:
 - a. The domestic industry has the capability of manufacturing all the grades for which exclusions have been sought (based on para 10a);
 - b. The domestic industry is manufacturing all the grades for which it got orders and has also supplied them (based on para 10a); and
 - c. The products manufactured by the domestic industry are like article with the product being imported from the Subject Countries (based on para 10v).

From the above observations made by the Hon'ble Designated Authority, it seems readily apparent that there is either an internal contradiction between the conclusions drawn by the Hon'ble Designated Authority or that the domestic industry receives orders for all grades that are being alleged for exclusion (otherwise point b and c would be irreconcilable).

- w. Duty cannot be levied on the basis of the prospective possibility of Domestic Industry to produce above mentioned grades (mere capability to produce is not sufficient).
- x. There are various allegations regarding Petitioners not being able to provide the product that meets the required specifications or timelines. In such a scenario, while the invoice or order copy provided by the Petitioners may indicate that the product with such specifications has been supplied (leaving aside whether it satisfies the above requirement of commercial supply during the POI), the actual users of the product are unable to utilize the same product because it fails to meet certain specifications or timelines. So it will be wrongful to include some products into the scope of the PUC that may have been supplied by the Petitioners in the POI but could not substitute the specifications of imported H R steel effectively.

B.2 Views of the domestic industry

- 9. The submissions made by the domestic industry (DI) and considered relevant by the Authority are as follows:
 - a. Domestic industry has submitted that each type of hot rolled coils and sheets have different requirement as per the specifications and uses. The domestic industry is capable of manufacturing all the type of PUC.
 - b. The interested parties have raised similar contentions during the recently concluded safeguard investigation also.

- c. The Designated Authority had earlier conducted investigations relating to stainless steel products wherein both coil and plates/sheets were included within the scope of the product under consideration. No product is consumed in coil form. Every coil is first cut and then consumed.
- d. The interested parties have failed to substantiate their claim with evidence. Moreover, companies could have approached any other producer in India who would have easily supplied such material to them. Merely because one Indian manufacturer is not supplying particular grade(s)/ type(s) to these companies, it cannot be a ground for exclusion. The requirements of the interested parties can be conveniently served by Indian steel manufacturers including Petitioners. Further, several exporters have raised issues on the quality of products manufactured by the domestic industry, but they have no locus standi to raise such issues. Such issues can be treated as credible if users in India raise them.
- e. There are many HR Flat steels conforming to various grades and specifications that are being produced by the Domestic Industry but not covered under Quality Control Order or does not have BIS Standard, viz., API grades, SAE1541, AHSS with TS \geq 580 MPa, Case-Hardening steels viz. 16MnCr5 etc.
- f. API was excluded from Safeguard investigation since imports of API grade steels did not exhibit the required surge. The Domestic industry was not getting injured by the imports of API grade steel during the period of investigation in the safeguard investigation. However, the imports of API Grade steel has jumped manifold during the POI and the average import price has also fallen sharply causing injury to the DI. The average import quantity of the API grade steel increased from 5,959 MT per month during April-June 2015 to 29,142 MT during the POI. The import prices of API Grades steel plummeted from USD 702 per MT in June 2015 to USD 370 per MT in December 2015. However, the Domestic Industry has the capability and is rated amongst select world-class steel makers for their technological and operational excellence. The Domestic Industry is capable of producing and supplying API grade steels as per customized technical requirement.
- g. DI is already servicing on regular basis the structural / HT grade steel requirement for world-renowned manufacturers of excavators, back-hoe loaders, dumpers etc. viz. JCB, Caterpillar and many more.
- h. Many interested parties including Maruti Suzuki India Limited have contended that all imported grades that are not manufactured by the domestic industry should be excluded from the product scope. Though such parties have annexed with their submissions a list of grades that they import, but the same have been

treated as confidential. Unless such parties provide the list of grades to interested parties on non-confidential basis, the domestic industry will not be in a position to comment on the grades for which they require exclusion. In view of this, exclusions requested by such parties cannot be allowed. It is reiterated that the domestic industry is fully capable of manufacturing all the grades and specifications required by importers/users/interested parties .

- i. Many of the interested parties had raised similar submissions before the DG Safeguards as well. The interested parties are merely repeating those submissions before the Designated Authority now. It is to be noted that the DG Safeguards had thoroughly examined the submissions of the interested parties in the final findings dated 15 March 2016. The DG Safeguards concluded that there was no merit in the submissions of the interested parties and further concluded that all the grades for which exclusions were sought were being manufactured by the domestic industry and supplied to users in India. No interested party has challenged the aforesaid determination of the DG Safeguards. Therefore, the product scope in safeguard investigation is legally sacrosanct, final and binding on the interested parties. The same interested parties cannot now come before the Designated Authority and reiterate same submissions on the product scope.
- j. As regards the grade N22CB, Domestic Industry requests that equivalent international standard should be made known or alternately chemical composition, mechanical properties and other metallurgical properties should be provided to it to offer comment. In any case, it is submitted that the domestic industry has manufactured equivalent grade and supplied the same to users in India. Therefore, the domestic industry is fully capable to manufacture the aforesaid grade.
- k. None of the exclusions requested by the interested parties are warranted, as the domestic industry not only manufactures the same but has also supplied these to users in India on regular basis. Evidence in this regard in the form of invoices, mill test certificates and appreciation letters from users has been provided to the Authority. These aspects have also been duly verified by the Authority. There is no doubt that the domestic industry is fully capable of manufacturing all the grades for which the interested parties have requested exclusion.
- l. The TDC agreements have been entered into between JSW Steel and POSCO with the understanding that JSW Steel shall provide hot-rolled steel grades (in particular IF and non-IF grades) to POSCO Maharashtra. In the meantime, trial runs for IF grade are already in place as demonstrated by the TDC agreements. Therefore, the question that JSW Steel or the domestic industry does not manufacture IF/IFHS and non-IF grades does not arise at all. The domestic industry is fully capable of manufacturing and supplying the aforesaid grades.

Only because POSCO Maharashtra is yet to obtain approval from a certain manufacturer, it cannot be said that JSW Steel cannot supply the aforesaid HR grades to POSCO Maharashtra. POSCO has not only misinterpreted the terms of the TDC agreements, but has also grossly misrepresented facts before the Designated Authority to create bias in the mind of the Designated Authority. This amounts to misrepresentation of facts, obstruction of justice and nothing short of non-cooperation. In light of POSCO's gross misrepresentation, POSCO should be treated as non-cooperative.

- m. The domestic industry has supplied all the grades or substitutable grades for which the Exporters / Importers / Users have sought exclusions. Nevertheless, interested parties are still requested to provide specifications of specific grades or equivalent grade as per Indian or international standards or the relevant PCNs of their concern in non-confidential version to the domestic industry. The domestic industry shall study such specifications or equivalent grade as per Indian or international standards or PCNs and make an appropriate reply to the claims raised by interested parties.
- n. Regarding the Designated Authority's analysis on product under consideration in the preliminary findings, the domestic industry submits that the analysis is adequate and addresses the contentions raised by both the domestic industry and other interested parties. The Designated Authority is requested to definitively confirm its analysis on product scope in the final findings.

B.3 Examination by the Authority

- 10. The submissions made by the interested parties and the domestic industry with regard to the PUC related issues and considered relevant by the Authority are examined and addressed as follows:
 - a. The main thrust of the submissions by the aforementioned interested parties is three-fold: i) the domestic industry does not produce many grades covered in the product scope; ii) the domestic industry does manufacture certain grades but the quality is not suitable; and iii) for certain grades, the domestic industry does not have customer's approval. The domestic industry has filed a detailed response addressing the claims of these interested parties. From the response filed by the domestic industry, the authority found that the domestic industry is manufacturing all the grades for which it got the orders and has also supplied them to users in India. There could be an issue with the quality of these grades supplied by the domestic industry. But, the request of various interested parties for exclusion of specific grades on this ground may not be feasible to entertain.
 - b. In order to examine the PUC exclusion related issues in an objective manner, the authority instructed all the parties seeking exclusions from PUC to provide

PCN wise details of the grades sought to be excluded. The domestic industry was also asked to provide PCN wise details of PUC manufactured by them during the POI. From detailed examination of the information, the authority found that the domestic industry either manufactured exactly matching PCN or a closely resembling PCN for each PCN for which interested parties had requested exclusion. In view of this, the Authority proposes that no exclusions are warranted from the product scope. . However, in the succeeding paragraphs, the authority has additionally addressed the individual requests for exclusions to the extent deemed necessary.

- c. It has been contended by interested parties that coils and not in coils cannot be covered in one investigation. It is further contended that alloy and non-alloy steel cannot be covered in one investigation. The Authority notes that there is no bar in law to conduct an anti-dumping investigation on coils and not in coils as well as alloy and non-alloy steel in one anti-dumping investigation. In fact, the Authority has conducted previous anti-dumping investigations on stainless steel which cover coils, sheets and plates in one anti-dumping investigation itself. Further, it is noted that with respect to calculation of dumping and injury margins, the Authority has compared coils with coils and “not in coil (sheets and plates)” with “not in coil(sheets and plates)”.
- d. It has been contended by the interested parties that HR coils and sheets/plates are different products having different end uses and, therefore, cannot be considered substitutable. In this regard the Authority notes that the Authority has already conducted anti-dumping investigations on stainless steel which cover both coils and sheets and plates in one anti-dumping investigation .There is also no legal bar on the Authority to cover two products having different uses in the same investigation. In any case, the Authority has calculated separate dumping and injury margins for HR Coils and HR not in coil (sheets/plates) . Therefore, the Authority considers it appropriate to cover both hot-rolled steel in coils and sheets/plates into a single investigation...
- e. It has been contended by some parties that there does not exist any product such as “HR not in coils”. In this regard the Authority notes that “HR not in coils” is a nomenclature appearing in Indian Customs Tariff itself and the same has been adopted in the present investigation.
- f. It has been contended that the PUC covers both narrow thickness sheets with a thickness less than 3mm and wide thickness sheets with thickness more than 10mm. It is further argued that the difference in plate thickness is crucial because it affects the end-use of the product and the consumer’s preference as well. It is argued that the goods falling under customs tariff heading (“CTH”) 7208, 7211, 7225 and 7226 are different regarding their end-uses. Narrow and wide flat rolled products are different in regard to their end-use, and they

cannot be treated as substitutable or interchangeable. It is argued that HR coils and sheets and plates falling under CTH 7208, 7211, 7225 and 7226 are different and inter se are neither substitutable nor interchangeable. But the essential question is whether HR coils and sheets and plates being imported into India are like or substitutable with the products being manufactured by the domestic industry. The Authority notes that this issue has been further addressed by comparing coils with coils and “not in coil (sheets and plates)” with “not in coil(sheets and plates)” for calculation of dumping and injury margins,

- g. The Authority notes that products excluded under Quality Control Order cannot be excluded on this ground unless the interested parties provide evidence that the same are not being manufactured by the domestic industry. The opposing interested parties have not given any credible evidence that these products are not manufactured by the domestic industry. Further, the interested parties have not been able to identify the products excluded in the Quality Control Order which the domestic industry does not manufacture. The interested parties have merely made a blanket statement in this regard.
- h. Some of the interested parties have contended that the PUC has been broadly defined to cover HR coils as well as HR not in coil. However, they have not given any explanation or evidence to substantiate their claim. Merely the fact that domestic industry has filed two separate safeguard applications for Hot rolled in coils and Hot rolled sheets and plates, does not debar it to cover Hot rolled in coil and Hot rolled not in coil (Sheets and plates) in a single anti-dumping application. As stated earlier, the Authority has in the past conducted a single anti-dumping investigation on stainless steel in coils and sheets and plates. In any case, to address this issue PCNwise analysis has been undertaken by the Authority
- i. Some interested parties have also argued that they have been importing HR coil in thickness 2.00 mm and below because their regular supplier M/s Tata Steel Ltd. had stopped supplying the same due to availability constraints and because of this reason they are forced to import this specific product and such products, therefore, should be excluded from the product scope. The Authority notes that the interested parties have failed to substantiate this claim with credible evidence. Moreover, the users could have approached any other producer in India who could have easily supplied such material to them. Merely because one Indian manufacturer is not in a position to manufacture / supply a particular type/grade of the PUC cannot be reason enough for exclusion of this particular type/grade of the PUC.
- j. With regard to the submission by some interested parties that it is difficult to depend on Indian vendors due to inconsistent quality, supply and Minimum Order Quantity requirements, the Authority notes that such parties have

themselves acknowledged that the grades required by them are manufactured by Indian producers. Merely because some particular domestic producers are not approved by an interested party does not mean that these grades should be excluded. Moreover, the Minimum Order Quantity is a kind of business decision which is quite prevalent in the trade and thus cannot be reason for not granting protection to the domestic industry. Further, such claims have not been substantiated by any evidence. Further, interested parties have not supplied any evidence to demonstrate that plates which are used for construction machinery and complying to IS Standard IS 2062:2011, E250C, E350C and E450BR are not manufactured by the domestic industry.

- k. It is contended that anti-dumping duty should not be imposed on abrasion resistant alloy steel plates and high strength alloy steel plates sourced from JFE Japan and SSAB, Sweden. It is pertinent to note that this investigation is not against the EU, so interested parties' request for excluding the product imported from SSAB Sweden defies logic. In addition, the Authority notes that the domestic industry has been making these grades.
- l. It is contended that N22CB, a special grade of hot-rolled steel from Japan should be excluded from the product scope. The Authority notes that the domestic industry has demonstrated that they have manufactured and supplied an equivalent grade to users in India. .
- m. It has been argued by various interested parties that automotive steel should be excluded from the scope of PUC since its imports are very less as compared to total imports and prices are very high. In this regard, the Authority notes that low imports of a particular grade cannot be ground for exclusion of that grade from the scope of the PUC. Further, the Authority notes that imports of automotive steel are actually in significant quantities during the POI. The interested parties have not conclusively demonstrated that such grades are not being dumped into India or the domestic industry is not manufacturing such grades. The domestic industry on the other hand has provided reasonable evidence to demonstrate that they have been manufacturing and supplying automotive steel grades to users in India.
- n. Some interested parties have argued that automotive grade steel like "High Tensile Special Purpose Grade Steel" imported from Korea RP and Japan should be excluded from PUC as the import prices of this grade are higher than the normal price. The fixation of reference price has accordingly been requested. In this regard, the Authority observes that it has to be demonstrated by Korean exporters that they are not dumping this grade or imports of this grade are not causing injury to the domestic industry. Further, the domestic industry is in fact manufacturing "High Tensile Special Purpose Grade Steel" as well as "pickled and oiled hot rolled steel coils". The domestic industry has

further submitted that they are already on the approved vendor list of several automobile makers, their vendors and auto component manufacturers.

- o. Further, the domestic industry has demonstrated with evidence that they do manufacture and sell Hot-rolled Silicon Electrical Non Oriented Steel (HRNO) and hot-rolled oiled and pickled coils. Therefore, requests for exclusion of these grades cannot be entertained.
- p. With respect to the contention of the interested parties regarding exclusion of API grade, it is noted that API grade has been excluded from the product scope in the safeguard application because the imports of API grade were not significant at the time of filing the safeguard application and thus were not causing any injury during the safeguard investigation period. However, API grade has been imported in increased quantities at reduced prices after imposition of provisional safeguard duty and during the POI of the current antidumping investigation. API grade steel had been excluded from the product scope of the safeguard investigation as the import analysis for F.Y. 2014-15 showed that quantity of import of these API grade steel was not at alarming levels. During 2015-16, the average import volumes of API grade steel increased by nearly 5 times in the POI as compared to the earlier period. The average import prices of API grade steel had also steeply fallen during the POI. The domestic industry has also supplied evidence in this regard which the Authority has duly examined. Besides, the domestic industry manufactures API grade steel .Therefore, API grade steel cannot be excluded from the product scope.
- q. As regards the contention that the PUC is too broad and vague, the Authority notes that the PUC has been appropriately defined keeping in view the imports from the subject countries and production and supply position of the domestic industry.
- r. In terms of Rule 6(7) and Rule 7 of the Rules, the Authority is obligated to provide evidence presented to it by one interested party to another interested party. If an interested party claims confidentiality on submissions and evidence, that interested party is obligated under Rule 7 to provide the same submissions and evidence in non-confidential format, but such non-confidential submissions should be meaningful so as to allow other interested parties to make comments. The Authority notes that many interested parties have requested for exclusion of various grades from the product scope but some such interested parties like Maruti Suzuki India Ltd , Stelco Limited, Welspun Corp Ltd. , Hyundai Motor India Limited have claimed confidentiality on such exclusion lists or PCN lists . The Authority, being a quasi-judicial authority, has provided non-confidential submissions of such parties to the domestic industry. The Authority notes that the above interested parties have not complied with Rule 7 as their non-confidential submissions are not meaningful

enough as they do contain the list of PCNs/grades for which they have requested exclusions. This has denied the domestic industry a fair opportunity to offer comments on exclusions requested by the above interested parties. In view of this, the Authority proposes to hold that exclusion requests by above interested parties cannot be allowed.

- s. The authority has also examined the final findings issued by DG Safeguards for HR Coils Safeguard investigation. It is noted that most of the parties seeking exclusions before the authority have also made similar request before the DG Safeguards. However, after detailed analysis, the DG Safeguards has concluded that no exclusions requested by various interested parties was warranted.
- t. With regard to like article, Rule 2(d) of the AD Rules provides as follows: - "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. On the basis of information on record and considering the submissions made by the interested parties, the Authority holds that there is no known difference in the subject goods produced by the Indian industry and those imported from the subject countries. The two are comparable in terms of physical characteristics, manufacturing process, functions and uses, product specifications, distribution and marketing, and tariff classifications of the goods. The two are technically and commercially substitutable. The consumers use the two interchangeably. The Authority holds that the products manufactured by the Applicants constitute like article to the subject goods being imported into India from the subject countries.
- u. The Authority hereby confirms the Product Under Investigation for this investigation as under:

“Hot-rolled flat products of alloy or non-alloy steel in coils of a width upto 2100mm and thickness upto 25mm and Hot-rolled flat products of alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm”.

The PUC covers products which are not further worked than hot-rolled and are flat products of iron, alloy or non-alloy steel, in prime or non-prime condition having ‘as-rolled’ edge or ‘trimmed’ edge or ‘slit’ edge or “milled” edge or “sheared” edge or “laser-cut” edge or “gas-cut” edge or any other type of edges. These products may be pickled or non-pickled (with or without skin-pass or tempering), slit or non-slit, normalized or un-normalized, ultra-sonically tested or untested or oiled or non-oiled etc. These products may be “as-rolled” or “thermo-mechanically rolled” or “thermo-mechanically controlled

rolled” or “controlled rolled” or “normalized rolled” or “normalized” or subject to any other similar process. These products may have patterns in relief / chequered patterns of different types derived directly during hot rolling. These products may have been subjected to various processing steps like pickling, oiling, rewinding, recoiling, temper rolling, heat treatment, etc. These products may be sand blasted or shot blasted or subjected to similar processes. The PUC covers Hot Rolled flat sheets and plates of alloy or non-alloy steel, whether or not rolled from universal plate mill including reversible plate mill or hot strip mill or tandem mill or steckel mill or any other similar process with various type of rolling configuration including 2-High, 3-High, 4-High, cluster mill or any similar hot rolling process. The PUC includes sheets and plates produced either directly from the hot rolling process or cut / sheared from hot rolled coils.

The following are not included in the scope of the product under consideration:

- 1. Hot-rolled flat products of stainless steel.*
- 2. Hot-rolled flat products of steel which are electrolytically plated or coated with zinc.*
- 3. Hot-rolled flat products of steel otherwise plated or coated with zinc.*
- 4. Cladded steel.*

C. Confidentiality

C.1 Views of Exporter, importers and other Interested Parties

11. Following are the issues raised by interested parties with respect to excessive confidentiality:

- a. Copy of Original/Raw transaction-wise import data obtained from IBIS has not been provided in excel file format.
- b. The company-wise production and sales volume detail of the domestic producer other than the applicant has not been provided.
- c. The item wise details of constructed value as well as normal value have been kept confidential and even ranges of normal value have not been given.

- d. Evidence regard to adjustments for ocean freight, marine insurance, port expenses, etc. has not been given by the domestic industry.
- e. Profit and ROCE in percentage terms have been kept confidential
- f. The authority should not claim the confidentiality on information not claimed as confidential by party supplying the same. (Reference: SC judgement: Union of India v/s Meghmani Organics Ltd. dated 14.10.2016). Hence the authority should provide all information not claimed as confidential including transaction wise DGCI&S import statistics.
- g. Domestic selling prices is not confidential and should be provided.
- h. The Petitioners, at various instances in the Petition and subsequent filings, have claimed excessive confidentiality over the following information:
 - (i) Metal bulletin report to be confidential, however, the same is available in the public domain;
 - (ii) The normal value calculated on the basis of metal bulletin prices is kept confidential.
 - (iii) The support letters provided by Tata Steel Limited and Jindal Steel & Power Limited (the Supporters), however such information is amenable to summarization in terms of index points.
 - (iv) The evidence filed by the Petitioners for their like article submissions are unjustifiably claimed to be confidential. As also agreed by the Petitioners during the public hearing, they must be directed to file non-confidential summaries of the various evidences filed by them in this behalf.
 - (v) Anti-Dumping authority has stated that they have relied on DGCIS data but a copy of DGCIS data has not been enclosed with preliminary findings.

C.2 Views of the Domestic Industry

12. Few interested parties are of the view that the domestic industry has exercised excessive confidentiality in the petition by keeping confidential - i) IBIS import data; ii) company-wise production and sales volume details; iii) item-wise details of constructed normal value; iv) evidence regarding adjustments for ocean freight, marine insurance, port expenses, etc.; v) domestic selling prices; vi) profit and ROCE in %age terms; vii) Metal Bulletin; viii) Normal value based on Metal Bulletin; ix) support letters by Tata Steel Limited and Jindal Steel & Power Limited; x) evidence filed by domestic industry on like article submissions and xi)

PCNs manufactured by the domestic industry. The domestic industry wholly denies and objects to the above contentions. First of all, it is clarified that Rule 7 of the AD Rules allows a party to claim confidentiality on information. Rule 7 also mandates that confidential information should be provided in non-confidential summary to interested parties, and where that is not possible, reasons should be provided why summarisation is not possible. The domestic industry has claimed confidentiality on certain data in compliance with Rule 7 of the AD Rules. The Designated Authority has also accepted the domestic industry's confidentiality claims. Therefore, the above contentions by interested parties have no merit. Further, import data for this investigation has already been placed in the public file. Therefore, contentions regarding non availability of import data are unfounded. Further, the domestic industry has placed on record the list of PCNs produced by them in non-confidential version of the written submissions.

C.3 Examination by the Authority

13. With regard to confidentiality of information, Rule 7 of Anti-dumping Rules provides as follows:-

Confidential information: (1) Notwithstanding anything contained in sub-rules and (7) of rule 6, sub-rule(2),(3)(2) of rule 12, sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.

(2) The designated authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorise its disclosure in a generalized or summary form, it may disregard such information.

14. Submissions made by the interested parties with regard to confidentiality and considered relevant by the Authority are examined and addressed accordingly. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to other interested

parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non confidential version of the information filed on confidential basis. The Authority made available the non-confidential version of the evidences submitted by various interested parties in the form of public file. The Authority notes that any information which is available in the public domain cannot be treated as confidential. This is in line with the larger bench judgment of the Hon'ble Supreme Court in *Union of India v. Meghmani Organics Ltd. and Others*, (2016) 10 SCC 28. Also, it is to be noted that the Authority placed the transaction-wise DGCI&S import statistics in the public file after removing confidential information such as names of exporter, importers and IEC codes of importers from the same.

D. Domestic Industry and Standing

15. Rule 2 (b) of the AD rules defines the domestic industry as under:

“(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term ‘domestic industry’ may be construed as referring to the rest of the producers”

16. The application has been filed M/s Steel Authority of India Limited, M/s. JSW Steel Limited and M/s Essar Steel India Limited. The production of the aforesaid three producers accounts for a major proportion of the total domestic production and is more than 50% of Indian production. The application has also been supported by two domestic producers, namely, Tata Steel Limited and Jindal Steel and Power Limited.

D.1 Views of Exporter, importers and other Interested Parties regarding standing of the domestic industry.

17. It is well established fact that Essar and JSW were engaged in import of the alleged dumped article. However, the authority has not explained the reasons for the deviation from the consistent practice of exclusion of importers from the scope of the Domestic Industry.

18. JSW cannot be termed as part of domestic Industry because of the reasons stated below:

- a. Investment of more than 4600 cr. by JFE in JSW (Constitute more than 15% of shareholding)
- b. Technical Collaboration
 - i) Collaboration for automotive steel production

- ii) JFE and JSW have also arrived at a broad consensus on the areas where possible collaboration can be explored in India in near future.
- c. Director nominated by JFE in JSW
- d. Import of subject goods by JSW from JFE

Investigation initiated based on the false disclosure by the domestic industry has led to wrongful determination of scope of domestic industry. The authority cannot revisit the scope of Domestic Industry; investigation is voidab-initio and should be terminated immediately.

D.2. Views of the Domestic Industry

19. The following are the submissions of the domestic industry with respect to the issues raised by various interested parties regarding standing of the domestic industry:

- a. Some interested parties are of the view that since JFE Steel has a shareholding to the extent of 15% in JSW Steel, JSW Steel should not be treated as part of the domestic industry. Interested parties also contend that Essar Steel and JSW Steel have imported the subject goods, and therefore, fail to qualify as domestic industry. The domestic industry wholly denies and objects to the above contentions. For a meaningful analysis, it is important to refer to Rule 2(b) of the AD Rules, which is extracted in relevant part below:

“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.

Explanation – For the purposes of this clause, -

- (i) *producers shall be deemed to be related to exporters or importers only if, –*
 - a) *one of the them directly or indirectly controls the other; or*
 - b) *both of them are directly or indirectly controlled by a third person;*
or
 - c) *together they directly or indirectly control a third person, subject to the condition that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producers to behave differently from non-related producers.*

- (ii) *a producer shall be deemed to control another producer when the former is legally or operationally in a position to exercise restraint or direction over the latter.*
- b. In view of the above legal provision, domestic industry submitted that it is not established in the facts of the case that JSW Steel is related to JFE Steel in terms of Rules 2(b)(i) and 2(b)(ii) of the AD Rules. In particular, none of the interested parties have been able to establish that JFE Steel directly or indirectly controls JSW Steel or vice versa. Further, none of the interested parties have been able to establish that JFE Steel and JSW Steel together control a third entity. It is also not established in the facts of the case that JFE Steel exercises restraint or direction over JSW Steel or vice versa. Thus, the question of JFE Steel exercising control over JSW Steel or vice versa is not established at all in the present case in terms of Rules 2(b)(i) and 2(b)(ii) of the AD Rules.
- c. In this regard, the domestic industry relied on the Final Findings in Circular Weaving Machines from China PR issued vide No.14/25/2008-DGAD dated 16 November 2010, where the Designated Authority has held that mere shareholding/relation does not demonstrate control in terms of the AD Rules. The relevant extract from the final findings is reproduced below for ease of reference:

15. The Authority notes that the key element in regard to relationship of the domestic producer and the exporter is 'control', legal or operational. The Authority finds that Starlinger, China is a 100% subsidiary of Starlinger, Austria whereby both are related companies. Further, it is evidenced that Starlinger, Austria is holding 34.67% shares in the applicant company i.e. LohiaStarlinger Limited. But mere shareholding does not amount to exercise of control and therefore does not make Starlinger, Austria and/or Starlinger, China related to LohiaStarlinger Limited (LSL) within the meaning of Anti Dumping Rules. Majority shareholding i.e. above 50% only gives legal control. Further, the Authority finds that no Director representing Starlinger, Austria has been appointed in the Board of applicant company since 2002. It is brought on record by both the parties that Starlinger, Austria has filed a Petition before Company Law Board seeking appointment of its nominee on the Board of LSL. All these establish that Starlinger, Austria has no operational control as well over LSL. Further, even if the two parties are related parties, the mere fact of relationship is insufficient to consider the domestic producer as ineligible. There must be sufficient grounds justifying exclusion of such related domestic producer. There must be evidence that the related domestic producer has acted differently due to relationship, or has participated in dumping practices and has taken such steps which would have resulted in self inflicted injury. In the instant

case, there is no such evidence that the relationship between the two parties have led to petitioner behaving in a manner different from an unrelated producer.

16. Thus, in the absence of legal or operational control by Starlinger, Austria and/or Starlinger, China over LSL and in the absence of sufficient grounds to treat LSL as ineligible domestic producer in the light of the provision contained in Rule 2(b), the Authority holds that the applicant is entitled to be treated as domestic industry within the meaning of Rule 2(b) of the AD Rules and has the standing to file the petition in terms of Rule 5(3) of the AD Rules.

- d. None of the interested parties have established that an alleged 15% share (though not admitted) of JFE Steel in JSW Steel accords control to JFE Steel thereby making JFE Steel and JSW Steel related. JFE Steel does not exercise any control on JSW Steel. Therefore, JSW Steel is not related to the exporter JFE Steel, and thus, qualifies as domestic industry in terms of Rule 2(b) of the AD Rules.
- e. Further, the Designated Authority has correctly observed that the petitioners qualify as domestic industry despite making very low imports of the subject goods. This observation by the Designated Authority is in line with the established jurisprudence, practice and many CESTAT decisions that state that the Designated Authority has the discretion to consider a petitioner as domestic industry in a situation where imports of the product under investigation by that petitioner are very low. In view of this, the Designated Authority is requested to confirm its preliminary findings on standing of the petitioners as domestic industry. Any contrary claims by interested parties on standing of the petitioners as domestic industry lack legal merit and should be rejected outright.

D.3 Examination by the Authority:

- 20. The issues raised by various interested parties with regard to standing of domestic industry are examined as under:
 - a. None of the interested parties have been able to establish that JFE Steel directly or indirectly controls JSW Steel or vice versa. Further, none of the interested parties have been able to establish that JFE Steel and JSW Steel together control a third entity. It is also not established in the facts of the case that JFE Steel exercises restraint or direction over JSW Steel or vice versa.
 - b. In order to consider a producer ineligible in terms of Rule 2(b) of AD Rules due to relation with exporter, there must be evidence that the related domestic producer has acted differently due to relationship, or has participated in

dumping practices and has taken such steps which would have resulted in self-inflicted injury. In the instant case, there is no such evidence that the relationship between the two parties have led to petitioner behaving in a manner different from an unrelated producer.

- c. Thus, in the absence of legal or operational control by JFE Steel over JSW and in the absence of sufficient grounds to treat JSW as ineligible domestic producer in the light of the provision contained in Rule 2(b) of the AD Rules, the Authority treats JSW Steel as an eligible applicant in this case. Further, similar view was taken by the authority in the anti-dumping investigation concerning imports of Circular Weaving Machines from China PR.
- d. Various parties have contended that Essar and JSW have imported the product under investigation and therefore should be considered ineligible to constitute domestic industry. In this regard, the authority notes that both Essar and JSW have filed certificates along with the petition stating the quantities imported by them and the purpose therefore. It is observed that the quantities imported are too insignificant as compared to their respective production to hold them ineligible to form part of domestic industry in terms of Rule 2(b) of the AD Rules. It is also observed that whatever quantities have been imported by Essar and JSW were used by them for self-consumption only. Therefore, the Authority rejects the contention of interested parties to consider Essar and JSW Steel ineligible to form part of domestic industry.
- e. The Authority holds that JSW Steel and Essar Steel are eligible to be part of domestic industry in terms of Rule 2(b) of the AD Rules.
- f. The authority also holds that the applicants together command a major proportion of the production of the subject goods in India. Accordingly, the applicants satisfy the standing requirement in terms of Rule 5(3) and constitute 'domestic industry' in terms of Rule 2(b) of the AD Rules.

E. De Minimis Limits

- 21. As per the import data received by the Authority from the Directorate General of Commercial Intelligence and Statistics (DGCI&S) and the data furnished by the cooperating exporters from the subject countries, the imports of the subject goods from the subject countries are found to be above the *de minimis* level.

F. Miscellaneous issues raised by the interested parties

F.1 Various interested parties have raised several issues with respect to the present investigation, including methodologies of dumping determination and injury claims of the domestic industry. While the issues regarding the dumping and injury determination have been dealt in the appropriate places in this finding, the general

issues raised by the parties to the investigation have been examined hereunder. For the sake of brevity, the submissions of the parties and issues raised therein have been summarized as follows:

- a. Imposition of anti-dumping duty only on “Hot Rolled flat products of alloy or non-alloy steel in coils” without imposing the same on imports of finished products like Cold Rolled Steel, Galvanised Steel and pre-painted Galvanized steel would adversely affect the secondary steel manufacturers. Downstream products will be imported into India as they are not subject to any anti-dumping duty resulting in death for all the downstream industries which consume HR Coil as raw material.
- b. The POI “should be representative and as recent as possible”. Deviations from the benchmarking oneyear POI shall be substantiated by the Petitioners and the Designated Authority by positive evidence which is not present in the current case. The POI of six months is too short for arriving at a conclusion and it should be at least one year.
- c. The steel industry is already strongly protected by an increasing MFN customs tariff from 5% in 2011-12 to 12.5% in 2015-16. On top of that, from 15 March 2016, safeguard duties of 20% ad valorem are in place on imports of hot rolled steel in coils. Furthermore, the DGFT introduced a Minimum Import Price against 173 HS codes, covering the PUC.
- d. MIP has already been imposed and demand of Indian steel mills should not be accepted. Imposition of ADD duty will promote import of finished products, resulting in closure of Indian Industries. There is no further need to protect the steel industry after imposition of MIP, increase in import duty and imposition of safeguard duty. The prices of steel are on a rising trend now and major domestic steel players such as JSW Steel, Bhushan, Essar, JSPL, TATA are reported to be doing good.
- e. Besides high tariffs, the foreign producers confront discriminative non-tariff barriers by way of licensing by BIS. The requirement of BIS license was one of the main reasons for the NLMK Group to suspend their imports of PUC from Russia to India.
- f. All subject countries except for Russia and China are subject to preferential trade agreements.
- g. The petition should only be based on JPC data to avoid any manipulations by private agencies. Import Statistics have been procured from a private organization- IBIS and the data could have been manipulated. The import

data is based on IBIS and production data is based on JPC which is not compatible and is misleading.

- h. In February 2016 all goods falling within the heading 7208 and part of the goods under heading 7225 were subject to imposition of minimum import price. In view of this, the value “POI annualized” cannot be treated as reliable and should not be taken into consideration.
- i. The declaration that there are no known differences in the production prices employed by the Petitioners and exporters is incorrect. Indian producers have neglected technological up-gradation for cost reduction and product development.
- j. The petition did not include sufficient information on the impact of the alleged dumped imports on the domestic industry. In doing so, the Petitioners failed to meet the specific requirements of Article 5 WTO ADA as implemented in the Indian AD Rules. The Petitioners omitted information on employment, wages, cost of sales, export sales, opening and closing stocks, net worth and captive consumption.
- k. Large volume of PUC is being captively consumed by the Petitioners for production of downstream goods. Petitioners have wilfully taken demand for PUC as a whole while concealing the captive consumption of PUC by them. Captively consumed goods did not enter the market and could not be considered as part of competing goods.
- l. The Return on Capital employed should not be as high as 22%. Reliance is placed on the judgement of Bridgestone Tyres Manufacturing & Others vs. Designated Authority.

F.2 Miscellaneous submissions made by the Domestic Industry and considered relevant by the Authority are as follows:

- a. Section 9A (3) of the Act is with reference to history of dumping of the product. Petitioners request the authority to recommend retrospective levy of anti-dumping duty on the subject goods because the conditions for retrospective levy of antidumping duty are fully satisfied.
- b. There is evidence of dumping of subject goods which is evident from the fact that many countries including Canada, US, Turkey, EU etc. have initiated anti-dumping investigation against import of Hot-Rolled flat products of steel. Massive dumping of PUC into India has taken place in a relatively short period of time causing injury to the domestic industry.

- c. Exporters are well aware that they are resorting to dumping which is causing injury to the domestic industry since import prices of PUC have reduced significantly as evident from the landed values for respective countries.
- d. Some interested parties are of the view that 22% return on capital employed is not justified in calculating non-injurious price. The domestic industry strongly objects to the above contention and submits that none of the interested parties have adduced evidence to demonstrate why 22% return on capital employed is not justified. In fact, in two recent CESTAT rulings, it has been observed that 22% return on capital employed is valid as per the consistent practice of the Designated Authority and onus is on the party refuting it to demonstrate with evidence why 22% return is not justified. In this regard, the Designated Authority's attention is invited to CESTAT rulings in *Merino Panel Products Ltd. v. Designated Authority*, Final Order No. AD/A/53541/2015-CU[DB] dated 27 November 2015 and *Eximcorp India Pvt. Ltd. v. Designated Authority*, Final Order No. AD/A/53462/2016-CU[DB] dated 12 September 2016. In view of the above CESTAT orders, 22% return on capital employed is valid in the present case and should be affirmed definitively in the final findings.
- e. From perusal of the preliminary findings, the domestic industry is of the view that some errors appear to have crept in the calculation of the non-injurious price. The non-injurious price appears to be understated. It is requested that such errors be corrected. The domestic industry also requests the Designated Authority to disclose the preliminary non-injurious price calculations for examination and meaningful comments by the domestic industry in light of the Hon'ble Supreme Court's judgment in *Reliance Industries Ltd. v. Designated Authority & Others*, (2006) 10 SCC 368, which has been recently confirmed by the larger bench of the Hon'ble Supreme Court in *Union of India v. Meghmani Organics Ltd. & Others*, Civil Appeal No. 1679 of 2010.

F.3 Examination by the Authority

- 22. Miscellaneous submissions made by the interested parties and considered relevant by the authority are examined and addressed as follows:
 - a. As regards the submission that imposition of anti-dumping duty on the imports of subject goods will have an inflationary impact on their prices and adversely affect downstream industries, the Authority notes that the objective of anti-dumping duty is to prevent the unfair trade practices and to redress its injurious effect on the domestic industries by providing them a level playing field. Moreover, imposition of anti-dumping duty neither restricts nor prevents imports.

- b. The Authority notes that the argument that imposition of anti-dumping duty on the imports of the subject goods would accrue undue advantage to domestic Industry is presumptuous and pre-mature. Anti-dumping investigations are based on facts and law to analyze and assess the magnitude of dumping and consequent injurious effect on the domestic industry and to recommend imposition of suitable and adequate antidumping measure to provide a fair and level playing field to the domestic industry vis-à-vis dumping from exporters.
- c. With regard to the contention of the interested parties that period of investigation should be more than 6 months, the authority notes that according to recommendation of committee on anti-dumping practices (WTO document no. G/ADP/6 dated 16 May 2000):

“...the period of data collection for dumping investigations normally should be twelve months, and in any case no less than six months, ending as close to the date of initiation as is practicable”

Therefore, in view of above recommendation, 6 months period can be taken as the POI. The Authority has taken six months POI in other investigations also.

- d. The intent behind imposition of safeguard duty is different from anti-dumping duty. Safeguard duty is imposed to arrest surge in imports, whereas anti-dumping duty is imposed to neutralize the injurious effect of dumping on the domestic industry and to create a level playing field to enable the domestic industry to compete effectively vis-à-vis dumped goods.
- e. MIP was introduced by Government of India as a temporary measure and the same was in force for the subject goods till 4th August 2016.
- f. The interested parties have argued that other non-tariff barriers are also in place like BIS. The authority notes that existence of BIS is to ensure certain quality parameters. BIS standards are to be adhered by domestic industry as well as imports from all the countries. Further, existence of BIS does not lead to conclusion that there is no dumping and consequent injury to domestic industry.
- g. With regard to contention of the interested parties that Russia and China PR are subject to increased customs duty, the authority notes that even after the increase in customs duty, domestic industry is not able to compete with the low priced dumped imports.
- h. The Authority notes that the production quantity figures have been sourced from the JPC data only, wherever necessary. Further, authority has relied upon DGCI&S import data in this disclosure.

- i. As regards the request for retrospective imposition of anti-dumping duty, Section 9A(3) of Customs Tariff Act provides as follows:

If the Central Government, in respect of the dumped article under inquiry, is of the opinion that

- (i) *there is a history of dumping which caused injury or that the importer was, or should have been, aware that the exporter practices dumping and that such dumping would cause injury; and*
- (ii) *the injury is caused by massive dumping of an article imported in a relatively short time which in the light of the timing and the volume of imported article dumped and other circumstances is likely to seriously undermine the remedial effect of the anti-dumping duty liable to be levied,*

the Central Government may, by notification in the Official Gazette, levy anti-dumping duty retrospectively from a date prior to the date of imposition of anti-dumping duty under sub-section (2) but not beyond ninety days from the date of notification under that sub-section, and notwithstanding anything contained in any law for the time being in force, such duty shall be payable at such rate and from such date as may be specified in the notification.

- j. Taking into account the facts of the case, the Authority does not find it appropriate to recommend retrospective imposition of anti-dumping duty.
- k. The present investigation has been initiated on the basis of prima facie analysis of the information/data furnished by the applicant showing dumping of subject goods from the subject countries, injury to the applicant on account of the said dumping and causal link between the two. In regard to the contention of the opposing interested parties that the initiation of investigation is bad in law due to misleading data furnished by the applicant and improper evaluation of data by the Authority, the Authority notes that it had prima facie satisfied itself about the accuracy and adequacy of information on the basis of information furnished by the petitioner at the time of initiation.
- l. The Authority notes that none of the interested parties has provided any evidence as to why the return on capital employed for the purpose of computing non-injurious price should be less than 22%. Further, it is the standard practice of the Authority to take ROCE as 22%.

G. Assessment Market Economy Treatment (MET), Normal Value, Export Price and Dumping Margin

NORMAL VALUE

23. Under Section 9A(1)(c), normal value in relation to an article means:

(i) the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or

(ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either-

(a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or

(b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6):

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transshipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.

Provisions relating to Non- Market Economy countries

24. Annexure-I to AD rules states as under:

7. In case of imports from non-market economy countries, normal value shall be determined on the basis if the price or constructed value in the market economy third country, or the price from such a third country to other countries, including India or where it is not possible, or on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner, keeping in view the level of development of the country concerned and the product in question, and due account shall be taken of any reliable

information made available at the time of selection. Accounts shall be taken within time limits, where appropriate, of the investigation made in any similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without any unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.

8. (1) The term “non-market economy country” means any country which the designated authority determines as not operating on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise, in accordance with the criteria specified in sub-paragraph (3)

(2) There shall be a presumption that any country that has been determined to be, or has been treated as, a non-market economy country for purposes of an anti-dumping investigation by the designated authority or by the competent authority of any WTO member country during the three year period preceding the investigation is a nonmarket economy country

Provided, however, that the non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the designated authority that establishes that such country is not a non-market economy country on the basis of the criteria specified in sub-paragraph (3)

(3) The designated authority shall consider in each case the following criteria as to whether:

(a) the decisions of the concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values;

(b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts;

(c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and

(d) the exchange rate conversions are carried out at the market rate.

Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping

investigations, the designated authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph”.

Submissions made by Exporters, Importers, Users and other Interested Parties

25. Various submissions made by the interested parties with regard to MET, Normal value, export price and dumping margin and considered relevant by the Authority are examined and addressed as follows:

- a. The calculation of normal value is based on assumption rather than factual position and is not valid. The breakup of components of normal value such as iron ore consumption, energy consumption, labour cost etc. should be furnished.
- b. Russian Federation expresses its concern with the methodology of dumping margin calculation for Russian supplies. The Metal Bulletin prices (MBP) are unreliable and inaccurate for purposes of calculating a benchmark for the import of subject goods from Russia. MBP are not synonymous with Russian prices because they are based on prices for producers in Eastern Europe , not only in Russia. DGAD should base its conclusion on the basis of actual data submitted by Russian exporters and producers.
- c. Calculation of costs on the basis of “Indian experience” contradicts with the Article 2.2.1.1 of the Anti-dumping Agreement which stipulates that “the costs shall normally be calculated on the basis of the records kept by the exporters or producers under the investigation...”
- d. Some interested parties have submitted that if profit making transactions are less than 20%, then normal value should be determined on the basis of cost of production plus reasonable profit.
- e. If the DGAD ignores the reported PCNs in the dumping margin calculation, the result of the determined dumping margin on the respondent could be distortive because a fair comparison in such a scenario is not plausible. Furthermore, this comparison method is not consistent with the Indian AD Rules.
- f. In the Duty Table provided at the end of the Preliminary Findings, it is noted that the NIL duty margin allocable to the Producer has been made contingent on certain product restrictions. It is most respectfully submitted that levying any duty on export of HR not in coils made by the Producer and its cooperating trade channel is illegal and in outright contravention of Rules 12 and 13 of the Anti-dumping Rules, which require that the duty levied shall not exceed the margin of dumping.

- g. In preliminary finding authority has not accepted the response filed by PT POSCO Krakatau mainly on the ground that the trading co through which PTKP has exported the subject goods in the India have not in return reported this exports. The response on behalf of the trading companies were submitted on 30.09.2016, i.e., well before the Hearing. It is humbly requested that the response filed by the trading company, albeit belatedly, may kindly taken in the record.
- h. The Petitioners at paragraph 7 (iii) of their written submission have claimed that JFE should be treated as non-cooperative as certain related domestic customers of the Producer have not filed any response in the present investigation. There is no actual legal basis provided for the rejection of the Producer's data. The rejection of domestic sales as a determinant of normal value can only be done if the domestic sales are found to be "not in the ordinary course of trade" as clarified in Section 9A of the Customs Tariff Act, 1975, as well as Annexure I to the Anti-dumping Rules.
- i. With regard to the Petitioners' reliance on the USDOC's finding in the countervailing investigation on imports of Corrosion Resistant Steel from India, the Producer respectfully submits that the precedent is not applicable in an anti-dumping investigation. As quoted by the Petitioners themselves, adverse facts were applied to JSWSL because it failed to properly identify a related input supplier for "cross-ownership" which is a test distinctly used in countervailing investigations only. There is no equivalent test or requirement in an anti-dumping investigation. Therefore, the precedent does not apply to the present investigation.
- j. The provisions as laid down in Article 15(a)(ii) for treating the Chinese exporters as not operating on market principles and disregarding their domestic prices or costs has become non-operational in view of the provisions contained in Article 15(d). Therefore, at present, there are no provisions which enable the Hon'ble Authority for disregarding the domestic prices and costs of the Chinese producers. Therefore, the normal value for Chinese producers may please be determined on the basis of their domestic prices and cost of the subject goods and any other methodology used for the determination of normal value for them would be in violation of the obligations of India under the WTO.
- k. Price provided for calculation of Normal Value are unreliable and unsuitable because they have nothing in common with market prices in Russian Market. It is advisable to calculate normal value (as per WTO Rules) on the basis of information provided by Russian producers.

1. It should be noted that exports of the PUC by POSCO to unrelated customers in India is done through trading companies and for one related party, i.e. POSCO- Maharashtra, POSCO exports the PUC directly. In the present anti-dumping, questionnaire responses have been filed by POSCO and six of its traders which covers 99.91% of the exports made to India during the POI. Since none of the related parties except POSCO P&S was part of the export sale chain in India, only POSCO P&S has filed the exporter questionnaire response.

Submissions made by the Domestic industry

26. Various general submissions made by the domestic industry with regard to MET, Normal value, export price and dumping margin during the course of the investigation and considered relevant by the Authority are as follows:
 - a. Domestic Industry has provided evidence of selling price of product concerned in the domestic market of subject countries.
 - b. There is sufficient reason to consider that the producers in subject countries are dumping the subject goods. These producers have been selling the product under consideration at prices less than cost of production or domestic prices are higher than export price to India.
 - c. None of the Chinese producers can satisfy market economy status. None of the WTO Member countries has granted market economy status to Chinese producers on the basis of the latest detailed evaluation of relevant criteria.
 - d. Unless the responding Chinese exporters conform to the standards laid down under the Rules, the Designated Authority is required to determine the normal value in accordance with Para 7 of Annexure-I to the Rules.
 - e. None of the producers/exporters from China PR has claimed market economy treatment.
27. The domestic industry made the following specific submissions with respect to dumping margins, normal value, export price and questionnaires filed by various interested parties:
 - a. The data pertaining to export transactions of NISCO has been suppressed by Hyundai Corporation. Hyundai Corporation should give an explanation for not reporting all the exports to India as suppression of facts is a major fault on part of Hyundai Corporation. The Designated Authority should have treated Hyundai Corporation as non-cooperative in the preliminary findings itself.

- b. It is also possible that Hyundai Corporation has suppressed data with regard to other transactions to India as well and reported incorrect information for other producers such as Hyundai Steel Company and POSCO. Accordingly, the response filed by Hyundai Steel Company and POSCO should also be rejected as Hyundai Corporation is also a major exporter of subject goods manufactured by these producers in Korea RP and is related to POSCO.
- c. Authority should not have accepted the response filed by POSCO as 5 unrelated traders and 1 related trader of POSCO have not cooperated in this investigation. It is mandatory for related parties to cooperate fully with the Designated Authority even if quantum exported is less.
- d. Related parties of JFE Steel Corporation have not filed any response with regard to domestic sales. Merely because the quantum of sales to related parties is less, the Designated Authority should not have accepted the response filed by JFE Steel Corporation. Further, with regard to export price to India, one unrelated trader of JFE Steel Corporation has not filed a response. Thus, value chain for JFE Steel Corporation is not complete. In view of the significant non-cooperation from related and unrelated parties, JFE Steel Corporation should be treated as non-cooperative.
- e. 4 out of 6 related parties of NSSMC have not filed any response with regard to domestic sales. Merely because the quantum of sales to these related parties are less, the Designated Authority should not have accepted the response filed by NSSMC. The Designated Authority has observed that NSSMC has made exports through other traders who have not cooperated in the investigation. Thus, value chain for NSSMC is not complete. In view of the significant non-cooperation, NSSMC should be treated as non-cooperative.
- f. The traders of Zhangjiagang Group have made exports through other traders who have not cooperated in the investigation. Thus, value chain for Zhangjiagang Group is not complete. In view of this non-cooperation, Zhangjiagang Group should be treated as non-cooperative.
- g. With regard to cooperation by interested parties, the domestic industry further submits that there is a strict requirement placed by investigating authorities in other WTO member countries. In case of countervailing duty investigation concerning imports of Certain Corrosion Resistant Steel Products from India conducted by United States, the US Department of Commerce (“USDOC”) has treated an exporter as non-cooperative just because the exporter has failed to inform the USDOC that related company supplying a miniscule quantity of raw material was in operation for the final two months of the POI.
- h. It is the global practice that suppression of facts and non-cooperation should lead to rejection of a questionnaire response. The Designated Authority

should make similar obligations on exporters and treat them non-cooperative for the reasons cited above.

- i. It is also requested that in calculation of the ex-factory export price, bank charges should also be reduced as deduction from the export price of the exporters for fair comparison.

Examination by the Authority

Market Economy claims for Chinese producers

28. Article 15 of China's Accession Protocol provides as follows:

“Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the SCM Agreement shall apply in proceedings involving imports of Chinese origin into a WTO Member consistent with the following:

(a) In determining price comparability under Article VI of the GATT 1994 and the Anti-Dumping Agreement, the importing WTO Member shall use either Chinese prices or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:

(i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;

(ii) The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

(b) In proceedings under Parts II, III and V of the SCM Agreement, when addressing subsidies described in Articles 14(a), 14(b), 14(c) and 14(d), relevant provisions of the SCM Agreement shall apply; however, if there are special difficulties in that application, the importing WTO Member may then use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the importing WTO Member should adjust such prevailing terms and

conditions before considering the use of terms and conditions prevailing outside China.

(c) The importing WTO Member shall notify methodologies used in accordance with subparagraph (a) to the Committee on Anti-Dumping Practices and shall notify methodologies used in accordance with subparagraph (b) to the Committee on Subsidies and Countervailing Measures.

(d) Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector.”

29. Article 15 implies that provisions of one of the sub-paragraph shall expire 15 years from date of China's Accession. The provisions of this sub-paragraph expired on 11thDec., 2016. Since the factum of dumping causing injury to the domestic industry is established based on investigation period, the conditions prevalent during the investigation period alone is relevant, appropriate and necessary for the purpose of present investigation. The Period of Investigation (POI) for the purpose of the present review is July 2015 to December 2015. Since the subparagraph of Article 15 was in existence during the period of investigation, the Authority is entitled to use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

30. The Authority notes that in the past three years China PR has been treated as non-market economy country in anti-dumping investigations by India and other WTO Members. China PR has been treated as a non-market economy country subject to rebuttal of the presumption by the exporting country or individual exporters in terms of the Rules.

31. As per Paragraph 8, Annexure I to the AD Rules as amended, the presumption of a non-market economy can be rebutted if the exporter(s) from China PR provides information and sufficient evidence on the basis of the criteria specified in sub paragraph (3) in Paragraph 8 and prove to the contrary. The cooperating exporters/producers of the subject goods from People's Republic of China are

required to furnish necessary information/sufficient evidence as mentioned in sub-paragraph (3) of paragraph 8 in response to the Market Economy Treatment questionnaire to enable the Designated Authority to consider the following criteria as to whether:

- a. The decisions of concerned firms in China PR regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values.
 - b. The production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts.
 - c. Such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms.
 - d. The exchange rate conversions are carried out at the market rate.
32. It is noted that none of producers of subject goods in China PR has claimed market economy treatment. Accordingly, the authority is not required to examine any of the above criteria and holds that producers/exporters from China PR are not operating under market economy conditions and therefore has adopted the constructed normal value for determination on normal value in terms of Para-7 to Annexure-1 to the Rules

Determination of Normal Value

33. The Authority sent questionnaires to the known exporters/producers from the subject countries, advising them to provide information in the form and manner prescribed. The following parties have filed exporter questionnaire responses:

I. Korea:

1. Hyundai Steel Company (Producer)
2. Samwoo Co. Ltd. (Trader)
3. Hyundai Corporation (Trader)
4. P & A corporation (Trader)
5. Main Steel Co. Ltd. (Trader)
6. EIN Corporation (Trader)
7. GS Global Corp. (Trader)
8. POSCO Asia Company Ltd (Trader)

9. POSCO, Korea (Producer)
10. Daewoo International (*Name changed w.e.f. 14th March 2016 to POSCO Daewoo Corporation*) (Trader)
11. POSCO Processing & Services Co. Ltd. (Trader)
12. Samsung C&T Corporation (Trader)

II. Japan

13. Hanwa Co. Ltd. (Trader)
14. Mitsui & Co. Ltd. (Trader)
15. Marubeni Itochu Steel Inc. (Trader)
16. JFE Steel Corporation (Producer)
17. JFE Shoji Trade Corporation (Trader)
18. Honda Trading corporation (Trader)
19. Ohmi Industries Ltd. (Trader)
20. Nippon Steel & Sumikin Bussan Corporation (Trader)
21. Shmiso Corporation (Trader)
22. Nisshin Steel Co. Ltd. (Producer)
23. Sumitomo Corporation (Trader)
24. Nippon Steel & Sumitomo Metal Corporation (Producer)
25. Kanematsu Corporation Ltd. (Trader)
26. Toyota Tshusho Corporation (Trader)
27. Metal One Corporation (Trader)
28. Nissan Trading Corporation (Trader)
29. Uttam Galva International FZE, UAE (Trader)
30. Uttam Galva International Pte. Ltd., Singapore (Trader)
31. Kyusho Co. Ltd., Japan

III. China PR

32. Zhangjiagang Hongchang Steel Plate Co. Ltd. (Producer)
33. Zhangjiagang GTA Plate Co. Ltd. (Producer)
34. Shagang International (Singapore) PTE. Ltd. (Trader)
35. Xinsha International Pte. Ltd. (Trader)
36. Zhangjiagang Shajing Heavy Plate Co. Ltd. (Producer)
37. Jiangsu Shagang International Trade Co. Ltd (Trader)
38. Nanjing Iron and Steel Co. Ltd. (Producer)
39. Nanjing Iron and Steel Group International Trade Co. Ltd. (Trader)
40. Singapore Jinteng International Pte. Ltd. (Trader)
41. Angang Group Hong Kong Co. Ltd. (Trader)
42. Angang Steel Company Limited (Producer)
43. Wuyang New Heavy & Wide Steel Plate Co. Ltd. (Producer)
44. Wuyang Iron & Steel Co. Ltd. (Producer)
45. Hebei Iron & steel (Singapore) PET. Ltd. (Trader)
46. Hebei Iron & steel (Hong Kong) International Trade Co. Ltd (Trader)
47. Salzgitter Mannesmann International GmbH (Trader)

- 48. Ningbo Cimei Import & Export Co. Ltd. (Trader)
- 49. Lu Qin (Hong Kong) Co. Ltd. (Trader)
- 50. Burwill Resources Limited (Trader)
- 51. Future Materials Industry (Hong Kong) Co. Ltd. (Trader)
- 52. Steelco Pacific Trading Limited (Trader)

IV. Indonesia

- 53. PT Krakatau POSCO, Indonesia

34. None of the producers/exporters of subject goods from Russia and Brazil has filed exporter's questionnaire response.

Determination of Normal Value for producers and exporters in China PR

35. It is noted that none of the producers of subject goods in China PR has claimed market economy treatment. Therefore, the Authority has adopted the constructed normal value for determination of the normal value in terms of Para-7 to Annexure-1 to the Rules.

Methodology for determination of normal value for producers and exporters in China PR

36. In view of the above, the normal value for China PR is required to be determined as per the procedure described in Para 7 of the Annexure I to the Anti-dumping Rules. As per the provisions of Para 7 of Annexure I, the normal value in China PR is required to be determined based on domestic selling prices in a market economy third country, or the constructed value in a market economy third country, or the export prices from such a third country to any other country, including India. However, if the normal value cannot be determined on the basis of the alternatives mentioned above, the Designated Authority may determine the normal value on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted to include reasonable profit margin.

37. In the absence of any reliable price and cost details for the subject goods in any market economy third country, the Designated Authority has constructed the normal value for China PR on the basis of price actually paid or payable in India for the like product, duly adjusted, to include a reasonable profit margin. Accordingly, the Normal Value for all the exporters from China PR has been constructed for PUC and the same is shown in the Dumping Margin Table below.

Determination of Normal Value for producers and exporters in Korea RP and Japan

General Methodology for working out Normal Value

38. It was first determined by the Authority whether the total domestic sales of the subject goods by the producers/exporters in the subject countries were representative when compared to the exports of the subject goods to India.
39. Thereafter, it was examined whether their sales are under ordinary course of trade in terms of Para 2 of the Annexure I to the Anti-dumping Rules. Wherever the producers/exporters have provided transaction wise details of sales made in home market and same have been accepted by the Authority, the said information has been relied upon to determine the normal value of the subject goods sold in the home market.
40. For conducting ordinary course of trade test, the cost of production of the product concerned was examined with reference to the information provided by the producers/exporters and compared with domestic selling price to determine whether the domestic sales were in the ordinary course of trade or not. The authority has considered all the transactions in the domestic market for the determination of the normal value for the cooperating producers/exporters where profit making transactions are more than 80% and in cases, where profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of the normal value.

Korea RP

Normal value of cooperating exporters

Normal Value for M/s Hyundai Steel Company (“Hyundai Steel”) Korea RP, (Producer)

41. During the POI, Hyundai Steel has sold subject goods in the domestic market. All sales in the domestic market were made to non-affiliated parties during the POI. The domestic sales are in sufficient volumes when compared with exports to India. To determine the normal value, the authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. If profit making transactions are more than 80%, then the authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of the normal value. Hyundai Steel has claimed adjustment on account of credit cost & inland freight and the same have been allowed by the Authority. Accordingly, normal value at ex-factory level for Hyundai Steel has been determined for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

Normal Value for M/s POSCO, Korea RP (Producer)

42. During the POI, POSCO has sold the subject goods in the domestic market to related and unrelated parties. The Authority notes only one related party M/s. POSCO P&S has filed questionnaire response. However, it is also noted that more than ***% of the domestic sales have been made to non-affiliated parties during the POI. Therefore, the Authority accepts the domestic sales for the purpose of determining the normal value. The domestic sales are in sufficient volumes when compared with exports to India. All domestic sales transactions have been considered for determination of the normal value. To determine the normal value, the authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. If profit making transactions are more than 80%, then the authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of the normal value.
43. POSCO has claimed adjustment on account of inland freight, loading charge, packing cost, commission, warranty cost, credit expense, indirect selling expenses & level of trade. The authority has not accepted the adjustments for warranty cost, indirect selling expenses & level of trade as no reasonable basis and justification was provided to the authority in support of such adjustments. Accordingly, weighted average normal value at ex-factory level for POSCO has been determined for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

M/s Samwoo Co., Ltd., (“Samwoo”), Korea RP

44. M/s Samwoo Co. Ltd., Korea RP has filed a questionnaire response claiming to be a producer of the subject goods. It is noted by the Authority that Samwoo is involved in merely pickling and oiling process after purchasing HR Coils from various producers of HR Coils in Korea RP. Samwoo has not provided any details regarding the producers of HR Coils from whom it has purchased HR Coils. Therefore, the authority is unable to determine the normal value for Samwoo and does not accept the response filed by Samwoo for the purpose of the present findings. Accordingly, the normal value for Samwoo is based on facts available with the authority and the same is shown in the Dumping Margin Table below.

Normal Value for non-cooperating producers and exporters from Korea RP

45. The Authority notes that no other producer/exporter from Korea RP has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Korea RP, the Authority has determined normal value at ex-factory level for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Normal Value for Japan

Normal Value for M/s JFE Steel Corporation Japan (Producer) (“JFE”)

46. During the POI, JFE has sold the subject goods in domestic market to related and unrelated parties. The authority notes that only one of the related party JFE Shoji Trading has filed their response. However, it is also noted by the authority that domestic sales made to non-cooperative related parties are insignificant in terms of total domestic sales. Therefore, the Authority accepts the domestic sales of JFE for the purpose of determination of normal value. The domestic sales are in sufficient volumes when compared with exports to India.

47. To determine the normal value, the authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of subject goods. If profit making transactions are more than 80%, then the authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of the normal value.

48. JFE has claimed adjustment on account of discounts, inland freight, handling, storage and commission. The Authority has accepted all the adjustments. Accordingly, weighted average normal value at ex-factory level for JFE has been determined for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

Normal Value for M/s Nippon Steel & Sumitomo Metal Corporation (“NSSMC”)

49. During the POI, NSSMC has sold the subject goods in domestic market to related and unrelated parties. The authority notes only two related parties, M/s. Nippon Steel & Sumikin Bussan Corporation and Nippon Steel & Sumikin Pipe Co. Ltd, have filed their response. However, it is also noted by the authority that domestic sales made to non-cooperative related parties are very insignificant in terms of total domestic sales. Therefore, the Authority accepts the domestic sales for the purpose of determination of normal value. The domestic sales are in sufficient volumes when compared with exports to India.

50. To determine the normal value, the authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to

the cost of production of subject goods. If profit making transactions are more than 80%, then the authority has considered all the transactions in the domestic market for the determination of the normal value and in cases, where profitable transactions are less than 80%, only profitable domestic sales have been taken into consideration for the determination of the normal value.

51. NSSMC has claimed adjustment on account of price adjustments, rebate, early payment, inland freight, insurance, credit cost, storage and handling. The authority has accepted all the adjustments except early payment as authority has noted that the early payment rebate is far more higher than the credit cost actually claimed by NSSMC. Accordingly, the normal value at ex-factory level for NSSMC has been determined for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

Nisshin Steel Co. Ltd.

52. The authority notes that Nisshin Steel Co. Ltd (“NSC”) has submitted the exporters’ response claiming to be producer of subject goods and informed that it has exported the subject goods through traders in Japan. However, the authority notes that NSC has not submitted any details about domestic sales in Appendix-1 and other costing information. With regard to exports to India, NSC has submitted only Appendix-2A and 2B which are also grossly incomplete. Therefore, the authority is unable to determine the normal value for NSC in the absence of any information and rejects the response filed by NSC. Accordingly, the normal value for NSC is based on the facts available with the authority and the same is shown in the Dumping Margin Table below.

Normal Value for non-cooperating producers and exporters from Japan

53. The Authority notes that no other producer/exporter from Japan has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Japan, the Authority has determined normal value at ex-factory level for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Normal Value for Indonesia

Determination of Normal Value for M/s PT Krakatau POSCO, Indonesia

54. The Authority notes that M/s PT Krakatau POSCO, Indonesia has belatedly filed the exporter’s questionnaire response. It has been stated by M/s PT Krakatau POSCO that they have exported the subject goods to India through various trading companies. However, some of these trading companies named by M/s PT Krakatau POSCO have not reported the exports of the subject goods to India in their response which are manufactured by M/s PT Krakatau POSCO. Due to this

suppression of vital information by the traders, the Authority does not accept the response of M/s PT Krakatau POSCO and determines the normal value for the company on the basis of best available information and the same is shown in the Dumping Margin Table below.

Determination of Normal Value for other producers and exporters in Indonesia

55. The Authority notes that no other producer/exporter from Indonesia has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Indonesia, the Authority has determined normal value at ex-factory level for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Determination of Normal Value for producers and exporters in Russia

56. The Authority notes that no producer/exporter from Russia has responded to and cooperated with the Authority in the present investigation. For all the non-cooperative producers/exporters in Russia, the Authority has determined normal value at ex-factory level for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Determination of Normal Value for producers and exporters in Brazil

57. The Authority notes that no producer/exporter from Brazil has responded to and cooperated with the Authority in the present investigation. For all the non-cooperative producers/exporters in Brazil, the Authority has determined normal value at ex-factory level for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

EXPORT PRICE

Export Price for Korea RP

Export Price for M/s Hyundai Steel Company, Korea RP (Producer) along with M/s GS Global Corp. Korea RP, M/s Hyundai Corporation, Korea RP, M/s Main Steel Co., Ltd. Korea RP, M/s P&A Corporation, Korea RP and Ohmi Industries Ltd., Japan, (Exporters/Traders)

58. M/s Hyundai Steel Company, a producer of the subject goods in Korea RP, has filed the questionnaire response along with its unrelated trading companies', namely, GS Global Corp. Korea RP, M/s Hyundai Corporation, Korea RP, M/s Main Steel Co., Ltd. Korea RP, M/s P&A Corporation, Korea RP and Ohmi Industries Ltd, Japan. These trading companies exported of the subject goods to

India manufactured by the Hyundai Steel during the POI. All of these Exporters/Traders have filed their Questionnaire responses with the Authority.

59. The authority notes that Hyundai Steel has exported the subject goods as HR Coils, HR PO Coils and HR not in Coils (Sheets/Plates). The export sales of Hyundai Steel through its unrelated trading companies are on FOB/CFR basis. Hyundai Steel has claimed adjustment on account of inland freight, ocean freight, handling charge, inspection fee, bank charge, warehouse expenses, insurance fee and credit expenses and the same have been allowed. Accordingly, the export price has been determined for Hyundai Steel at ex-factory level for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

Export price for M/s POSCO, Korea RP (Producer) along with M/s GS Global Corp, Korea RP, M/s Hyundai Corporation, Korea RP, M/s Samsung C&T Corporation, Korea RP, M/s Daewoo International, Korea RP, M/s. POSCO Asia, Korea RP, POSCO P&S, Korea RP, (Exporters/Traders)

60. M/s POSCO, a producer of the subject goods in Korea RP, has filed a questionnaire response along with its unrelated/related trading companies', namely, M/s GS Global Corp, Korea RP, M/s Hyundai Corporation, Korea RP, M/s Samsung C&T Corporation, Korea RP, M/s Daewoo International, Korea RP, M/s. POSCO Asia, Korea RP, POSCO P&S, Korea RP, who exported the subject goods to India manufactured by the POSCO. POSCO has also made direct exports to its related company in India, POSCO Maharashtra, during the POI. Further, POSCO has also exported some quantities through other traders who have not filed their questionnaire response with the Designated Authority.

61. However, it is also noted by the authority that exports to India made through non-cooperating related/unrelated parties are very insignificant in terms of total exports to India. The export sales of POSCO through its cooperating unrelated/related trading companies are on FOB/C&F basis. POSCO has claimed adjustment on account of inland freight, ocean freight, loading charge, packing, bank expenses and credit expenses and the same have been allowed. The authority notes that some of the traders have exported the subject goods procured from POSCO to India at a loss. The authority has, therefore, made appropriate adjustments to take care of trader's loss. Accordingly, the weighted average export price has been determined for POSCO at ex-factory level for HR Coils and for HR not in Coils and the same is shown in the Dumping Margin Table below.

M/s Samwoo Co. Ltd., ("Samwoo") Korea RP along with M/s EIN Corporation, Korea RP(Exporter/Trader).

62. It is noted by the authority that M/s Samwoo Co., Ltd., Korea RP has exported only pickled and oiled HR Coils to India. Samwoo is not manufacturing HR Coils but is merely doing pickling/oiling process after purchasing HR Coils from

various producers of HR Coils in Korea RP. Therefore, the authority does not accept the response filed by Samwoo for the purpose of the present findings and is unable to determine the export price. Accordingly, the export price for Samwoo is based on the facts available with the authority.

Export Price for non-cooperating producers and exporters from Korea RP

63. The Authority notes that no other producer/exporter from Korea RP has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Korea RP, the Authority has determined the export price for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for Japan

Export Price for M/s JFE Steel Corporation Japan (Producer) (“JFE”) along with Honda Trading Corporation, Japan, JFE Shoji Trade Corporation, Japan Marubeni-Itochu Steel Inc., Japan, Mitsui & Co. Ltd, Japan, Ohmi Industries, Ltd., Japan, Uttam Galva International Pte. Ltd., Singapore, Uttam Galva International FZE, Dubai and Nissan Trading Co. Ltd, Japan, Shinsho Corporation, Japan and Metal One Corporation, Japan (Exporters/Traders)

64. JFE has filed the questionnaire response along with its unrelated/related trading companies’, namely, Honda Trading Corporation, Japan, JFE Shoji Trade Corporation, Japan Marubeni-Itochu Steel Inc., Japan, Mitsui & Co. Ltd, Japan, Ohmi Industries, Ltd., Japan, Uttam Galva International Pte. Ltd., Singapore, UttamGalva International FZE, Dubai and Nissan Trading Co. Ltd, Japan, Shinsho Corporation, Japan and Metal One Corporation, Japan, who exported the subject goods to India manufactured by JFE. Further, JFE has also exported some quantities through other traders who have not filed their questionnaire response with the Designated Authority.
65. However, it is also noted by the authority that the exports to India made through non-cooperative unrelated parties are insignificant in terms of total exports to India. Further, the authority notes that some of the traders have exported the subject goods to India at a price which does not cover traders’ expenses. The authority has, therefore, made appropriate adjustments on account of traders’ expenses also. JFE has claimed adjustment on account of inland freight, insurance and credit expenses and the same have been allowed. Accordingly, the export price has been determined for JFE at ex-factory level for HR Coils and for HR not in Coils and the same is shown in the Dumping Margin Table below.

Export Price for M/s Nippon Steel & Sumitomo Metal Corporation (“NSSMC”), Japan along with Hanwa Co. Ltd., Japan, Honda Trading Corporation, Japan, Kanematsu Corporation Ltd., Japan, Marubeni-Itochu Steel Inc., Japan, Mitsui & Co. Ltd, Japan, Nippon Steel & Sumikin Bussan Corporation, Japan, Sumitomo Corporation, Japan and Metal One Corporation, Japan (Exporters/Traders)

66. NSSMC has filed a questionnaire response along with its unrelated/related trading companies’, namely, Hanwa Co. Ltd., Japan, Honda Trading Corporation, Japan, Kanematsu Corporation Ltd., Japan, Marubeni-Itochu Steel Inc., Japan, Mitsui & Co. Ltd, Japan, Nippon Steel & Sumikin Bussan Corporation, Japan, Sumitomo Corporation, Japan and Metal One Corporation, Japan, who have exported the subject goods to India manufactured by NSSMC. Further, NSSMC has also exported some quantities through other traders who have not filed their questionnaire response with the Authority.
67. The export sales of NSSMC through its unrelated/related trading companies are on FOB basis. NSSMC has claimed adjustment on account of price adjustments, credit cost, rebate, early payment, inland freight, packing & storage and the same have been allowed. Accordingly, the weighted average export price has been determined for NSSMC at ex-factory level for HR Coils and for HR not in Coils and the same is shown in the Dumping Margin Table below.

Export Price for non-cooperating producers and exporters from Japan

68. The Authority notes that no other producer/exporter from Japan has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Japan, the Authority has determined the export price for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for China PR

M/s Angang Steel Company Limited, China PR (Producer)

69. M/s Angang Steel Company Limited (“Angang”) in its questionnaire response submitted that Angang has exported the subject goods to India through related exporter/trader, namely, M/s Angang Group Hong Kong Co., Ltd. (“Angang HK”) and that Angang Group International Trade Corporation (“Angang International”) is acting as commission agent. However, during the verification, it was noted by the authority that commercial invoice to Angang HK are issued by Angang International. No invoices were issued by Angang to Angang HK directly. Since no response has been filed by Angang International, the value chain is not complete and there is suppression of facts by Angang. Accordingly, the Authority

does not accept the response of Angang and determines the export price for the company on the basis of best available information and the same is shown in the Dumping Margin Table below.

M/s Zhangjiagang GTA Plate Co., Ltd.(GTA), China PR, M/s ZhangjiagangHongchang Steel Plate Co., Ltd.,(Hongchang), China PR, M/s ZhangjiagangShajing Heavy Plate Co., Ltd., (Shajing), China PR, (Producer/Manufacturer) along with its affiliated /non-affiliated trading companies, namely, M/s Jiangsu Shagang International Trade Co., Ltd., (Shagang International), China PR, M/s Shagang International (Singapore) PTE LTD (Shagang Singapore), Singapore, M/s Xinsha International PTE Ltd., (Xinsha), Singapore, M/s Burwill Resources Limited, BVI, M/s Future Materials Industry (Hong Kong) Co., Ltd., Hongkong, M/s Lu Qin (Hong Kong) Co., Ltd., Hong Kong, M/s Ningbo Cimei Import & Export Co., Ltd., China PR, M/s Steelco Pacific Trading Limited, Hong Kong, M/S GS Global Corp., Korea RP (Exporters/Traders).

70. M/s Zhangjiagang GTA Plate Co. Ltd. (GTA), M/s Zhangjiagang Hongchang Steel Plate Co., Ltd., (Hongchang) and M/s Zhangjiagang Shajing Heavy Plate Co., Ltd. (Shajing), are related companies and producers of the subject goods. These producers have sold the subject goods to their related company M/s Jiangsu Shagang International Trade Co., Ltd., (Shagang International). Shangang International has further resold the subject goods to M/s Shagang International (Singapore) Pte Ltd., (Shagang Singapore) and M/s Xinsha International Pte Ltd., (Xinsha). Shagang Singapore and Xinsha have resold the subject goods to M/s Burwill Resources Limited, M/s Ningbo Cimei Import and Export Co., Ltd., M/s Future Materials Industry (Hong Kong) Co. Ltd., M/s Lu Qin (Hong Kong) Company Ltd., M/s Steelco Pacific Trading Ltd., M/S GS Global Corp, M/s B&L Metal (HK) Limited, M/s C.G.S. (Hong Kong) Company Limited and M/s Hangzhou Cogeneration(Hong Kong) Co., Ltd, who in turn have exported the subject goods to India.
71. Out of the above mentioned companies, M/s B&L Metal (HK) Limited, M/s C.G.S. (Hong Kong) Company Limited and M/s Hangzhou Cogeneration (Hong Kong) Co., Ltd., have not filed their questionnaire responses with the authority. However, it is also noted by the authority that export to India made through non-cooperative unrelated traders are very insignificant in terms of total exports to India. The authority has considered only those export quantities for which questionnaire responses have been filed for determination of the export price.
72. The sales to Indian customers are on FOB. The authority has made adjustment for non-refundable VAT from the export price. Accordingly, the export price has been determined for the cooperating producers for Zhangjiagang group at ex-factory level for HR Coils and HR not in Coils and the same is shown in the Dumping Margin Table below.

M/s Wuyang New Heavy & Wide Steel Plate Co., Ltd (“WYNH”), China PR and M/s Wuyang Iron and Steel Co., Ltd. (“WYIS”), China PR through Hebei Iron & Steel (Hong Kong) International Trade Co. Ltd, Hong Kong and Hebei Iron & Steel (Singapore) PTE. Ltd, Singapore, Salzgitter Mannesmann International GmbH, Germany and Burwill Resources Limited, BVI.

73. WYNH is a producer of HR not in Coils in China PR. WYNH sold HR not in Coils to its related company WYIS in China PR. WYIS exported these goods along with its own manufactured HR not Coils to India through its related companies Hebei Iron & Steel (Hong Kong) International Trade Co., Ltd and Hebei Iron & Steel (Singapore) Pte. Ltd and also through unrelated traders, namely, Salzgitter Mannesmann International GmbH, Germany and Burwill Resources Limited, British Virgin Inland. The sales to Indian customers are on FOB/CIF basis. WYNH and WYIS have claimed adjustments on account of inland freight, port handling charges/customs fee, ocean freight, insurance and bank charges and same have been allowed. The authority has made further adjustment on account of non- refundable VAT. Accordingly, the export price has been determined for WYNH and WYIS at ex-factory level for HR not in Coils and the same is shown in the Dumping Margin Table below..

M/s Nanjing Iron and Steel Co. Ltd (“NISCO”) through M/s Nanjing Iron and Steel Group International Trade Co. Ltd and Singapore Jinteng International Pte. Ltd.

74. From the information submitted by M/s Nanjing Iron and Steel Co. Ltd (“NISCO”), the authority notes that NISCO has exported the subject goods to India through related exporter/trader, namely, M/s Nanjing Iron and Steel Group International Trade Co. Ltd and Singapore Jinteng International Pte. Ltd. The traders have exported major quantity through other traders namely Hyundai Corporation, Precious Metal International (HK) Co., Ltd and Hong Kong Baomin Trading Limited. Hyundai Corporation has not reported these exports in its response and Precious Metal International (HK) Co., Ltd and Hong Kong Baomin Trading Limited have not cooperated in with the authority. Therefore, the authority does not accept the response filed by NISCO and is unable to determine the export price. Accordingly, the export price for NISCO is based on the facts available with the authority.

Export Price for non-cooperating producers and exporters from China PR

75. The Authority notes that no other producer/exporter from China PR has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in China PR, the Authority has determined the export price

for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for Indonesia

M/s PT Krakatau POSCO, Indonesia

76. The Authority notes that M/s PT Krakatau POSCO, Indonesia has belatedly filed the exporter's questionnaire response. It has been stated by M/s PT Krakatau POSCO that they have exported the subject goods to India through various trading companies. However, some of these trading companies named by M/s PT Krakatau POSCO have not reported the exports of the subject goods to India in their response which are manufactured by M/s PT Krakatau POSCO. Due to this suppression of vital information by the traders, the Authority does not accept the response of M/s PT Krakatau POSCO and determines the export price for the company on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for other producers and exporters in Indonesia

77. The Authority notes that no other producer/exporter from Indonesia has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Indonesia, the Authority has determined the export price for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for producers and exporters in Russia

78. The Authority notes that no producer/exporter from Russia has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Russia, the Authority has determined the export price for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

Export Price for producers and exporters in Brazil

79. The Authority notes that no producer/exporter from Brazil has responded to the Authority in the present investigation. For all the non-cooperative producers/exporters in Brazil, the Authority has determined the export price as for HR Coils and HR not in Coils on the basis of best available information and the same is shown in the Dumping Margin Table below.

1) Dumping Margin

80. The export price to India (net of all the adjustments claimed by the exporters and accepted by the Authority) has been compared with the normal value to determine the dumping margin. The dumping margin during the POI for all the cooperating exporters/producers from the subject countries has been determined as shown in the Dumping Margin table below.

Dumping Margin Table

S.No	Country	Producer	Product	Exporter	NV	Export Price	Dumping Margin	Dumping Margin %
1	Korea RP	M/s Hyundai Steel Company	HR in Coil	1. Hyundai Steel Company, Korea RP 2. M/s GS Global Corp, Korea RP 3. M/s Hyundai Corporation, Korea RP 4. M/s Main Steel Co., Ltd., Korea RP 5. M/s P&A Corporation, Korea RP 6. Ohmi Industries Ltd., Japan	***	***	***	20-30
			HR Not in Coil	1. M/s GS Global Corp, 2. M/s Hyundai Corporation,	***	***	***	170-180
			PUC W. Avg.		***	***	***	30-40

2	Korea RP	M/s POSCO	HR in coil	<ol style="list-style-type: none"> 1. M/s POSCO, Korea RP 2. M/s POSCO Daewoo Corporation, Korea RP 3. M/s GS Global Corp, Korea RP 4. M/s Hyundai Corporation, Korea RP 5. M/s Samsung C&T Corporation, Korea RP 6. M/s. POSCO Asia, Hong Kong 7. POSCO P&S, 	***	***	***	30-40
			HR not in Coils	<ol style="list-style-type: none"> 1. M/s Daewoo International, 2. M/s GS Global Corp, 3. M/s Hyundai Corporation, 4. M/s Samsung C&T Corporation. 5. M/s. POSCO Asia, Hong Kong 6. POSCO P&S 	***	***	***	80-90
			PUC W. Avg		***	***	***	40-50
3	Japan	JFE Steel Corporation	HR in Coil	<ol style="list-style-type: none"> 1. Honda Trading Corporation, 2. JFE Shoji Trade Corporation, 3. Metal One Corporation 4. Mitsui & Co. Ltd, 5. Ohmi Industries, Ltd., 6. Uttam Galva International Pte. Ltd., 7. Uttam Galva 	***	***	***	40-50

				International FZE 8. Toyota Tshusho Corporation 9. Marubeni-Itochu Steel Inc. Japan				
			HR not in Coil	1. JFE Shoji Trade Corporation, 2. Metal One Corporation 3. Mitsui & Co. Ltd, 4. Ohmi Industries, Ltd., 5. Toyota Tshusho Corporation 6. Shinsho Corporation, Japan 7. Marubeni-Itochu Steel Inc. Japan 8. Kyusho Co. Ltd. Japan	***	***	***	40-50
			PUC W. Avg		***	***	***	40-50
4	Japan	M/s. Nippon Steel & Sumitomo Metal Corporation	HR in Coil	1. Hanwa Co., Ltd 2. Honda Trading Corporation, 3. Kanematsu Corporation, Ltd 4. Marubeni-Itochu Steel Inc., 5. Metal One Corporation, Japan 6. Mitsui & Co. Ltd, 7. Nippon Steel & Sumikin Bussan Corporation 8. Sumitomo Corporation 9. Toyota Tshusho Corporation 10. Ohmi Industries, Ltd.,	***	***	***	30-40

			HR not in Coil	<ol style="list-style-type: none"> 1. Hanwa Co., Ltd 2. Mitsui & Co. Ltd, 3. Nippon Steel & Sumikin Bussan Corporation 4. Sumitomo Corporation 5. Ohmi Industries, Ltd., 	***	***	***	10-20
			PUC W. Avg		***	***	***	20-30
5	China PR	<ol style="list-style-type: none"> 1. M/s Zhangjiagan g GTA Plate Co., Ltd. 2. M/s Zhangjiagan g Hongchang Steel Plate Co., Ltd., 3. M/s Zhangjiagan g Shajing Heavy Plate Co., Ltd., 	HR in Coil	<ol style="list-style-type: none"> 1. M/s Jiangsu Shagang International Trade Co., Ltd., 2. M/s Shagang International (Singapore) Pte LTD., 3. M/s Xinsha International PTE Ltd., 4. M/s Burwill Resources Limited, 5. M/s Future Materials Industry (HongKong) Co., Ltd., 6. M/s Lu Qin (Hong Kong) Co., Ltd., 7. M/s Ningbo Cimei Import & Export Co., Ltd., 8. M/s Steelco Pacific Trading Limited, 9. M/S GS Global Corp., 	***	***	***	60-70%

			HR not in Coil	1. M/s Jiangsu Shagang International Trade Co., Ltd. 2. M/s Shagang International (Singapore) Pte Ltd.	***	***	***	80-90
			PUC W. Avg		***	***	***	70-80
6	China PR	1. M/s Wuyang New Heavy & Wide Steel Plate Co., Ltd 2. M/s Wuyang Iron and Steel Co., Ltd.	HR Not in Coil	1. M/s Wuyang Iron and Steel Co., Ltd. 2. Hebei Iron & Steel (Hong Kong) International Trade Co., Ltd 3. Hebei Iron & Steel (Singapore) Pte. Ltd 4. Salzgitter Mannesmann International GmbH Germany 5. Burwill Resources Limited, Hong Kong.	***	***	***	100-110

Dumping Margin for other producers and exporters from the subject countries

81. The Normal Value and export price to India in respect of other producers and exporters in the subject countries has been determined on the basis of best information available. The information provided by the responding exporters has been adopted for the purpose. The dumping margin so worked out is mentioned in the table below.

HR in Coils (in US\$/MT)	Japan	Korea	China	Indonesia	Brazil	Russia
Normal Value	***	***	***	***	***	***
Net Export Price	***	***	***	***	***	***
Dumping Margin	***	***	***	***	***	***
Dumping Margin %	***	***	***	***	***	***
Dumping Margin % Range	70-80%	70-80%	70-80%	70-80%	60-70%	30-40%

HR not in Coils (US\$/MT)	Japan	Korea	China	Indonesia	Brazil	Russia
Normal Value	***	***	***	***	***	***
Net Export Price	***	***	***	***	***	***
Dumping Margin	***	***	***	***	***	***
Dumping Margin %	***	***	***	***	***	***
Dumping Margin % Range	230-240%	260-270%	100-110%	50-60%	85-95%	60-70%

82. It is seen that the dumping margins are quite significant and more than the limits prescribed under the Rules in respect of exports made by all the producers-exporters of the product under consideration from subject countries.

H. Determination of Injury and Causal Links

83. Rule 11 of Antidumping 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 dumped imports, their effect on prices in the domestic market for 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 is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

Views of Exporter, importers and other Interested Parties regarding the injury claims of domestic industry

84. The submissions made by the opposing interested parties with regard to injury related issues and considered relevant by the authority are as follows:

- a. Prices of raw materials and consumables have fallen globally, leading to fall in prices of steel. The domestic and global prices of major raw material including Iron Ore, Coking Coal and Lubricants etc. declined by 30% to 60% in 2014-15 resulting in reduction in prices of HR Coils by 30% to 35%. On the other hand Indian steel industry while earning windfall profits in the upturn must develop competitiveness to face global competition in the recessionary conditions. Therefore, there is no reason why profitability of the domestic industry should fall.
- b. Only the additional demand has been fulfilled by imports and increased imports should be seen in light of total demand existing in the country.

- c. The flooding of Indian steel market by cheap imports from China PR is based on sustained media campaigns from the petitioners without verification of facts. All shipments from China PR and other countries are against order placed by the Indian industry and thus it is the Indian industry and not the foreign producers who determine the quantum of imports. Moreover, imports under duty free scheme for export production of value added products constitute bulk of the imports of HR Coils. As per JPC data, the imports were also essential to bridge the gap between the domestic production and consumption.
- d. As per transaction-wise DGCIS import data, the consumption of the subject goods in India during the period 2012-2016 increased by 23% and the imports from Russia decreased in relation to the domestic consumption in India.
- e. The share of Russian imports in overall Indian consumption of the PUC did not increase from 2012-2013 to April-December 2015 while this was substantially lower in 2013-14 and 2014-15. Although the prices of Russian imports were the lowest among those of the countries concerned, the market share of Russian imports did not increase contrary to the other countries. NLMK submits that effect of imports from Russia be assessed separately from effects of imports from other countries.
- f. The production level of the DI has not fallen and there is only a slight increase in inventory. Moreover, the fair level of capacity utilization of 76% indicates that the situation is not as threatening as it is made out to be. Market share of 12% is not alarming in light of the fact that domestic production have not increased to cater to the higher demand.
- g. Low levels of capacity utilization of the domestic industry are caused by lack of raw material supply. Governmental ban on mining of iron-ore in 2013-2014 resulted in negative financial results of all steel making companies in India. Low capacity utilization has also been attributed to high costs of coal in India. The demand on coal remains higher than production.
- h. High raw material prices and unreasonable production costs have become key factors of disappointing financial results for the domestic industry. Indian producers had to import raw material and suspend production due to unreasonable production costs.
- i. The domestic industry experienced no injury in 2012-13, 2013-14 and 2014-15. The petitioners increased installed capacity, profitability, cash profits, ROCE while production volumes remained stable.

- j. The petition remains silent about the fact that during half of the POI, JSW Steel Ltd. closed both of its blast furnaces at Vijaynagar and Dolvi plants. According to marketing reports the enhanced facilities achieved the highest ever steel production in March, 2016. The negative effect of this factor on financials shall not be attributed to alleged dumped imports.
- k. The domestic steel producers are injured to their own financial imprudence and lack of R&D for cost reduction. They have made investment of billions of dollars in loss making foreign projects.
- l. Negative financial results of the Petitioners are due to high raw material prices in India and high cost of production. Indian producers import iron ore and coal which make their production costly than the production of companies abroad. Coking coal in India has high ash content which is not suitable for steel industry.
- m. Decreasing cash profit of the Petitioners is because of the huge financial investments in expanding capacities, interest and dividend payments, loan services etc.
- n. If the Petitioners were to keep their capacities at the level of 2012-13, the capacity utilization would have increased to nearly 92% in 2013-14 and 2014-15. Thus, wrong managerial decisions and negative impact shall not be attributed to imports.
- o. Injury to the Petitioners is not due to imports but due to factors like mismanagement or systemic cost problems of the steel industry in India which is isolated from global raw material prices. Marginal costs of Indian steel industry at the beginning of POI were about USD 400 whereas marginal costs of its closest competitor in China were about USD 319 and USD 330 in Europe.
- p. While the production of the PUC has shown a decline in case of the Petitioners, the production of Supporters and other domestic producers has shown a sharp increase.
- q. There is a clear break in causal link. The 2.6% market share gained by the Subject Countries is on account of the 7.3% market share lost by imports from other countries. Due to the loss in market share suffered by other countries, Supporters and Petitioners have gained around 5% market share.
- r. SAIL has unreasonably high employee cost. The turnover of JSW and SAIL dropped by 20% and 14% respectively, while their employee cost was adjusted only by 1-1.5%. On the other hand, Tata Steel's revenue dropped by

8.5% whereby it also ensured a relatively proportionate drop in employee cost (i.e., 6%).

- s. The export prices of the Petitioners were on average 10% lower of Indian imports price quotations. The Indian domestic industry quoted their export prices at level of USD 302 per MT which was 10% lower than the quotations of foreign producers importing to India, i.e., below the profitability threshold of the DI. This proves the self-inflicted character of alleged injury.
- t. From the admissions made by JSW Steel Limited and Steel Authority of India Limited (SAIL) in their own Annual Reports, it is clear that there are factors such as low demand and raw material issues affecting the performance of the Petitioners. Despite these impediments, JSW Steel Limited's sales have been increasing in both domestic and foreign markets.
- u. The Comprehensive Economic Partnership Agreement ("CEPA") was signed between India and Japan on February 16, 2011. During the POI, almost all imports of the PUC from Japan to India have been made subject to the preferential tariff rate. So, it is also important to analyze the facts and data distinctly for Japan as opposed to the other Subject Countries when analyzing injury in view of the current benefits available to both the countries.
- v. This investigation is carried for two distinguishable products namely HR in coil and HR not in coil. It is essential and inalienable to conduct dumping and injury examinations separately for these two products. Import data with regard to HR not in coils as per para 101 of the preliminary findings shows that the import of this product was only 2076 MT in the POI from Russia out of the total import of 197757 MT into India during POI. This shows had the investigation been separate for "HR not in Coils", then no investigation was permissible against Russia since the import from Russia stood at less than 0.5% which is much below "de minimis".

Views of the domestic industry

85. The following are the submissions with regard to injury related issues made by the domestic industry and considered relevant by the Authority:

- a. Imports of the subject goods have increased in absolute terms over the entire period of investigation. Imports of PUC from the subject countries have increased in absolute terms.
- b. Imports of the subject goods have increased relative to production and also relative to consumption in India as well in absolute terms.

- c. Market share of the Domestic Industry has decreased even though demand for the subject goods has been rising in India. This is due to the reason that imports have aggressively captured the increase in demand, while the market share of imports from subject countries sharply increased from 2012-13 to POI (A).
- d. The Domestic Industry has not been able to increase its production and sales commensurate with the increase in demand.
- e. Inventories of the Domestic Industry have been on the rise as the Domestic Industry has not been able to increase its sales despite increase in demand. Imports have been aggressively capturing the demand in India.
- f. There is significant price depression and suppression due to low priced dumped imports coming into India.
- g. The Domestic Industry's profitability and return on capital employed have been drastically affected. This is evident from the fact that the domestic industry was earning decent profits and return on capital employed till 2014-15. However, during the POI, the profits and returns have turned into losses.
- h. The export performance of the Domestic Industry in no way has affected its financial and economic situation. Also, the petitioners have ignored the information related to exports while examining the injury parameters and entire injury analysis is based only on domestic performance of petitioners.
- i. The analysis overwhelmingly indicates that the Domestic Industry is suffering material injury due to increasing dumped imports of PUC into India. There exists a strong nexus between the increase in dumped imports of the subject goods and the material injury being suffered by the Domestic Industry.
- j. At the time of placing orders with the domestic industry, the customers insist that the Domestic Industry must match the price with the offer given by the foreign producer during the same month, though the offer given by a foreign supplier would be delivered only after 2 months. Therefore, the proper comparison for price undercutting should be between the domestic sales realisation with two months lag. If the authority takes into account this time lag issue, price undercutting would be evident.
- k. Interested parties argue that prices of raw materials have declined and consequently there is a fall in prices of the subject goods. Interested parties further argue that the domestic prices of Petitioners are much higher than export prices. Petitioners submit that they have already decreased their prices in line with decrease in raw material prices. The contention of parties that there is a steep decline in raw material prices is incorrect as it does not take

into account the cost of transporting the raw material to factory. Further, transportation cost also has consistently increased during the injury analysis period.

- l. It is also pertinent to note that during the recent periods, the landed value of imports of the subject goods have declined much more than the decline in raw material prices. Further, it should be noted that imports have come at grossly low prices and the domestic industry has been forced to match such low prices, to the extent that their prices have gone below the cost of production of the domestic industry.
- m. Interested parties are wrong in claiming that the domestic industry's export prices are lower than the domestic prices. It is important to note that international prices of steel products are already suppressed due to rampant dumping from the subject countries. The domestic industry's export prices are also suppressed. That does not mean that the domestic industry should also sell their products at suppressed prices in their domestic market as well.
- n. Interested parties have submitted that injury being suffered by the domestic industry is due to their own internal factors including wrong managerial decisions, high fixed cost burden, high freight cost, poor infrastructure, raw material crisis, underutilized capacities and inability to meet the quality requirements of specific downstream industry. These claims are very general and without any facts and figures to support. The fact that injury has been caused due to dumped imports of the subject goods in India has already been established above. The domestic industry has been in existence since many years and has been doing well in the past. Infrastructure and capacities are in place with the domestic industry to meet the demand of the subject goods.
- o. It is alleged that the domestic industry is facing losses due to internal managerial issues. If such internal issues actually existed, the domestic industry would not have done well in the past. Therefore, the allegation that the domestic industry is facing losses due to the internal problems is not correct. Moreover, the interested parties in their contentions are unable to substantiate the quality requirement which the domestic industry cannot produce.
- p. The domestic industry submits that the Designated Authority has correctly concluded in the preliminary findings in paragraphs 81 to 84 to cumulatively assess imports of the subject goods. The domestic industry requests the Designated Authority to definitively confirm the aforesaid observations in the final findings. The domestic industry also accepts the injury analysis by the Designated Authority in the preliminary findings. The domestic industry requests that the injury analysis should be definitively confirmed in the final findings.

- q. The domestic industry submits that there are no factors other than dumped imports that are causing injury to the domestic industry. The Designated Authority has provisionally confirmed the same in the preliminary findings. The Designated Authority is requested to definitively confirm its observations on other factors in the final findings.

Examination of the issues by the Authority

86. The submissions made by the domestic industry and other interested parties during the course of investigations with regard to injury and causal link and considered relevant by the Authority are examined and addressed as below:

- a. With regard to the submissions of the interested parties that prices of raw materials have declined and consequently there is a fall in prices of the subject goods, the Authority notes that the domestic industry has already decreased its prices in line with decrease in raw material prices. However, there is increase in other expenses such as freight, labour and other conversion costs due to normal inflation.
- b. The Authority further notes that landed value of imports of the subject goods from the subject countries has declined much more than the decline in raw material prices and the domestic industry has been forced to match such low prices causing material injury to domestic industry.
- c. With regard to the export performance of the domestic industry, the authority notes that entire injury analysis is based only on the domestic performance of the petitioners.
- d. The Authority has further analysed the contention by the interested parties that injury being suffered by the domestic industry is due to their own internal factors including wrong managerial decisions, high fixed cost burden, high freight cost and poor infrastructure, raw material crisis, underutilized capacities and inability to meet the quality requirements of specific downstream industry. These claims are very general and without any facts and figures to support. The domestic industry has been in existence since many years and has been doing well in the past. Infrastructure and capacities are in place with the domestic industry to meet the demand of the subject goods. Had these factors impacted the performance of domestic industry, the domestic industry should not be earning profits in previous years.
- e. With regard to the imports from Russia, the authority notes that imports from Russia are significant and at substantially lower prices.

Cumulative Assessment

87. Article 3.3 of WTO agreement and Annexure II para (iii) of the Anti-dumping Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigations, the Authority will cumulatively assess the effect of such imports, in case it determines that:

- m. The margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent (or more) of the import of like article or where the export of individual countries is less than three percent, the imports collectively account for more than seven percent of the import of like article, and
- n. Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

88. The Authority notes that:

- a) The subject goods are being dumped into India from the subject countries. The margins of dumping from each of the subject countries are more than the *de minimis* limits prescribed under the Rules.
- b) The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
- c) Cumulative assessment of the effects of imports is appropriate as the exports from the subject countries not only directly compete with the like articles offered by each of them but also the like articles offered by the domestic industry in the Indian market.

89. In view of the above, the Authority considers that it would be appropriate to assess injury to the domestic industry cumulatively from exports of the subject goods from the subject countries.

90. Rule 11 of AD 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 dumped imports, their effect on prices in the domestic market for 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 is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, stock, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the AD Rules.

Volume Effect of Dumped Imports and Impact on Domestic Industry

Assessment of Demand

91. The demand of the subject goods has been determined by adding domestic sales of Indian producers of like product with imports of the subject goods from all the countries. For the purpose of present injury analysis, the Authority has relied upon the import data procured from DGCI&S. The Authority notes that demand of the subject goods increased significantly over the injury period as can be seen in the table below:

PUC (MT)	2012-13	2013-14	2014-15	April 2015- Dec 2015 (A)	POI (Jul 2015- Dec 15)	POI (A)
Import from subject countries	2,634,251	1,565,538	3,293,421	5,429,979	2,891,814	5,783,628
Imports from other countries	1,172,403	677,995	440,130	346,912	121,849	243,699
Total imports	3,806,654	2,243,533	3,733,551	5,647,060	3,013,664	6,027,327
Domestic sales of petitioners	12,686,998	13,802,597	13,449,196	13,468,873	6,639,969	13,279,938
Domestic sales of supporters	2,569,389	3,585,572	3,258,135	3,812,529	2,017,357	4,034,714
Domestic sale of other producers	2,351,353	4,005,980	3,671,250	3,125,440	1,546,204	3,092,409
Total Demand	21,414,394	23,637,682	24,112,132	26,053,903	13,217,194	26,434,388

Import Volumes and Share of the Subject Countries

92. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. The volume of dumped imports of the subject goods from the subject countries has been analyzed as under:

PUC (MT)	2012-13	2013-14	2014-15	April 15 to Dec 15	POI
China PR	780,273	478,963	1,506,381	1,097,519	831,198
Japan	788,009	613,705	925,778	1,158,637	785,781
Korea RP	674,708	359,463	598,463	1,081,739	760,506
Russia	277,421	74,261	167,778	296,427	257,091
Brazil	113,837	39,058	81,527	160,166	160,166
Indonesia	3	89	13,494	180,527	97,072
Others	1,172,403	677,995	440,130	260,184	121,849
Total	3,806,654	2,243,533	3,733,551	4,235,198	3,013,664

PUC (MT)	2012-13	2013-14	2014-15	April 2015- Dec 2015 (A)	POI (Jul 2015- Dec 15)	POI (A)
Import from subject countries	2,634,251	1,565,538	3,293,421	5,300,149	2,891,814	5,783,628
Trend	100	59	125	201	110	220
Imports from other countries	1,172,403	677,995	440,130	346,912	121,849	243,699
Trend	100	58	38	30	10	21
Total Imports	3,806,654	2,243,533	3,733,551	5,647,060	3,013,664	6,027,327
Trend	100	59	98	148	79	158
Total Demand	21,414,394	23,637,682	24,112,132	26,053,903	13,217,194	26,434,388
Imports from Subject Countries relative to consumption	12.3%	6.6%	13.7%	20.3%	21.9%	21.9%

93. The authority notes as under from the above table:

- a. Imports of PUC from the subject countries have increased in absolute terms from 26,34,251MT in 2012-13 to 57,83,628 MT in POI (A).
- b. Imports of PUC from the subject countries have increased in relation to consumption in India from 12.3% in 2012-13 to 21.9% in POI (A).

94. It is, thus, concluded that imports of the PUC from the subject countries have increased both in absolute terms and in relation to consumption in India.

Price Effect of the Dumped Imports on the Domestic Industry

95. With regard to the effect of the dumped imports on prices, Annexure II (ii) of the Rules lays down as follows:

"With regard to the effect of the dumped imports on prices as referred to in sub-rule (2) of rule 18 the Designated Authority shall consider whether there has been a significant price undercutting by the dumped imports as compared with the price of like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increase which otherwise would have occurred to a significant degree."

96. It has been examined whether there has been a significant price undercutting by the dumped imports of 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. The impact of dumped imports on the prices of the domestic industry has been examined with reference to the price undercutting, price underselling, price suppression and price depression, if any.

Price Undercutting

97. In order to determine whether the imports are undercutting the prices of the domestic industry in the market, the Authority has compared landed price of imports with net sales realization of the domestic industry. In this regard, a comparison has been made between the landed value of the product and the average selling price of the domestic industry 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 domestic prices and margin of undercutting is shown as per the table below:

PUC(INR/MT)	Japan	Korea	Russia	Brazil	China	Indonesia	Subject Countries
Landed Value	27,489	27,111	27,442	26,247	27,414	25,169	27,218
Domestic Selling Price	***	***	***	***	***	***	***
Price undercutting	(***)	(***)	(***)	***	(***)	***	(***)
Price undercutting as % of Landed Value	(***)	(***)	(***)	***	(***)	***	(***)
Price Undercutting Range%	(5)-5	(5)-5	(5)-5	0 - 10	(5)-5	5 - 15	(5)-5

98. The authority notes that the price undercutting is negative for some of the subject countries but is also of the opinion that for a proper examination, price undercutting should be examined in conjunction with price depression and price

suppression and that price undercutting should not be examined in isolation in a situation where the Domestic Industry has been constantly forced to reduce its prices to match with the landed value of imports. If the Domestic Industry does not respond to imports by bringing down its prices, it will lose more customers and the injury would be more severe.

Price Underselling

99. The Authority has also examined the price underselling suffered by the domestic industry on account of dumped imports from the subject countries. For this purpose, the NIP determined for the domestic industry has been compared with the landed price of imports. Comparison of weighted average NIP of the domestic industry with weighted average landed price of imports shows as follows:

Underselling	Unit	Japan	Korea	Russia	Brazil	China	Indonesia
Landed Value	INR/MT	27,489	27,111	27,442	26,247	27,414	25,169
W. Avg. Non Injurious Price	INR/MT	***	***	***	***	***	***
Price Underselling	INR/MT	***	***	***	***	***	***
Price Underselling	%	***	***	***	***	***	***
Price Underselling (Range)	%	15%-25%	15%-25%	15%-25%	25%-35%	15%-25%	25%-35%

100. It is seen that the landed price of the subject goods from the subject countries were significantly lower than the NIP determined for the domestic industry.

Price Suppression/Depression

101. In order to determine whether the dumped imports are depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increases which otherwise would have occurred to a significant degree, the Authority considered the changes in the costs and prices over the injury period. The position is shown in the table below:

PUC (Rs. per MT)	2012-13	2013-14	2014-15	April 2015- Dec 2015	POI (July 2015- Dec 15)
Cost to make and sell	***	***	***	***	***
Trend	100	99	96	94	94
Domestic Selling Price	***	***	***	***	***
Trend	100	102	101	80	77
Landed Value	38,421	40,417	39,122	28,874	27,218
Trend	100	105	102	75	71

102. It is noted that the domestic selling prices of domestic industry have reduced significantly to match the landed value of dumped imports. The imports were thus depressing the prices of the domestic industry in the market.

103. The cost to make and sell has reduced by 6 indexed points whereas the domestic selling price has reduced by 23 indexed units from 2012-13 to POI. The significant reduction in selling price had to be done to match the low priced dumped imports coming into India. It can be seen that the landed value during the same period has reduced by 29 indexed points.

Economic parameters of the domestic industry

104. 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 the 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.

Production, Capacity Utilization and Sales

105. The performance of the domestic industry with regard to production, domestic sales, capacity & capacity utilization was as follows:

PUC (MT)	2012-13	2013-14	2014-15	April 2015- Dec 2015 (A)	POI (Jul 2015- Dec 15)	POI (A)
Installed Capacity	27,430,926	29,345,600	29,492,267	29,785,600	14,892,800	29,785,600
Total Production	20,995,371	21,566,220	21,841,191	20,076,540	9,622,937	19,245,874
Capacity Utilisation	76.54%	73.49%	74.06%	67.40%	64.61%	64.61%
Domestic Sales	12,686,998	13,802,597	13,449,196	13,468,873	6,639,969	13,279,938

106. The following can be observed from the above tables:

- o. The production of domestic industry for PUC has reduced significantly from 20,995,371 MT during 2012-13 to 19,245,874 MT during the POI (A).
- p. Capacity utilization of the domestic industry has shown a considerable decline for PUC. The domestic industry has been able to achieve a best capacity utilization of 76.54% during 2012-13. However, this came down to 64.61% during the POI because of the significant increase in dumped imports from the subject countries.

Profits, profitability, return on investment and cash profits

PUC	2012-13	2013-14	2014-15	April 2015-Dec 2015 (A)	POI (Jul 2015- Dec 15)	POI (A)
Profit (Rs. Lakhs)	***	***	***	(***)	(***)	(***)
Trend	100	212	327	(505)	(316)	(633)
Profit (Rs./MT)	***	***	***	(***)	(***)	(***)
Trend	100	195	308	(475)	(605)	(605)
Cash Profits (Rs. Lakhs)	***	***	***	(***)	(***)	(***)
Trend	100	157	199	(149)	(102)	(204)
Cash Profit (Rs./MT)	***	***	***	(***)	(***)	(***)
Trend	100	144	187	(141)	(195)	(195)
ROCE %	***	***	***	(***)	(***)	(***)
Trend	100	144	162	(21)	(44)	(44)

107. The authority notes the following from the above tables:

- q. The Domestic Industry's profitability and return on capital employed have been adversely affected due to dumping of subject goods from subject countries. This is evident from the fact that the domestic industry was earning decent profits and return on capital employed till 2014-15. However, during the POI, the profits and returns have turned into losses.
- r. It can be seen from the above tables that domestic industry was earning decent returns till 2014-15. However, due to dumping from subject countries during POI, domestic industry has not been able to recover its cost of sales let alone earning a reasonable return on capital employed. If the same trend continues, it will be extremely difficult for the domestic industry to raise any investments. Moreover, if the dumping intensifies further, the negative cash flows will increase further and the domestic industry will not be in a position to service its debts.

Market Share

108. The effects of the dumped imports on the market share of the domestic industry have been examined as below:

PUC	2012-13	2013-14	2014-15	April 2015- Dec 2015 (A)	POI (Jul 2015- Dec 15)	POI (A)
Demand (MT)	21,414,394	23,637,682	24,112,132	26,053,903	13,217,194	26,434,388
Indexed	100	110	113	122	62	123
Market Share						
Share of Petitioners	59.2%	58.4%	55.8%	51.7%	50.2%	50.2%
Share of Supporters	12.0%	15.2%	13.5%	14.6%	15.3%	15.3%
Share of Other Producers	11.0%	16.9%	15.2%	12.0%	11.7%	11.7%
Share of Subject countries	12.3%	6.6%	13.7%	20.3%	21.9%	21.9%
Share of Other countries	5.5%	2.9%	1.8%	1.3%	0.9%	0.9%

109. The petitioners have not been able to increase the sales of the PUC commensurate with the increase in demand because of the significant volume of dumped imports coming from the subject countries.

110. It is seen from the above table that market share of the Domestic Industry has decreased even though demand for the subject goods has been rising in India. Further, the authority notes that market share of the imports from the subject countries have increased over the injury period. This is due to the reason that imports have captured the increase in demand.

Inventories

PUC	2012-13	2013-14	2014-15	POI (Jul 2015- Dec 15)
Inventory (MT)	436,308	519,456	469,530	561,888
Trend (Indexed)	100	119	108	129

111. The authority notes that the Domestic Industry is facing significant accumulated inventories. The levels of inventories have been increasing as compared to the base year. Due to increasing imports, the market share of the Domestic Industry has come down and the increased demand has been significantly captured by imports. As a result, the Domestic Industry is unable to increase its production

and sales which is leading to a situation of inventory accumulation over the injury period.

Growth

PUC	Unit	2013-14	2014-15	April 15 to Dec 15 (A)	POI(A)
Production	%	2.7	1.3	-8.1	-11.9
Cost of Sales	%	-0.7	-3.0%	-2.7	0.3
Selling Price	%	1.5	-0.2	-20.8	-3.4
Profit/ Loss per unit	%	95.1	58.1	-254.2	-296.1
Return on Capital Employed	%	44.3	12.0	-112.9	-126.9

112.The Authority notes that growth of the domestic industry with regard to production, domestic sales, capacity utilization, profits, return on investment, cash profits has been negative.

Ability to raise capital investments

113.The Authority notes that given the rising demand of the product in the country, the domestic industry has made investments in plant and machinery. However, despite these investments, the performance of the domestic industry has deteriorated considerably and further investment may get adversely affected.

Level of dumping & dumping margin

114.It is noted that the imports from the subject countries are entering the Indian market at dumped prices and that the margins of dumping are significant.

Factors Affecting Domestic Prices

115.The examination of the import prices from the subject countries, change in the cost structure, competition in the domestic market, factors other than dumped imports that might be affecting the prices of the domestic industry in the domestic market, etc. shows that the landed value of the imported material from the subject countries is below the non-injurious price of the domestic industry causing significant price under selling in the Indian market. Thus, the factor affecting the domestic prices is landed value of the subject goods from the subject countries.

Conclusion on injury

116.It is thus seen that there has been an increase in the volume of dumped imports from the subject countries in absolute terms. The imports have increased in relation to consumption and production of the product in India. Imports have thus increased both in absolute terms and in relation to production and consumption in India. Dumped imports have had significant adverse price effect in terms of price suppression and depression. Effect of dumped imports has been to reduce the

domestic prices of the subject goods. Low priced dumped imports have forced the domestic industry to fetch a market price which could not even cover its cost. The domestic industry is suffering price underselling. There exists significant price depression and suppression due to low priced dumped imports coming in India. The dumping margin determined by the Authority is quite significant. With regard to consequent impact of dumped imports on the domestic industry, it is noted that dumped imports from the subject countries have adversely impacted the performance of the domestic industry in respect of production, domestic sales, capacity utilization, inventories, market share, profits, cash profits and return on investment. Inventories with the domestic industry increased. The Domestic Industry's profitability and return on capital employed have been drastically affected. This is evident from the fact that the domestic industry was earning decent profits and return on capital employed till 2014-15. However, during the POI, the profits and returns have turned into losses. Thus, the Authority concludes that the domestic industry has suffered material injury.

Causal Link

117. The Authority has examined whether other factors listed under the Anti-dumping Rules could have contributed to injury to the domestic industry. The examination of causal link between dumping and material injury to the domestic industry has been done as follows:

Imports from third countries

118. The imports from the countries other than the subject countries are not significant in volume terms so as to cause or threaten to cause injury to the domestic industry. Moreover, the price at which goods are coming from the other countries is much higher than the price at which goods are coming from the subject countries.

Contraction in demand

119. The demand for the subject goods has shown an increasing trend. Accordingly, fall in demand cannot be the reason for injury to the domestic industry. In fact, the domestic industry has not been able to increase its sale and market share commensurate to increase in demand.

Trade restrictive practices of and competition between the foreign and domestic producers

120. The Authority notes that there is no trade restrictive practice which could have contributed to the injury to the domestic industry.

Developments in technology

121. The technology for production of the product concerned has not undergone any change. Thus, developments in technology cannot be regarded as a factor causing injury to the domestic injury.

Changes in pattern of consumption

122. The domestic industry is producing the type of goods that have been imported into India. Possible changes in the pattern of consumption are not a factor that could have caused claimed injury to the domestic industry.

Export performance

123. Claimed injury to the domestic industry is not on account of possible significant deterioration in export performance of the domestic industry. In fact, the exports by the domestic industry have not materially declined. In any case, the domestic industry has considered domestic performance wherever possible.

Performance of the domestic industry with respect to other products

124. The Authority notes that the performance of other products being produced and sold by the domestic industry has not affected the assessment made by the Authority of the domestic industry's performance. The information considered by the Authority is with respect to the product under consideration only.

Productivity of the domestic industry

125. The Authority notes that the deterioration in productivity has not caused injury to the domestic industry.

Factors establishing causal link

126. Analysis of the performance of the domestic industry over the injury period shows that the performance of the domestic industry has materially deteriorated due to dumped imports from the subject countries. Causal link between dumped imports and the injury to the domestic industry is established on the following grounds:

- Imports of the PUC from the subject countries have increased in absolute terms.
- Imports of the subject goods have increased relative to consumption in India.
- Market share of the Domestic Industry has decreased even though demand for the subject goods has been rising in India. This is due to the reason that imports have aggressively captured the increase in demand.
- The Domestic Industry has not been able to increase its production and sales commensurate with the increase in demand.

- Inventories of the Domestic Industry have been on the rise, as the Domestic Industry has not been able to increase its sales despite increase in demand. Imports have been aggressively capturing the demand in India.
- There is significant price suppression and depression due to low priced dumped imports coming in to India.
- The Domestic Industry's profitability and return on capital employed have been drastically affected. This is evident from the fact that the domestic industry was earning decent profits and return on capital employed till 2014-15. However, during the POI, the profits and returns have turned into losses.

127. The above analysis indicates that the Domestic Industry is suffering material injury due to increasing dumped imports of PUC into India. There exists a strong nexus between the increase in dumped imports of the subject goods and the material injury being suffered by the Domestic Industry.

Conclusion on Injury and Causation

128. From the above examination of injury and causal link, the Authority concludes that the domestic industry has suffered injury as a result of dumping of the subject goods from the subject countries. There has been a significant increase in the volume of dumped imports from the subject countries in absolute terms throughout the injury period and in relation to production and consumption in India. The dumped imports have had significant adverse effect on the prices of the domestic industry in the market. The dumping margin for the subject countries has been determined and is considered significant. Dumped imports from the subject countries have adversely impacted production, sales and capacity utilization. Market share of the domestic industry has significantly declined whereas that of subject imports has significantly increased. Performance of the domestic industry has significantly deteriorated in respect of profits, cash profits and return on investments. Inventories have increased. The Authority concludes that the domestic industry has suffered injury as a result of dumped imports from the subject countries.

129. The Authority has determined the non-injurious price for the domestic industry and compared with the landed values of the subject imports of the responding exporters to determine the injury margin. The injury margin so determined has been considered for determination of weighted average injury margin. The injury margins have been determined as follows:

Injury Margin

S.No	Country	Producer	Product	Exporter	NIP	Landed Value	Injury Margin	Injury Margin %
1	Korea RP	M/s Hyundai Steel Company	HR Coil	<ol style="list-style-type: none"> 1. Hyundai Steel Company, Korea RP 2. M/s GS Global Corp, Korea RP 3. M/s Hyundai Corporation, Korea RP 4. M/s Main Steel Co., Ltd., Korea RP 5. M/s P&A Corporation, Korea RP 6. Ohmi Industries Ltd., Japan 	***	***	***	20-30
			HR Not in Coil	<ol style="list-style-type: none"> 1. M/s GS Global Corp, 2. M/s Hyundai Corporation, 	***	***	***	80-90
			PUC W. Avg.		***	***	***	30-40
2	Korea RP	M/s POSCO	HR in coil	<ol style="list-style-type: none"> 1. M/s POSCO, Korea RP 2. M/s POSCO Daewoo Corporation, Korea RP 3. M/s GS Global Corp, Korea RP 4. M/s Hyundai Corporation, Korea RP 5. M/s Samsung C&T Corporation, Korea RP 6. M/s. POSCO Asia, Hong Kong 7. POSCO P&S, 	***	***	***	20-30

			HR not in Coils	<ol style="list-style-type: none"> 1. M/s Daewoo International, 2. M/s GS Global Corp, 3. M/s Hyundai Corporation, 4. M/s Samsung C&T Corporation. 5. M/s. POSCO Asia, Hong Kong 6. POSCO P&S 	***	***	***	20-30
			PUC W. Avg		***	***	***	20-30
3	Japan	JFE Steel Corporation	HR in Coil	<ol style="list-style-type: none"> 1. Honda Trading Corporation, 2. JFE Shoji Trade Corporation, 3. Metal One Corporation 4. Mitsui & Co. Ltd, 5. Ohmi Industries, Ltd., 6. Uttam Galva International Pte. Ltd., 7. Uttam Galva International FZE 8. Toyota Tshusho Corporation 9. Marubeni-Itochu Steel Inc. Japan 	***	***	***	30-40
			HR not in Coil	<ol style="list-style-type: none"> 1. JFE Shoji Trade Corporation, 2. Metal One Corporation 3. Mitsui & Co. Ltd, 4. Ohmi Industries, Ltd., 5. Toyota Tshusho Corporation 6. Shinsho Corporation, Japan 7. Marubeni-Itochu Steel Inc. Japan 	***	***	***	0-10

				8. Kyusho Co. Ltd. Japan				
			PUC W. Avg		***	***	***	25-35
4	Japan	M/s. Nippon Steel & Sumitomo Metal Corporation	HR in Coil	1. Hanwa Co., Ltd 2. Honda Trading Corporation, 3. Kanematsu Corporation, Ltd 4. Marubeni-Itochu Steel Inc., 5. Metal One Corporation, Japan 6. Mitsui & Co. Ltd, 7. Nippon Steel & Sumikin Bussan Corporation 8. Sumitomo Corporation 9. Toyota Tshusho Corporation 10. Ohmi Industries, Ltd.,	***	***	***	20-30
			HR not in Coil	1. Hanwa Co., Ltd 2. Mitsui & Co. Ltd, 3. Nippon Steel & Sumikin Bussan Corporation 4. Sumitomo Corporation 5. Ohmi Industries, Ltd.,	***	***	(***)	(40-50)
			PUC W. Avg		***	***	***	20-30

5	China PR	1. M/s Zhangjiagan g GTA Plate Co., Ltd. 2. M/s Zhangjiagan gHongchang Steel Plate Co., Ltd., 3. M/s Zhangjiagan gShajing Heavy Plate Co., Ltd.,	HR in Coil	1. M/s Jiangsu Shagang International Trade Co., Ltd., 2. M/s Shagang International (Singapore) Pte LTD., 3. M/s Xinsha International PTE Ltd., 4. M/s Burwill Resources Limited, 5. M/s Future Materials Industry (HongKong) Co., Ltd., 6. M/s Lu Qin (Hong Kong) Co., Ltd., 7. M/s Ningbo Cimei Import & Export Co., Ltd., 8. M/s Steelco Pacific Trading Limited, 9. M/S GS Global Corp.,	***	***	***	30-40
			HR not in Coil	1. M/s Jiangsu Shagang International Trade Co., Ltd. 2. M/s Shagang International (Singapore) Pte Ltd.	***	***	***	50-60
			PUC W. Avg		***	***	***	30-40

6	China PR	<ol style="list-style-type: none"> 1. M/s Wuyang New Heavy & Wide Steel Plate Co., Ltd 2. M/s Wuyang Iron and Steel Co., Ltd. 	HR Not in Coil	<ol style="list-style-type: none"> 1. M/s Wuyang Iron and Steel Co., Ltd. 2. Hebei Iron & Steel (Hong Kong) International Trade Co., Ltd 3. Hebei Iron & Steel (Singapore) Pte. Ltd 4. Salzgitter Mannesmann International GmbH Germany 5. Burwill Resources Limited, Hong Kong. 	***	***	***	40-50
---	----------	---	----------------	---	-----	-----	-----	-------

130. The level of dumping margins and injury margins as determined are considered significant.

Landed Value and Injury Margin for other producers and exporters from the subject countries

131. The landed value to India in respect of other producers and exporters in the subject countries has been determined on the basis of best available information. The injury margin so worked out is mentioned in the table below.

HR in Coils (US\$/MT)	Japan	Korea	China	Indonesia	Brazil	Russia
NIP	***	***	***	***	***	***
Landed Value	***	***	***	***	***	***
Injury Margin	***	***	***	***	***	***
Injury Margin % of LV	***	***	***	***	***	***
Injury Margin % Range	55-65	40-50	40-50	30-40	15-25	0-10

HR not in Coils (US\$/MT)	Japan	Korea	China	Indonesia	Brazil	Russia
NIP	***	***	***	***	***	***
Landed Value	***	***	***	***	***	***
Injury Margin	***	***	***	***	***	***
Injury Margin % of LV	***	***	***	***	***	***
Injury Margin % Range	60-70	70-80	60-70	40-50	40-50	50-60

Post Disclosure Statement submissions by the Interested Parties

132. The following comments on Disclosure statement are submitted by interested parties:

- a) The DI in its written submission had provided a list of PCNs which it claimed it can manufacture. However, the DI's list of PCN did not include the list of PCN submitted by the interested parties. Further, the disclosure statement simply mentions a general statement that the DI is manufacturing exactly matching PCN or a closely resembling PCN for each PCN. Disclosure Statement does not provide any information on PCN grades which are claimed by the DI as exactly matching PCN or a closely resembling PCN. This lack of detailed information in the disclosure statement has seriously prejudiced the interested parties in providing a meaningful response as they are not aware as to the details of the PCN manufactured by the DI which closely resembles the respondent's PCNs. Thus, the disclosure statement does not contain all the essential facts, and therefore, is in violation of Article 6.9 of the ADA.
- b) ThyssenKrupp has submitted that the designated authority had stated in the disclosure statement that the domestic industry has demonstrated with evidence that it manufactures HRNO steel. It is evident that the Petitioners do not manufacture or supply the grades of HRNO imported by the Importer (HRNO with silicon content ranging from 0.5% to 3.2%) from the recent e-mail exchange between ThyssenKrupp and Essar Steel India Ltd (one of the petitioners) in which ThyssenKrupp had requested for quote from Essar for HRNO abovementioned grades. However, Essar never replied to the query.
- c) Maruti Suzuki India Limited submitted that the data submitted by it for exclusion of some PCN (on confidential basis) is required to be examined by the Authority to determine whether all such grades are being produced by the domestic industry.
- d) Welspun Corp Limited has submitted that none of the product grades supplied by the DI during the POI are equivalent to the API grades for which exclusion has been demanded by Welspun. Also, even if higher grades of API can technically be used as a substitute for lower grades of API, the same is not commercially viable. For example, X65 can be used in place of X46. However, the two differ significantly in terms of associated price. The authority has not considered the submissions made by interested parties and has carried forward conclusion drawn in the preliminary finding to the Disclosure statement.

- e) Various interested parties have submitted that the net export price determined for them is at variance as compared to the information provided by them in the questionnaire response as well as the details of net export price submitted with the authority. The authority is requested to correct the dumping margin and net export price for these companies.
- f) PJSC NOVOLIPETSK Steel (NLMK) has offered for price undertaking in accordance with Article 15 of the Anti-Dumping Rules whereby the minimum price would be established on the injury elimination level, in case the Designated Authority finds substantiated reasons for changing the approach and proceeds with a recommendation of ad-valorem duty as a percentage of the net (CIF) price or specific duty as a fixed value for a certain amount of goods.
- g) The time period provided for submitting the response is too short. Considering that the disclosure statement is based on submissions made by multiple parties including 3 companies which are part of the DI, any meaningful comments to the disclosure statement would require review of the previous submissions by the opposing parties and the corresponding essential facts arrived by the Hon'ble DA. This exercise would require a considerable time period and in view of the same, it is submitted that the time period of 2 days is grossly inadequate.
- h) The methodology of PCN comparison for the purpose of likeness test and exclusion, currently applied by the Hon'ble Designated Authority is an erroneous methodology. By not comparing the specification to specification test for the purposes of likeness and exclusion, the Hon'ble Designated Authority is purposefully including within the fold of the duties such products which the domestic industry could not even produce and then compete. The Hon'ble Designated Authority should have rightfully conducted the comparison of the specification test based on commercial sales made by the Domestic Industry.
- i) NSSMC, Kobe Steel and JFE Steel has submitted that the Hon'ble Designated Authority has made available the confidential dumping margin calculation sheet. However, there is no clarity on how the final normal value and cost were calculated. Crucially, this belated and incomplete disclosure of the margin calculation has severely limited the respondent ability to respond in the prescribed time in a fair manner.
- j) Interested parties have requested the Designated Authority to clarify whether or not duties will be levied separately for HR in-coils and not-in-coils, or on a weighted average basis. The Hon'ble Designated Authority has, for an undisclosed reason, decided to compare injury in a combined manner for HR in coils and HR not-in-coils. However, the injury analysis

conducted in the provisional findings was done separately for the two product types covered in the investigation.

- k) It is submitted that the authority must recommend separate duties (in reference price) for HR in coils and HR not-in-coils.
- l) The Authority has not addressed all the non-attributive factors that the interested parties had identified, such as low domestic demand, sharp reduction in input prices, depreciation of currencies, higher usage of external inputs, new capacities etc.
- m) Nippon Steel & Sumitomo Metal Corporation has submitted that the injury margin for the Producer's exports pertaining to HR not-in-coils is negative (minus 40-50%). Therefore, the Hon'ble Designated Authority should recommend a NIL margin of duty for the Producer in line with the requirements of the Anti-Dumping Rules and should not repeat the practice of the Preliminary Finding where the NIL rate of duty was recommended with a pre-condition by way of limiting the scope of products on which the NIL duty was granted.
- n) There has been no disclosure of the methodology being adopted by the Hon'ble Designated Authority with regard to the form of duty.
- o) For this particular product scope, a reference price form of duty would be the most fair form of duty, if duty is to be recommended at all.
- p) Angang Steel Company Limited (Angang) submitted that the rejection of the questionnaire response is not correct. In this regards, Angang submitted that it has explained in its questionnaire response that Angang International is just a commission agent and it issues the commercial invoices on behalf of Angang under its own name. A copy of agreement has also been provided for the same.
- q) M/s Samwoo Co., Ltd. Korea RP has submitted that the response filed by Samwoo should be accepted. Samwoo shall be given separate rate for HRPO manufactured or should be treated as trader of Hyundai Steel Corporation. It is also submitted that conclusion drawn by the Designated Authority that Samwoo Co. Ltd., has purchased subject goods from various producers from Korea RP is incorrect as Samwoo Co. Ltd., has purchased HR Products only from one producer namely Hyundai Steel Company Limited, Korea RP.
- r) The Export data submitted by Nanjing has been rejected without providing any reason of doing so. The authority has maintained the same status as that in preliminary findings for Nanjing without any reasonable justifications of doing so.

- s) It has been submitted that the Hon'ble Designated Authority has incorrectly excluded the effect of the MIP and Safeguard. Although, the intent for imposition of the safeguard duty is different from anti-dumping, both try to protect the domestic industry, both try to protect the domestic industry. Further, MIP renders the POI highly unsuitable for a fair and unbiased analysis of injury. It is necessary to analyse the effect of the MIP and the status of the domestic industry and the imports from the subject country post imposition of the MIP.
- t) JISF has requested exclusion of products such as automotive E&E pipes & tubes machinery etc.
- u) POSCO has submitted that their issue pertaining to TDC agreement has not been addressed by the authority.

Comments on Disclosure statement by domestic industry:

133. The following comments on Disclosure statement are submitted by domestic industry:

- a. The domestic industry is of the view that the non-injurious price (NIP) for the domestic industry is understated. In particular, the domestic industry submits that for Essar Steel India's Limited's (Essar), which is a constituent of the domestic industry, actual cost and return on capital employed should be considered for computing the NIP in terms of Annexure III of the AD Rules
- b. From the confidential NIP workings shared by the Designated Authority vide emails dated 3 April 2017 and recent discussions with the Designated Authority, it is understood that certain deductions have been made from the net fixed assets while calculating the return on capital employed for Essar. Further, it was submitted that:
 - i. The Designated Authority should consider all the assets for Essar as reflected in the audited books of accounts.
 - ii. All the amounts have been capitalized in the books of accounts as per the relevant Accounting Standards issued by the Institute of Chartered Accounts of India. There is no reason for the Designated Authority to go beyond the audited books of accounts and disallow any amount on arbitrary basis. There is no provision in the law that allows the Designated Authority to make any such deduction from the assets deployed by the domestic industry.

- iii. It was also submitted that the deductions made by the Designated Authority are contrary to Annexure III to the AD Rules. The Designated Authority's approach is arbitrary and in violation of principles of natural justice. The above issues should be immediately addressed and all the net fixed assets should be considered in computing the NIP.

- c. From a perusal of the disclosure statement, it seems that injury margin for JFE has come down in comparison to the preliminary findings. This is peculiar as the NIP has increased during the disclosure statement stage in comparison to the preliminary findings stage. As a result, JFE's injury margin could not have come down. The Designated Authority is requested to examine this aspect.

- d. NSSMC's injury margin for HR not in coil is allegedly negative as per the disclosure statement. However, it is to be noted that NSSMC's dumping margin for both HR in coil and HR not in coil as well as weighted average dumping margin is very high. Further, NSSMC's weighted average injury margin is also very high. In view of the high weighted average dumping margin and injury margin, it is respectfully submitted that reference price should be recommended for NSSMC's HR not in coil exports as well. This approach has been consistently followed by the Designated Authority and a recent example is final findings dated 9 December 2016 in anti-dumping investigation concerning imports of seamless tubes & pipes originating in or exported from China PR. Without prejudice to the above, the domestic industry submits that NSSMC's exports of HR not in coils were insignificant during the POI. Such low exports are not representative and therefore, should be disregarded for the purpose of dumping margin calculation and injury margin calculation. The Designated Authority has disregarded low exports for calculating dumping margin and injury margin in several cases before, such as (i) final findings dated 1 April 2016 in anti-dumping investigation concerning imports of Methyl Acetoacetate originating in or exported from United States of America (USA) and China PR, (ii) final findings dated 19 December 2014 in anti-dumping investigation concerning import of Sheet Glass originating in or exported from China PR, and (iii) final findings dated 7 December 2011 in sunset review of anti-dumping duty imposed on imports of Saccharin originating in or exported from China PR. The Designated Authority is requested to follow its consistent practice as stated above.

- e. These comments are based on the essential facts under consideration and observations disclosed under Rule 16 of the AD Rules. If the essential facts under consideration and observations change at any time, it is requested that another disclosure statement be issued to the Respondents under Rule 16 of the AD Rules for examination and comments and another hearing should also be provided to the domestic industry.

Examination of the Authority

134. The Authority notes that most of the submissions by parties are repetitive in nature and were already addressed earlier in the disclosure statement. The findings above ipso facto deal with these arguments of the parties. Further, the Authority has examined submissions of interested parties herein below to the extent relevant and not addressed elsewhere:

- a) Some interested parties have submitted that the DI's list of PCN did not include the list of PCN submitted by the interested parties and that the disclosure statement simply mentions a general statement that the DI is manufacturing exactly matching PCN or a closely resembling PCN for each PCN. Disclosure Statement does not provide any information on PCN grades which are claimed by the DI as exactly matching PCN or a closely resembling PCN. In this regard, the authority observes that the domestic industry provided a list of PCNs manufactured by them during the POI and the opposing interested parties provided a list of PCNs for which exclusion was sought by them. The list provided by domestic industry was provided to all the interested parties. On examination of the list of PCNs provided by the domestic industry and other interested parties, it was noticed that the domestic industry either manufactured exactly matching PCN or a closely resembling PCN for each PCN for which interested parties had requested exclusion. In case of exactly matching PCNs, the opposing interested parties have not raised any objection. The only objection is with regard to closely resembling PCNs. It is pertinent to mention here that one of the parameters in the PCN was quality. Domestic industry had manufactured all the qualities for which exclusion was being sought. The differences in the closely resembling PCNs were only on account of width, thickness, longitudinal edges, surface treatment and heat treatment. Therefore, the claim of opposing interested parties does not have any merit.
- b) With respect to submissions made by various interested parties regarding calculation of their respective normal value, export price and dumping margin, the Authority clarifies that the same have been calculated based on the verified data of the interested parties. Suitable adjustments were made in the export price as per the legal provisions to ensure that comparison in normal value and export price is made at the same level of trade.
- c) Angang Steel Company Ltd. ("Angang") and Angang Group Hong Kong Co., Ltd. ("Angang HK") have submitted that Angang International is the commission agent and not a trader as it books commission as its sales revenue and not the value of the goods. They further argue that commercial

invoice issued by Angang International on its behalf is the only invoice between Angang Steel and Angang HK; Angang International organises the export logistics, documentation and customs procedure. This practice is accepted under Chinese Law. They have now provided a copy of an agreement between Angang and Angang International. Such contentions could have been easily examined had Angang International filed a questionnaire response along with verifiable documents in support. Without cooperation from Angang International and in absence of any questionnaire response with verifiable records from Angang International, the Authority is unable to accept the contentions raised by Angang. The Authority confirms its observations regarding determination of export price for Angang on the basis of best facts available.

- d) JFE Steel argues that PCN-wise comparison is inappropriate to decide product exclusions. This is contrary to JFE Steel's earlier consent to the Authority regarding PCN-wise comparison to decide product exclusions. During the second public hearing itself, representatives of all parties including JFE Steel's representatives had consented that PCN-wise comparison should be conducted for deciding product exclusions. Only after the consent of all interested parties, the Authority requested all interested parties during the second public hearing to provide a list of PCNs for which they needed exclusions. Pursuant to this, JFE Steel provided a list of PCNs along with their written submissions filed with the Authority after the second public hearing. The Authority has done a thorough analysis of such exclusion requests. Now, JFE Steel is taking a contrary stand at the very end of the investigation and contending that the Authority should reject PCN-wise comparison, which JFE Steel and other interested parties had themselves agreed to earlier. The process of PCN-wise comparison to decide product exclusions was conducted in a fair, thorough and objective manner and in view of the requests and consent of all interested parties. The Authority is not in a position to disregard this entire exercise just because some interested parties have not found a favourable outcome as a result of this exercise. In view of the above, the Authority does not accept JFE Steel's contentions in their comments on disclosure statement with regard to PCN-wise comparison. As regards sharing calculations with JFE Steel, the Authority has provided the calculations regarding normal value, export price and dumping margin to JFE Steel. The reason regarding making adjustments in export price of traders have been explained very clearly in the disclosure statement as well as the present findings.
- e) The Authority observes that the product under consideration comprises of hot-rolled steel in coils and hot-rolled steel not-in-coils. Accordingly, the Authority has conducted injury analysis for the product under consideration as a whole. Further, separate duties have been recommended for hot-rolled steel in coils and hot-rolled steel not in coils. Kobe Steel Limited, Nisshin Steel Co. Ltd. and Nippon Steel & Sumitomo Metal Corporation have made similar submissions as JFE Steel Limited, which have already been addressed above. These companies have raised other issues which they had raised earlier also and were dealt with earlier by the Authority.

- f) Thyssenkrupp Electrical Steel India Private Ltd. (“Thyssenkrupp”) argues that the credibility of evidence supplied by the domestic industry regarding HRNO is doubtful. The documentary evidence was examined and the veracity of the evidence was corroborated during on-site verification of the domestic industry. In view of this, the Authority rejects the contentions of Thyssenkrupp regarding exclusion of HRNO from the product scope.
- g) Contentions raised by Kobelco Cranes India Pvt. Ltd. (“KCI”) regarding exclusions of plates from the scope of anti-dumping duty have already been addressed earlier. Further, the Authority has found that PCN-wise comparison of KCI’s PCN list and the domestic industry’s PCNs show that the domestic industry has manufactured all the PCNs or closely resembling PCNs. Therefore, none of KCI’s exclusion requests can be entertained.
- h) The Authority finds that Samwoo Co. Ltd. (“Samwoo”) has failed to substantiate that it is a producer of the subject goods. Samwoo’s response shows that it merely undertakes pickling and oiling process after purchasing HR coils. In view of incomplete information regarding producers of HR coils in the questionnaire response, the Authority has been unable to determine normal value for Samwoo. For the above reasons, the Authority has been unable to determine export price for Samwoo.
- i) Welspun Corp Ltd. (“Welspun”) ‘s request for exclusion of certain API grades on the ground that the domestic industry does not make such identical grades have already been dealt with in the findings above in the PUC related issues . Welspun has further contended that certain specified types of API grades should be excluded from the product scope as the imports are low. To substantiate this, Welspun has provided volumes of imports of certain API grades during the POI but has not disclosed the source of such import volumes or how did it arrive at the volume of imports for each grade. Nevertheless, the Authority’s analysis indicates that imports of API grades were substantial during the POI, and therefore, the claim regarding exclusion of API grades from product scope due to low imports has no merit.
- j) Wuyang New Heavy & Wide Steel Plate Co., Ltd., Wuyang Iron & Steel Co., Ltd., Hebei Iron & Steel (Hong Kong) International Trade Co. Ltd., Hebei Iron & Steel (Singapore) PET. LTD., M/s Burwill Resources Limited, Hong Kong, Salzgitter Mannesmann International GmbH, Germany argue that their export price seems to be at variance with the data submitted by them. The Authority clarifies that the data of these companies have been duly considered and export price has been arrived at accordingly. Suitable adjustments were made in the export price as per the legal provisions to ensure that comparison in normal value and dumping margin is made at the same level of trade. These companies have repeated other issues, which they had raised earlier. The Authority has already addressed such issues in other parts of the present findings.
- k) Japan Iron and Steel Federation (“JISF”) has made very generic submissions and requested for exclusion of products such as “automotive”, “E&E”, “pipes & tubes” and “machinery”. The Authority finds these submissions vague, and thus unacceptable. JISF has not been able to identify even one specific

grade or PCN for which they need exclusion. In the absence of any specific request for product exclusion from JISF, the Authority cannot accept JISF's aforesaid submissions.

- l) Upon issuance of disclosure statement, Maruti Suzuki India Limited ("Maruti") had one more opportunity to provide a list of PCNs on non-confidential basis for which they needed exclusions along with their comments on disclosure statement. Despite this opportunity, Maruti yet again expressed inability to provide the PCN list on non-confidential basis. The Authority observes that in view of such excessive exercise of confidentiality, the domestic industry has been denied the opportunity to compare Maruti's PCN list with theirs and offer comment on the same. The essence of PCN-wise comparison was to allow interested parties the opportunity to substantiate with evidence why certain type/ grade of the product under consideration should be excluded from the product scope. This could be accomplished only when interested parties provided list of PCNs on non-confidential basis to the domestic industry for comments, thereby enabling the Authority to examine contentions and evidences provided by both sides to arrive at a fair and objective decision regarding the product exclusion. However, Maruti yet again chose to deny access to its PCN list to the domestic industry because of its confidentiality claim. This has prevented the Authority from examining their exclusion requests and accordingly the product exclusion requests could not be examined by the Authority.
- m) With regard to the request made by PJSC NOVOLIPETSK regarding price undertaking, the Authority observes PJSC NOVOLIPETSK has not filed any questionnaire response in this investigation. Therefore, the Authority is not in a position to accept this request at this stage.
- n) POSCO, Korea ("POSCO") and Toyota Kirloskar Motor Private Limited ("Toyota") argue that certain specific PCNs should have been excluded from the product scope as the same did not feature in the domestic industry's list of PCNs. However, the Authority notes that the domestic industry has manufactured closely resembling PCNs, because of which POSCO's and Toyota's exclusion requests cannot be accepted. POSCO's contentions regarding TDC Agreements have already been addressed in the present findings. POSCO and Toyota have repeated other issues, which have already been addressed by the Authority in the present findings.
- o) From the information submitted by Nanjing Iron and Steel Co. Ltd ("NISCO"), the Authority notes that NISCO has exported the subject goods to India through related exporter/trader, namely, Nanjing Iron and Steel Group International Trade Co. Ltd and Singapore Jinteng International Pte. Ltd. These traders have exported major quantity through other traders namely Hyundai Corporation, Precious Metal International (HK) Co., Ltd and Hong Kong Baomin Trading Limited. Hyundai Corporation has not reported these exports in its response and Precious Metal International (HK) Co., Ltd and Hong Kong Baomin Trading Limited too have not cooperated with the Authority. Therefore, the Authority does not accept the response filed by NISCO for the purpose of the present findings and is unable to determine the export price. Accordingly, the export price for NISCO is based on the best

facts available with the Authority. Further, NISCO supplied certain additional information much after the prescribed time to file questionnaire response. Therefore, the same could not be accepted. NISCO has repeated other issues, which have already been addressed by the Authority elsewhere in the present findings.

- p) Many parties have expressed concern that the time period to file comments on the disclosure statement was short. The Authority notes that the disclosure statement was issued on 31 March 2017 to all parties and all parties were given time till 5 April 2017 to file their comments. This time was reasonable and sufficient for parties to respond.
- q) As regards the domestic industry's concerns regarding non-injurious price, the Authority observes that non-injurious price has been calculated in accordance with Annexure III of the AD Rules. Regarding their contention on JFE Steel's injury margin, the Authority observes that the same is in order. Regarding domestic industry's contention on recommendation of duty on hot-rolled steel not- in- coils for Nippon Steel & Sumitomo Metal Corporation, Japan (NSSMC), the Authority observes that in view of the overall positive dumping margin and injury margin for NSSMC, the Authority has recommended reference price on hot-rolled steel not- in- coils also for NSSMC.
- r) As regards the contentions of various interested parties that anti-dumping duty should take into account safeguard duty on the product, the Authority observes that the safeguard duty notification itself takes care of this aspect. The notification states that safeguard duty shall be levied minus anti-dumping duty, if any. With regard to issue that effect of MIP should have been considered by the authority, the authority observes that MIP is a post POI development and under the AD Rules, the authority is obligated to consider only the POI & previous three years only. The authority's injury analysis is in accordance with the AD Rules.
- s) All other issues raised by the interested parties have already been addressed in other parts of the present findings.

I. Indian industry's interest & other issues

135. 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.

136. 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. The domestic industry submitted that imposition of proposed duty shall have insignificant cost implications for the consumer. Therefore, 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.

J. Recommendations

137. After examining the submissions made and issues raised, 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 value.
- (b) The domestic industry has suffered material injury on account of subject imports from the subject countries.
- (c) The injury has been caused by the dumped imports of the subject goods from the subject countries.

138. 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 an investigation into dumping, injury and the causal link thereof in terms of the Anti-Dumping Rules and having established a positive dumping margin as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of definitive anti-dumping duty is necessary to offset dumping and injury.

139. Having regard to the lesser duty rule, 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. Accordingly, the Authority recommends imposition of definitive anti-dumping duties on the imports of the subject goods, originating in or exported from the subject countries, from the date of notification to be issued in this regard by the Central Government, as the difference between the landed value of the subject goods and the amount indicated in Col 8 of the duty table appended below, provided the landed value is less than the value indicated in Col 8. The landed value of imports for this purpose shall be the assessable value as determined by the customs under Customs Tariff Act, 1962 and applicable level of custom duties except duties levied under Section 3, 3A, 8B, 9, 9A of the Customs Tariff Act, 1975.

Duty Tables

S.No.	Headin g/ Sub headin g	Descri ption of goods	Count ry of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
1	2	3	4	5	6	7	8	9	10
1.	7208, 7211, 7225 and 7226	Hot- rolled flat produc ts of alloy or non- alloy steel in coils of a width upto 2100 mm and thickn ess upto 25mm	Korea RP	Korea RP	M/s Hyundai Steel Company	1. M/s Hyundai Steel Company, Korea RP 2. M/s GS Global Corp., Korea RP 3. M/s Hyundai Corporation, Korea RP 4. M/s Main Steel Co. Ltd., Korea RP 5. M/s P&A Corporation, Korea RP 6. Ohmi Industries Ltd., Japan	478	MT	US\$
2.	- do -	- do -	Korea RP	Korea RP	M/s POSCO	1. M/s POSCO, Korea RP 2. M/s POSCO Daewoo Corporation, Korea RP 3. M/s GS Global Corp, Korea RP 4. M/s Hyundai Corporation, Korea RP 5. M/s Samsung C&T Corporation, Korea RP 6. M/s POSCO Asia, Hong Kong 7. POSCO P&S, Korea RP	489	MT	US\$
3.	- do -	- do -	Korea RP	Korea RP	Any combination other than S. No. 1 & 2		489	MT	US\$
4.	- do -	- do -	Korea RP	Any country other than those subject	Any	Any	489	MT	US\$

S.No.	Headin g/ Sub headin g	Descri ption of goods	Count ry of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
				to anti dumpin g duty					
5.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	Korea RP	Any	Any	489	MT	US\$
6.	- do -	- do -	Japan	Japan	JFE Steel Corporati on	1. Honda Trading Corporation, Japan 2. JFE Shoji Trade Corporation, Japan 3. Metal One Corporation, Japan 4. Mitsui & Co. Ltd, 5. Ohmi Industries Ltd., Japan 6. Uttam Galva International Pte. Ltd., Singapore 7. Uttam Galva International FZE, UAE 8. Toyota Tshusho Corporation, Japan 9. Marubeni-Itochu Steel Inc., Japan	489	MT	US\$
7.	- do -	- do -	Japan	Japan	M/s. Nippon Steel & Sumitomo Metal Corporati on	1. Hanwa Co., Ltd, Japan 2. Honda Trading Corporation, Japan 3. Kanematsu Corporation Ltd, Japan 4. Marubeni-Itochu Steel Inc., Japan 5. Metal One Corporation, Japan 6. Mitsui & Co. Ltd, Japan 7. Nippon Steel &Sumikin Bussan Corporation, Japan 8. Sumitomo	489	MT	US\$

S.No.	Headin g/ Sub headin g	Descri ption of goods	Count ry of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
						Corporation, Japan 9. Toyota Tshusho Corporation, Japan 10. Ohmi Industries Ltd, Japan			
8.	- do -	- do -	Japan	Japan	Any combination other than S. No. 6 & 7		489	MT	US\$
9.	- do -	- do -	Japan	Any country other than those subject to anti dumpin g duty	Any	Any	489	MT	US\$
10.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	Japan	Any	Any	489	MT	US\$
11.	- do -	- do -	China PR	China PR	1. M/s Zhan gjiaga ng GTA Plate Co., Ltd. 2. M/s Zhan gjiaga ngHo ngcha ng Plate Co., Ltd., 3. M/s Zhan gjiaga ngSha jing Heav	1. M/s Jiangsu Shagang International Trade Co., Ltd., China PR 2. M/s Shagang International (Singapore) Pte LTD., Singapore 3. M/s Xinsha International PTE Ltd., Singapore, 4. M/s Burwill Resources Limited, BVI 5. M/s Future Materials Industry (Hong Kong) Co. Ltd., Hong Kong 6. M/s Lu Qin (Hong Kong) Co. Ltd., Hong Kong 7. M/s Ningbo Cimei Import & Export Co. Ltd., China PR 8. M/s Steelco Pacific	489	MT	US\$

S.No.	Headin g/ Sub headin g	Descri ption of goods	Count ry of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
					y Plate Co., Ltd.,	Trading Limited, Hong Kong 9. M/S GS Global Corp., Korea RP			
12.	- do -	- do -	China PR	China PR	Any combination other than S. No. 11		489	MT	US\$
13.	- do -	- do -	China PR	Any country other than those subject to anti dumpin g duty	Any	Any	489	MT	US\$
14.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	China PR	Any	Any	489	MT	US\$
15.	- do -	- do -	Russia	Russia	Any	Any	489	MT	US\$
16.	- do -	- do -	Russia	Any country other than those subject to anti dumpin g duty	Any	Any	489	MT	US\$
17.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	Russia	Any	Any	489	MT	US\$
18.	- do -	- do -	Brazil	Brazil	Any	Any	489	MT	US\$

S.No.	Headin g/ Sub headin g	Descri ption of goods	Count ry of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
19.	- do -	- do -	Brazil	Any country other than those subject to anti dumpin g duty	Any	Any	489	MT	US\$
20.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	Brazil	Any	Any	489	MT	US\$
21.	- do -	- do -	Indon esia	Indonesi a	Any	Any	489	MT	US\$
22.	- do -	- do -	Indon esia	Any country other than those subject to anti dumpin g duty	Any	Any	489	MT	US\$
23.	- do -	- do -	Any countr y other than those subjec t to anti dumpi ng duty	Indonesi a	Any	Any	489	MT	US\$

S.No.	Headin g/ Sub heading	Desc ription of goods	Country of origin	Country of export	Producer	Exporter	Am ount	Unit	Curr ency
1	2	3	4	5	6	7	8	9	10
1.	7208, 7211, 7225 and 7226	Hot- rolle d flat prod ucts of alloy or non- alloy steel not in coils (com monl y kno wn as sheet s and plate s) of a widt h upto 4950 mm and thick ness upto 150 mm	Korea RP	Korea RP	M/s Hyundai Steel Company	1. M/s GS Global Corp., Korea RP 2. M/s Hyundai Corporation, Korea RP	561	MT	US\$
2.	- do -	- do -	Korea RP	Korea RP	M/s POSCO	1. M/s POSCO Daewoo Corporation, Korea RP 2. M/s GS Global Corp, Korea RP 3. M/s Hyundai Corporation, Korea RP 4. M/s POSCO Asia, Hong Kong 5. POSCO P&S, Korea RP	561	MT	US\$
3.	- do -	- do -	Korea RP	Korea RP	Any combination other than S. No. 1 & 2		561	MT	US\$
4.	- do -	- do -	Korea RP	Any country other than those subject to anti	Any	Any	561	MT	US\$

S.No.	Headin g/ Sub heading	Desc ription of goods	Country of origin	Country of export	Producer	Exporter	Am ount	Unit	Curr ency
				dumping duty					
5.	- do -	- do -	Any country other than those subject to anti dumping duty	Korea RP	Any	Any	561	MT	US\$
6.	- do -	- do -	Japan	Japan	JFE Steel Corporatio n	1. JFE Shoji Trade Corporation, Japan 2. Metal One Corporation, Japan 3. Mitsui & Co. Ltd, Japan 4. Ohmi Industries, Ltd., Japan 5. Toyota Tshusho Corporation, Japan 6. Shinsho Corporation, Japan 7. Marubeni-Itochu Steel Inc., Japan 8. Kyusho Co. Ltd., Japan	561	MT	US\$
7.	- do -	- do -	Japan	Japan	M/s Nippon Steel & Sumitomo Metal Corporatio n	1. Hanwa Co. Ltd, Japan 2. Mitsui & Co. Ltd, Japan 3. Nippon Steel & Sumikin Bussan Corporation, Japan 4. Sumitomo Corporation, Japan 5. Ohmi Industries Ltd, Japan	561	MT	US\$
8.	- do -	- do -	Japan	Japan	Any combination other than S. No. 6 & 7		561	MT	US\$
9.	- do -	- do -	Japan	Any country other than those subject to anti dumping duty	Any	Any	561	MT	US\$
10.	- do -	- do -	Any country other than those subject to anti dumping duty	Japan	Any	Any	561	MT	US\$

S.No.	Headin g/ Sub heading	Desc ription of goods	Country of origin	Country of export	Producer	Exporter	Am ount	Unit	Curr ency
11.	- do -	- do -	China PR	China PR	1. M/s Zhangj iagang GTA Plate Co., Ltd. 2. M/s Zhangj iagang Hongc hang Plate Co., Ltd., 3. M/s Zhangj iagang Shajin g Heavy Plate Co., Ltd.	1. M/s Jiangsu Shagang International Trade Co. Ltd., China PR 2. M/s Shagang International (Singapore) Pte Ltd., Singapore	561	MT	US\$
12.	- do -	- do -	China PR	China PR	1. M/s Wuyan g New Heavy & Wide Steel Plate Co. Ltd 2. M/s Wuyan g Iron and Steel Co. Ltd	1. M/s Wuyang Iron and Steel Co. Ltd., China PR 2. Hebei Iron & Steel (Hong Kong) International Trade Co. Ltd, Hong Kong 3. Hebei Iron & Steel (Singapore) PTE. Ltd, Singapore 4. Salzgitter Mannesmann International GmbH, Germany 5. Burwill Resources Limited, BVI	561	MT	US\$
13.	- do -	- do -	China PR	China PR	Any combination other than S. No. 12 & 13		561	MT	US\$
14.			China PR	Any country other than those subject to anti dumping duty	Any	Any	561	MT	US\$
15.			Any country	China PR	Any	Any	561	MT	US\$

S.No.	Headin g/ Sub heading	Desc ription of goods	Country of origin	Country of export	Producer	Exporter	Am ount	Unit	Curr ency
			other than those subject to anti dumping duty						
16.	- do -	- do -	Russia	Russia	Any	Any	561	MT	US\$
17.	- do -	- do -	Russia	Any country other than those subject to anti dumping duty	Any	Any	561	MT	US\$
18.	- do -	- do -	Any country other than those subject to anti dumping duty	Russia	Any	Any	561	MT	US\$
19.	- do -	- do -	Brazil	Brazil	Any	Any	561	MT	US\$
20.	- do -	- do -	Brazil	Any country other than those subject to anti dumping duty	Any	Any	561	MT	US\$
21.	- do -	- do -	Any country other than those subject to anti dumping duty	Brazil	Any	Any	561	MT	US\$
22.	- do -	- do -	Indonesi a	Indonesi a	Any	Any	561	MT	US\$
23.	- do -	- do -	Indonesi a	Any country other than those subject to anti dumping duty	Any	Any	561	MT	US\$

S.No.	Headin g/ Sub heading	Desc ription of good s	Country of origin	Country of export	Producer	Exporter	Am oun t	Unit	Curr ency
24.	- do -	- do -	Any country other than those subject to anti dumping duty	Indonesi a	Any	Any	561	MT	US\$

140. The description of goods does not include the imports of the following:

- a) Hot-rolled flat products of stainless steel.
- b) Hot-rolled flat products of steel which are electrolytically plated or coated with zinc.
- c) Hot-rolled flat products of steel otherwise plated or coated with zinc.
- d) Cladded steel.

141. An appeal against these findings after its acceptance by the Central Government 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.

(Dr. InderJit Singh)
Designated Authority