

To be published in Part-I Section I of the Gazette of India Extraordinary
F. No.7/5/2018-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi 110001

Dated the 14th December, 2018

FINAL FINDING NOTIFICATION

(Case No. SSR-4/2018)

Subject: Sunset Review of Anti-dumping duty imposed on the imports of Peroxosulphate (Persulphate) originating in or exported from People's Republic of China and U.S.A.

F. No. 7/5/2018/DGAD: Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter also 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, as amended from time to time (hereinafter also referred to as the Rules) thereof; the Designated Authority (hereinafter referred to as the Authority) had initiated the original anti-dumping investigation against import of Peroxosulphate also known as Persulphates (hereinafter also referred to as the subject goods), originating in or exported from People's Republic of China and Japan for which anti-dumping duties were recommended vide Notification No.14/1/2006-DGAD dated 20.07.2007. Thereafter, the duties were reviewed in sunset review investigation and recommendations were notified vide Notification No. 15/9/2011-DGAD dated 12.3.2013. Accordingly, Customs Notification No. 11/2013-Customs (ADD) dated 16.5.2013 was issued for continuation of duties against China PR and Japan.

2. And whereas another anti-dumping investigation was conducted by the Authority against Taiwan, Turkey and USA for which anti-dumping duties were recommended vide Notification No. 14/9/2012-DGAD dated 4.3.2014 against Taiwan & USA only. The duties were imposed vide Customs Notification No. 22/2014-Customs (ADD) dated 16.5.2014 and the same are currently in force against USA and Taiwan till 15.5.2019.
3. And whereas, M/s Calibre Chemicals Pvt. Ltd, M/s VR Persulphates and M/s Yoyo Chemicals (hereinafter also referred to as "Petitioners" or "Applicants") filed an application in the present case before the Designated Authority in accordance with the Act and the Rules for initiating sunset review of the anti-dumping duty on imports of Peroxosulphates (Persulphates) originating in or exported from China PR and U.S.A. (hereinafter also referred

to as the subject countries) and requested for extension of anti-dumping duties on the imports of the subject goods, originating in or exported from the subject countries.

4. And whereas, the Authority on the basis of prima facie evidence submitted by the applicants to justify initiation of sunset review investigation issued a public notice vide Notification No. 7/5/2018-DGAD dated 20th March, 2018 to examine whether the expiry of the said duties on the import of the subject goods originating in or exported from the subject countries are likely to lead to continuation or recurrence of dumping and injury to the domestic industry. The validity of the antidumping duty on the imports of the subject goods from China PR were extended by the Central Government up to 14.5.2019, vide Notification No. 26/2018-Customs (ADD), dated 14th May, 2018.
5. The scope of the present review covers all aspects of the original investigation concerning imports of the above goods, originating in or exported from the subject countries.

A. PROCEDURE

6. Procedure described below has been followed with regard to this investigation, after issuance of the public notice notifying the initiation of the above investigation by the Authority:
 - i. The Authority sent a copy of the initiation notification to the Embassy of the subject countries in India, known producers/exporters from the subject countries, known importers/users in India, other Indian producers and the domestic industry 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.
 - ii. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the Embassy of the subject countries in India in accordance with Rule 6(3) of the Rules supra.
 - iii. The Embassies of the subject countries in India were also requested to advise the exporters/producers from the subject countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the producers/exporters was also sent to them along with the names and addresses of the known producers/exporters from the subject countries.
 - iv. The Authority sent Exporter's Questionnaire and Supplementary Questionnaire to the following known producers/exporters to elicit relevant information in accordance with Rule 6(4) of the Rules :
 - a. M/s Industrial Chemicals Group
 - b. M/s FMC Corporation
 - c. M/s E.I. Dupont Nemours
 - d. M/s Hebei Jiheng Group Co. Ltd.
 - e. M/s Fulida Industry Co. Ltd.
 - f. M/s Dry Chlorine Corp (DCC)
 - g. M/s Shanxi Baohua Technologies Co. Ltd.
 - h. M/s Zhangzhou Ping Yongsheng

- i. M/s Yatai Electrochemical Co. Ltd.
- v. In response to the above notification, none of the exporters/producers responded.
- vi. The Authority sent Importer's Questionnaires to the following known importers/users of subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules:
 - a. M/s Nicholas Piramal India Ltd
 - b. M/s Gujarat Themis Biosyn Ltd
 - c. M/s Padma Agencies
 - d. M/s Aurobindo Pharma ltd
 - e. M/s Novartis India Ltd.
 - f. M/s Artek Surfin Ltd
 - g. M/s Zydex Industries
 - h. M/s Venus Insulators Pvt. Ltd.
- vii. The following importers of the subject goods responded by filing questionnaire responses.
 - a. M/s Chemical Corp. Pvt. Ltd.
 - b. M/s Jay Chemical Industries Ltd.
 - c. M/s Shree Raj Chemicals
 - d. M/s Visen Industries Ltd.
- viii. 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;
- ix. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to provide the transaction-wise details of imports of subject goods for the past three years and the period of investigation. The Authority has relied upon the DGCI&S data for computation of the volume of imports and required analysis after due examination of the transactions.
- x. The Non-injurious Price (NIP) based on the cost of production and cost to make & 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. Therefore, the NIP computed for POI has been considered for comparison purpose.
- xi. The Authority held an oral hearing on 18th June, 2018 to provide an opportunity to the interested parties to present relevant information orally in accordance to Rule 6 (6), which was attended by the representatives of domestic industry and other interested parties. All the parties who presented their views in the oral hearing were requested to file written submissions of their views expressed orally. The parties were also advised to collect written submissions made by the opposing parties and were requested to submit their rejoinders thereafter.

- xii. The verification of the information provided by the domestic industry was carried out to the extent considered necessary. Only such verified information with necessary rectification, wherever applicable, has been relied upon.
- xiii. The Period of Investigation (POI) for the purpose of the present review investigation is 1st October, 2016 to 30th September, 2017 (12 months). The examination of trends in the context of injury analysis covered the periods April 2014-March 2015, April 2015-March 2016, April 2016-March 2017 and the POI.
- xiv. The submissions made by the interested parties during the course of this investigation, wherever found relevant, have been addressed by the Authority, in this Final Finding.
- xv. 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.
- xvi. 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 views/observations on the basis of the facts available.
- xvii. A Disclosure Statement was issued to interested parties on 20.11.2018 containing essential facts under consideration of the Designated Authority, giving time up to 1.12.2018 to furnish comments, if any, on Disclosure Statement. The Authority has considered post disclosure comments received from interested parties appropriately.
- xviii. ‘***’ in this Final Finding represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.
- xix. The exchange rate for the POI has been taken by the Authority as Rs.66.70 = 1 US\$.

B. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

View of the Domestic industry

- 7. The views of the domestic industry are as follows:
 - i. The product under consideration in this review investigation is ‘Peroxosulphates’ commonly known as ‘Persulphates’. It is a group of closely related compounds. They are produced as Alkali Metal salts which include Ammonium Persulphates (APS), Potassium Persulphates (PPS) and Sodium Persulphates (SPS). The Chemical Formulae of these Persulphates are, respectively, $(\text{NH}_4)_2\text{S}_2\text{O}_8$, $\text{K}_2\text{S}_2\text{O}_8$, $\text{Na}_2\text{S}_2\text{O}_8$. The three types of persulphates have the same end use as an initiator and oxidizing agent in the textile and chemical industries and one can be substituted for another. All three salts are nothing but different forms of same product.
 - ii. The subject goods are classified in Chapter 28 of the Customs Tariff Act, 1975 under

- subheading 2833 40 and under subheading 283340 00 under the Indian Trade Classification (Based on Harmonized Commodity Description and Coding system).
- iii. This being a sunset review investigation the scope of the product under consideration remains the same as that in the previous investigations conducted for the concerned product. The examination done by the authority in Final Finding No.15/9/2011-DGAD dated 12.3.2013 in Sunset Review Anti-dumping investigation concerning imports of 'Peroxosulphates' (also known as 'Persulphates') originating in or exported from Japan & China PR and Final Finding No. 14.9.2012 dated 4.3.2014 in Anti-dumping investigation concerning imports of 'Peroxosulphates' (also known as 'Persulphates') originating in or exported from Taiwan, Turkey and USA is to be relied upon.
 - iv. There is no difference in the technology employed and the quality of the domestic and imported product. Present investigation is a review investigation. The Designated Authority has examined the issue of product under consideration and like article in the original investigation, which is relied upon.
 - v. The three types of subject goods do not make the three different types of the PUC different. The three different types of persulphates, namely, potassium persulphate, sodium persulphate and ammonium persulphate form one product under consideration. This being the fourth investigation for the product under consideration, the scope of the product under consideration has already been decided and has remained the same even in the previous investigations. The European Commission and The US ITC have held that the three types of Persulphate constitute one article.
 - vi. The difference in costs and prices of two products does not render them different article. The product types should be considered as one product under consideration in the same manner as caustic soda lye and flake are considered as one product. Lack of perfect interchangeability of the product types at customers end does not render them different articles. The producers can switch between different types of persulphates.
 - vii. The Assay of VR Persulfates SPS is also 99.0% mostly above 99.5% which is same as Peroxychem Spec (exporter from USA); Active Oxygen of Peroxychem and the petitioners is same. Baseless claims have been made with regards to caking of the product. The domestic industry adds Aerosil which is an anti-caking agent, which does not allow the SPS to cake. The alleged black particles are also found in the products of the exporting producers.
 - viii. The Authority has time and again held that difference in quality does not lead the article to be different. Imported goods and domestically produced goods serve the same end use. Production and sales of the domestic industry increased over the injury period which itself shows that consumers have no problem in using goods produced by the domestic industry. Consumers may not wish to adopt themselves to different products only because of the internal requirements. It is not a question of technical compulsions but merely adaptability of a party that the company does not wish to buy material from other sources.

Views of the opposing interested parties

8. The views of the Other interested parties are as follows -

- i. Since three grades of PUC are under investigation, APS, SPS and PPS, having different cost and price, there should be separate investigation for all of them.
- ii. Goods produced by the domestic industry were not purchased by Indian users due to following reasons - The test result of the assay of Peroxychem USA persulphates is 99% and above typically 99.4% and above as compared to local producer having an assay lower than 99%. One of the end use of this product is that of a Catalyst where higher assay is required; Active O₂ content in USA produced subject goods is more suited than domestically produced; USA produced subject goods do not start caking after sometime, like domestically produced do; Black particle found in some cases of domestic produced subject goods.

Examination by the Authority

9. The product under consideration in this review investigation is 'Peroxisulphates' commonly known as 'Persulphates'. Peroxisulphates are a group of closely related compounds. These are produced as Alkali Metal salts which include Ammonium Persulphates (APS), Potassium Persulphates (PPS) and Sodium Persulphates (SPS). The Chemical Formulae of these Persulphates are, respectively, (NH₄)₂S₂O₈, K₂S₂O₈, Na₂S₂O₈. The three types of persulphates have the same end-uses as an initiator and oxidizing agent in the textile and chemical industries and one can be substituted for another. All three salts are nothing but different forms of same product.
10. They are classified in Chapter 28 of the Customs Tariff Act, 1975 under HS Code 28334000. It is clarified that the HS codes are only indicative and the product description shall prevail in all circumstances.
11. With regard to the argument of the interested party that three types of persulphates should not be considered as single product, the Authority notes that potassium persulphate, sodium persulphate and ammonium persulphate are merely different types of persulphates. Different types of the product under consideration have been treated as one single product in past by the Designated Authority. Petitioner submitted in this regard that USA and EU have also conducted anti dumping investigations on subject goods, wherein all types of persulphates were considered as one product after examining their physical and chemical properties, interchange ability etc. The Authority has in all previous investigations considered all types of persulphates as one product. As regards the different price levels for the different product types, it is noted that price differences between product types per se do not justify the conclusion that a certain product type should be considered as a different product.
12. After considering the information on record, the Authority holds that there is no known difference in product under consideration exported from subject countries and the subject product produced by the Indian industry. The subject goods produced by the domestic industry is comparable to the subject goods exported from subject countries in terms of characteristics such as physical & chemical characteristics, functions & uses, product specifications,

distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably.

13. The Authority holds that the subject goods produced by the applicant domestic industry are like articles to the product under consideration exported from the subject countries, in accordance with the AD Rules.

C. SCOPE OF DOMESTIC INDUSTRY & STANDING.

Views of the domestic industry

14. Following submissions have been made by the domestic industry:
 - i. The application was filed by M/s Calibre Chemicals Pvt. Limited, M/s VR Persulfates and M/s Yoyo Chemicals (referred to as Petitioners). There is one other producer of the subject goods in the country, namely, M/s Gujarat Persalts Pvt. Limited.
 - ii. The petitioners have not imported the subject goods during the injury investigation period. The petitioners are neither related to an importer in India nor to any exporter from the subject countries. Production of the petitioners constitutes “a major proportion” of total Indian production. Petitioners fulfil and satisfy the requirement of standing within the meaning of the Anti-dumping Rules.
 - iii. M/s Chemical Corp is an importer of the subject goods who has cleared the goods for home consumption. M/s VR Persulphates purchased the material from Chemical Corp. Exclusion of domestic producers from the scope of the domestic industry does not arise unless the domestic producer has itself imported or is related to an importer or exporter thereof. M/s VR Persulfates purchased sodium persulphate, only at the instance of the consumer, who is regularly procuring one type of PUC from the company, but wanted other type of PUC from USA and at the same time, wanted the company to do modifications to the product supplied by the US producer.
 - iv. The core business of the producer is the production and sale of subject goods. Further, imports made were not as a defensive action. In any case, if M/s VR Persulphates was to be excluded as domestic industry, the extent of improvement shown by the domestic industry would reduce.

Views of the opposing interested parties

15. The following submissions have been made in this regard –
 - i. M/s VR persulphates has been importing subject goods from M/s Chemical Corp Pvt Ltd, and may have also imported subject goods from USA also, thus, misguiding Authority by stating otherwise.
 - ii. Petitioner should not claim that imports coming from USA are a ground for likelihood of dumping and injury, when they themselves are importing the same goods.

Examination by the Authority

16. The application was filed by M/s Calibre Chemicals Pvt. Limited, M/s VR Persulfates and M/s Yoyo Chemicals. There is one other producer of the subject goods in the country, namely, M/s Gujarat Persalts Pvt. Limited. The production by the participating producers constitutes major proportion.
17. The claims that M/s V.R. Persulphates has imported the subject goods was examined. It is noted that as per their own admission M/s V.R. Persulphates has bought the subject goods from one importer, namely M/s Chemical Corp Pvt Ltd, the petitioner clarified that (a) M/s Chemical Corp, who is a trader importer, for the purpose of manufacturing/processing the goods as per the requirements of the end user customer. The quantities purchased are insignificant in relation to its own production, Indian production and total imports. In view of the same the Authority had considered it appropriate to hold that the applicant producers satisfy the criteria of domestic industry in terms of Rule 2(b) and Rule 5 of the Rules.

D. MARKET ECONOMY TREATMENT (MET), NORMAL VALUE, EXPORT PRICE AND DETERMINATION OF DUMPING MARGIN

Views of the Domestic industry

18. The domestic industry inter alia submitted as follows:
 - i. One of the provisions of Accession protocol has expired on 11th December, 2016. The Designated Authority should however proceed with present investigation considering Chinese producers as producers are not operating in non-market economy conditions because the costs and prices in China do not reasonably reflect the market forces. Para 8 to Annexure-I specifies the parameters which should be considered for grant of market economy status. Since Chinese companies have been denied market economy status, for the reasons mentioned in Para 8 of Annexure-I, till December, 2016, and the present POI includes part of the period before accession therefore the petitioner submits that the Chinese producers are required to be treated as non-market economy companies till such time the investigation period includes the period specified in Accession protocol.
 - ii. Chinese producers are required to be treated as companies operating under non-market economy environment and the Authority may proceed to determine the normal value on the basis of Para 7 of Annexure-I.
 - iii. Normal value could not be determined on the basis of price of like article in an appropriate market economy third country for the reason that the relevant information is not publicly available. The petitioner has claimed consideration of normal value on the basis of cost of production in India duly adjusted.
 - iv. The dumping margin from China is not only significant, but also substantial, thus establishing existence of significant dumping of the product under consideration in India. The import volume of China has remained significant throughout the present

- injury period, despite anti-dumping duty in force.
- v. Considering the production capacities available with Chinese producers and their high export orientation, dumping would continue and even intensify in the event of cessation of anti-dumping duty.
 - vi. For the U.S.A. also the petitioners have claimed normal value on the basis of cost of production in India, duly adjusted because no other reliable information is available in public domain.

Views of the opposing interested parties

19. No submissions have been made by the interested parties in this regard.

Examination by the Authority

20. At the stage of initiation, the petitioners proceeded with the presumption by treating China PR as a non-market economy country. Upon initiation, the Authority advised the producers/exporters in China PR to respond to the notice of initiation and provide information relevant to determination of whether their data/information could be adopted for the purpose of normal value determination. The Authority sent copies of the questionnaire to all the known producers/ exporters for providing relevant information in this regard. However, none of the Chinese producers/exporters have filed any questionnaire response.
21. The Authority notes that none of the producers and exporters of the subject goods from the USA have submitted the exporter's questionnaire response in the facts & circumstances of the present case. In view of non-cooperation, the Authority is unable to determine normal value in case of China PR & USA.
22. In view of non-cooperation from any producer exporter from the subject countries, the Authority is not able to determine individual dumping margin and is constrained to proceed with the principles of best available information. The Authority determined normal value as per facts available in terms of Rule 6(8) of the Rules. Normal value for the subject goods imported from China PR and USA into India has been constructed considering optimum consumption norms of the domestic industry for raw materials and utilities, conversion cost, interest, SGA, etc. at the levels allowed for the domestic industry including reasonable profit on the cost of production. Separate normal value has been determined for each types of persulphate. Accordingly, Constructed Normal value determined is as shown in the dumping margin table below.
23. The Authority notes that none of the exporters have furnished information to the authority in the form and manner prescribed which could be used for determination of the export price and individual dumping margin. Therefore, the Authority has determined the export price for producers/exporters in subject countries on the basis of the DGCI&S transaction wise data. The export price has been adjusted on account of Ocean Freight, Marine Insurance

Commission, Bank Charges, Port Expenses and Inland Freight Charges to arrive at the net export price at ex-factory level. Separate weighted average export price to India has been determined for each type of persulphates which is provided in the dumping margin table below. Accordingly, the net export price at ex-factory level for exports from subject countries is as shown in the dumping margin table below.

Dumping Margin of the subject countries

24. The dumping margin for subject countries has been determined by comparing type wise normal value and net export price at ex-factory level for the subject goods. The table below shows the weighted average dumping margins for each of the subject countries.

S No.	Product Type	Imports	CNV	NEP	DM		
		MT	US\$/Kg	US\$/Kg	US\$/Kg	%	Range
China							
1	Ammonium Persulphate	498	***	***	***	***	
2	Potassium Persulphate	104	***	***	(***)	(***)	
3	Sodium Persulphate	25	***	***	***	***	
4	Total Import Volume	627	***	***	***	***	0-5
USA							
6	Ammonium Persulphate	303	***	***	***	***	
7	Potassium Persulphate	-	-	-	-	-	
8	Sodium Persulphate	772	***	***	***	***	
9	Total Import Volume	1,074	***	***	***	***	10-20

25. It is seen that the dumping margin in case of China PR is de-minimis, whereas dumping margin in case of USA is above de-minimis limits.

E. DETERMINATION OF INJURY AND CAUSAL LINK

Views of the Domestic industry

26. As regards injury and causal link, the domestic industry has made submissions as under :
- i. The demand for the product under consideration increased throughout the injury.
 - ii. The import volume from the subject countries has increased throughout the injury period and has a considerable hold in the Indian market. The increase in volumes of subject imports is despite the existing duties in force. Had the same not been in force, the entire Indian market would have been catered to by the subject imports.
 - iii. Landed prices of the subject goods, have remained below the selling price of the domestic industry and have thus led to a positive price undercutting. Even grade wise there is significant price undercutting for all the grades being exported by both the subject countries.
 - iv. Low prices of imports have not yet caused any suppressing/depressing effects because of duties being in force but are clear indicators of the price movement of imports as well as

- the prices of the domestic industry in case the current duties are allowed to cease.
- v. There has been significant increase in imports of the subject goods. The imports are undercutting the prices of the domestic industry
 - vi. The capacity of the domestic industry remained the same while the production, sales and the capacity utilization of the domestic industry have increased.
 - vii. The market share of the domestic industry as a whole has declined while that of the subject imports has increased.
 - viii. Profits before interest and tax, ROCE and Cash Profits are all rising over the injury period but to determine the likely situation of profitability of the domestic industry, petitioner considered the landed price of imports and determined profitability of the domestic industry had the domestic industry sold the product at these prices. The domestic industry would have suffered significant financial losses, had the domestic industry supplied the product at prices matching the landed price of imports. All price parameters of the domestic industry would very steeply decline in the event of cessation of anti-dumping duties Thus, improvement in the performance of the domestic industry in terms of profits, cash flow and ROI is the remedial effects of the existing ADD.
 - ix. Inventory levels of the domestic industry have increased as compared to the base year levels.
 - x. Employment levels of the domestic industry and wages paid have also increased over the injury period.
 - xi. Impact of dumping of the subject goods from the subject countries has been adverse on the domestic industry. It has remained positive and significant.

Views of opposing interested parties

27. No submissions have been made by the other interested parties in this regard.

Examination by the Authority

28. The Authority has examined the submissions made by the interested parties with regard to the injury in accordance with the Anti-dumping Rules.
29. For the examination of the impact of the imports on the domestic industry in India, the Authority has considered relevant economic factors and indices having a bearing on the state of the industry such as production, capacity utilization, sales quantum, stock, profitability, net sales realization, the magnitude and margin of dumping etc. in accordance with Annexure II (iv) of the Rules.

I. Volume Effect of dumped imports and impact on domestic industry

a. Total Demand and Market Share

30. The demand or consumption of the product in India is the sum of domestic sales of all the Indian producers and imports from all sources. The demand so assessed is given in the table

below.

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Subject Countries imports	MT	1068	1221	1424	1701
2	Other Countries imports	MT	25	115	225	258
3	Domestic industry	MT	***	***	***	***
3a	Trend	Indexed	100	104	109	121
4	Other Indian Producers	MT	***	***	***	***
4a	Trend	Indexed	100	90	76	98
5	Demand/consumption	MT	6,157	6,451	6,826	7850

31. It is seen that the demand for the product under consideration has increased throughout the entire injury period and the POI.

b. Import volumes and share of subject countries

32. With regard to 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 imports of the subject goods from the subject countries have been analyzed as under:

SN	Particulars	UOM	2014-15	2015-16	2016-17	POI
	Import Volume					
1	Subject Countries	MT	1,068	1,221	1,424	1,701
1a	China	MT	731	645	477	627
1b	USA	MT	337	576	947	1,074
2	Other Countries	MT	25	115	225	258
3	Total	MT	1,093	1,336	1,649	1,959
	Share in Imports					
1	Subject Countries	%	98	91	86	87
1a	China	%	67	48	29	32
1b	USA	%	31	43	57	55
2	Other Countries	%	2	9	14	13
3	Total	%	100	100	100	100
	Subject Countries Imports in relation to					
4a	Indian Production	%	***	***	***	***
4a(i)	Trend	Indexed	100	119	131	138
4z	Consumption	%	17	19	21	22

33. It is noted that the import volume from the subject countries has increased throughout the injury period and the POI. Imports from other countries has also increased significantly throughout the injury period and the POI as compared to base year, however, the share is not as large as compared to the share of subject countries. The imports from the subject countries constitute majority of imports during the injury period and POI. Imports in relation to production and consumption are not very large and have remained consistent with small increase in the entire injury period.

II. Price Effect

34. With regard to the effect of the dumped imports on prices, it is required to be analyzed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course. The impact on the prices of the domestic industry on account of the dumped imports from subject countries has been examined with reference to the price undercutting, price underselling, price suppression and price depression, if any. For the purpose of this analysis the cost of production, Net Sales Realization (NSR) and the Non-injurious Price (NIP) of the Domestic industry have been compared with the landed cost of imports from subject countries.

a. Price Undercutting

35. The DI has given information regarding the impact of alleged dumped imports by comparing the landed value of the product with the average selling price of the domestic industry, at the same level of trade. The price undercutting has been determined separately for each type of the product under consideration and thereafter weighted average for the product under consideration. It is thus seen that the price undercutting is positive.

SN	Product Type	Imports	NSR	Landed value	Price Undercutting		
		MT	Rs/Kg	Rs/Kg	Rs/Kg	%	Range
China							
1	Ammonium Persulphate	498	***	55.24	***	***	
2	Potassium Persulphate	104	***	110.83	***	***	
3	Sodium Persulphate	25	***	90.69	***	***	
4	Total Import Volume	627	***	65.87	***	***	15-25
USA							
5	Ammonium Persulphate	303	***	63.65	***	***	
6	Potassium Persulphate	-	***	-	-	-	
7	Sodium Persulphate	772	***	95.98	***	***	
8	Total Import Volume	1,074	***	86.86	***	***	10-20

b. Price Underselling

36. The DI has given information regarding price underselling suffered by the domestic industry on account of dumped imports from subject countries by comparing landed value of imports with the NIP of DI. The comparison has been done product type wise and thereafter weighted average has been computed for the PUC.

S N	Product Type	Imports	NIP	Landed Price	Price Underselling		
		MT	Rs/Kg	Rs/Kg	Rs/Kg	%	Range
	China						
1	Ammonium Persulphate	498	***	55.24	***	***	-
2	Potassium Persulphate	104	***	110.83	(***)	(***)	-
3	Sodium Persulphate	25	***	90.69	***	***	-
4	Total Import Volume	627	***	65.87	(***)	(***)	Negative
	USA						
5	Ammonium Persulphate	303	***	63.65	(***)	(***)	-
6	Potassium Persulphate	-	-	-	-	-	-
7	Sodium Persulphate	772	***	95.98	***	***	-
8	Total Import Volume	1,074	***	86.86	***	***	0-10

Post-POI

SN	Product Type	Imports	NIP	Landed Price	Price Underselling		
		MT	Rs/Kg	Rs/KG	Rs/Kg	%	Range
	China						
1	Ammonium Persulphate	118	***	59.30	(***)	(***)	-
2	Potassium Persulphate	-	-	-	-	-	-
3	Sodium Persulphate	-	-	-	-	-	-
4	Total Import Volume	118	***	59.30	(***)	(***)	Negative
	USA						
5	Ammonium Persulphate	18	***	78.93	(***)	(***)	-
6	Potassium Persulphate	19	***	101.04	(***)	(***)	-
7	Sodium Persulphate	133	***	96.68	***	***	-
8	Total Import Volume	170	***	95.29	***	(***)	Negative

37. It is seen that the price underselling on account of imports of the subject goods from the China PR is negative for POI as well as post POI whereas from USA it is nominal for POI and negative for post POI.

c. Price suppression and depression effects of the dumped imports

38. In order to determine whether the dumped imports are suppressing or 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 DI has given information regarding the changes in the costs and prices over the injury period. The position is shown as per the table below:

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Cost of Sales	Rs./Kg	***	***	***	***
1a	<i>Trend</i>	Index	100	102	100	89
2	Selling Price	Rs./Kg	***	***	***	***
2a	<i>Trend</i>	Index	100	103	108	108
3	Landed Price	Rs./Kg	75	78	80	79
3a	<i>Trend</i>	Index	100	105	107	106

39. It is seen that the cost of sales has remained to almost a same level during the injury period with a slight increase during 2015-16, however, the same declined during POI as compared to the previous years and base year. The selling price of the domestic industry has increased throughout the injury period and POI as compared to the base year. The landed price of imports has remained almost to a same range throughout the injury period and POI as compared to the base year and is lower than the selling price of the DI. It is noted that though the cost of sales declined during the POI, but DI was able to increase its selling price. Thus the imports are not causing any adverse impact by way of price suppression and depression on the domestic industry prices.

Examination of Economic Parameters relating to Domestic Industry

40. Annexure II to the AD Rules requires that the determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of such products. With regard to consequent impact of these imports on domestic producers of such products, the AD 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.

41. Accordingly, various economic parameters of the domestic industry are analyzed herein below:

a. Production, Capacity, Capacity utilization and Sales

42. The performance of the domestic industry with regard to capacity, production, capacity utilization and sales is as follows:

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Capacity	MT	***	***	***	***
1a	Trend	Index	100	100	100	100
2	Production	MT	***	***	***	***
2a	Trend	Index	100	102	110	125
3	Capacity Utilization	%	***	***	***	***
3a	Trend	Index	100	103	110	126
4	Domestic sales	MT	***	***	***	***
4a	Trend	Index	100	104	109	121

43. It is seen that the capacity of the domestic industry remained the same throughout the injury period. The capacity utilization, production and the sales of the domestic industry increased throughout the injury period and POI.

b. Market Share in demand

44. The effects of the dumped imports on the market share of the domestic industry was examined.

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Subject Countries	%	17	19	21	22
2	Other Countries	%	1	2	3	3
3	Domestic industry	%	***	***	***	***
3a	Trend	Indexed	100	100	100	95
4	Other Indian Producers	%	***	***	***	***
4a	Trend	Indexed	100	83	67	78

45. It is seen that the market share of the domestic industry remained same during the injury period, however, declined slightly during POI whereas share of the subject countries increased throughout the injury period and POI. The share of other countries is insignificant. Share of other Indian producers declined throughout the injury period with a slight increase during POI as compared to the previous year.

c. Inventories

Particulars	UOM	2014-15	2015-16	2016-17	POI
Average Stock	MT	***	***	***	***
Trend	Index	100	88	75	133

46. It is seen that the average inventory levels with the domestic industry declined during the injury period whereas increased during the POI, however in view of the absence of data regarding average permissible inventory levels, the impact of increased inventory cannot be gauged.

d. Profits, return on investment and cash flow

47. Performance of the domestic industry with regard to profit, return on investment and cash flow is as follows:

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Profit/loss	Rs.Lacs	***	***	***	***
1a	Trend	Index	100	115	157	228
2	Cash Profit	Rs.Lacs	***	***	***	***
2a	Trend	Index	100	114	146	205
3	Return on Capital Employed	%	***	***	***	***
3a	Trend	Index	100	103	118	161

48. It is seen that there has been an increase in the profits, cash flow and return on capital employed of the domestic industry throughout the injury investigation period and POI.

e. Productivity

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Productivity per day	MT	***	***	***	***
1a	Trend	Index	100	100	107	127
2	Productivity per employee	MT	***	***	***	***
2a	Trend	Index	100	95	105	112

49. It is seen that productivity in terms of, productivity per day as well as per employee, has increased over the injury period and POI with a slight decline in productivity per employee during 2015-16.

f. Employment and wages

SN	Particulars	Unit	2014-15	2015-16	2016-17	POI
1	Employment	Nos	***	***	***	***
1a	Trend	Index	100	107	105	112
2	Wages	Rs.Lacs	***	***	***	***
2a	Trend	Index	100	113	129	138

50. It is seen that the employment with the domestic industry increased over the injury period and POI with a slight decline during 2016-17 as compared to previous year. The wages paid have increased throughout the injury period and POI. The Authority notes that these parameters are dependent on a number of other parameters and not reflective of impact of dumping on the domestic industry.

g. Growth

51. It is seen that the domestic industry has registered positive growth in terms of volume parameters, such as production, sales volume, capacity utilization, Profit before Tax (PBT) per unit and return on capital employed.

h. Ability to raise Capital Investment

52. The petitioner stated that they have not made any capital investment during the injury period.

i. Level of dumping & dumping margin

53. It is seen that the dumping margins in case of China PR is less than the de-minimis limits whereas dumping margin in case of USA is more than the de-minimis limit prescribed under the Rules in respect of exports made from each of the subject countries.

F. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING AND INJURY

54. The following submissions have been made by the domestic industry with regards to likelihood of continuation or recurrence of dumping and injury -
- i. As regards likelihood of continuation/recurrence of dumping and injury, the subject goods from China have been subject to duties in other countries also, most notably from the U.S.A and the EU. The duties in U.S.A. have been in force for more than 20 years. The duties in the E.U. were first allowed to cease. Upon cessation the imports from China again surged and since then the duties have been in force. Coupled with the long history of dumping and it can be said that the Chinese exporters are habitual of dumping their produce.
 - ii. In EU, after revoking 1995 antidumping duty order on Persulphates from China in April 2002, the authorities re-imposed these duties in October 2007 and have been continued after conducting expiry review in December 2013.
 - iii. Imports from China PR for all grades of the PUC combined were declining till 2016-17 and then increased in the POI. Imports from USA have increased consistently. Imports from China have been dominating the domestic market since the original investigation back in 2006.
 - iv. Chinese Producers have massive excessive production capacities. The same has been held in the US final findings of 'Persulphates from China' which was a third review and also in the expiry review of EC extending definitive duties on imports of peroxosulphates (persulphates) from China in March, 2014 and December, 2013 respectively. Petitioners have been able to ascertain capacities of the producers in China and the total known capacities comes to the tune of 3,54,000 MT whereas the total demand in India is only of 7,500 MT.
 - v. FMC is the sole producer in USA which is one of the largest producer and exporter of subject goods. The US review findings of 2013 shows that there has been significant decline in domestic demand since 2012 and during the same period FMC had enhanced capacity.
 - vi. US has determined that China is the largest exporter of subject goods. The US and EC authority also concluded significant growth in capacity of subject goods with the producers in China. Number of producers in China, as per US findings, has increased to 6 times in the third review of what was in the original investigation.
 - vii. USA is the second largest exporter of subject goods. The US Findings shows the trade balance which evidences the same. Global exports from USA also show that exports have been increasing throughout the injury period.
 - viii. American exports to the world are being made at prices higher than what it is exporting to Indian market. Exports from USA to world have consistently increased showing their export orientation.
 - ix. Anti-dumping duty remains in force for a period of five years from its imposition, unless reviewed further. The WTO Agreement mandates that ADD shall remain in force as long and to the extent necessary. If the situation warrants continuation of ADD for more than 10 years the same needs to be done. There are a number of instances where authorities

have continued the duty in the first and subsequent sunset reviews.

- x. Facts of the EC and USA cases are similar. Whereas imports from China into US and EC are negligible, the imports into India continue to be significant. The demand in USA was also declining whereas the demand in India is increasing consistently. There is all the more reason to continue levy of ADD against imports of subject goods. If, with similar parameters the authorities in EC and USA have continued antidumping duty, there appears no reason with the Authority to not continue the ADD in the present situation.

Submissions by the other interested parties

- 55. The following submission have been made by the other interested parties in this regard -
 - i. No case of likelihood of dumping and consequential injury to the domestic industry is shown against the subject countries by the petitioner.
 - ii. The petitioner is unable to prove likelihood and injury against USA, as a major chunk of imports is made by one of the petitioners. M/s V R Persulphates bought the imported goods knowing that they are getting the imported goods and after taking part in import, they cannot now claim likelihood of dumping and injury in the event of expiry of present duties.

Examination by the Authority

- 56. The Authority has examined the contention of the Domestic Industry to examine likelihood of continuation or recurrence of dumping and injury, in terms of Annexure II (vii) of the Rules.
- 57. All information submitted to the Authority has been examined to determine as to whether there is a likelihood of continuation or recurrence of dumping or injury in the event of cessation of the duty. Since in the present case, the domestic industry has witnessed a growth in its economic parameters, it is more relevant to determine whether injury to the domestic industry is likely to recur on account of dumping, if the duties cease to be in force. The Authority has considered various information, as made available by the domestic industry and other interested parties, in order to evaluate the likelihood of continuation or recurrence of dumping or injury.

i. Long history of dumping and Continued imports

- 58. It has been submitted by the petitioner that the subject goods have a history of continued dumping in the country. Despite imposition of Anti-dumping duty the product concerned is still being imported in significant volumes. The dumping margin determined for the subject countries for previous investigation was positive and significant but for the present review the dumping margins are not significant.

ii. Excessive production capacity held by the Subject Countries

- 59. **China**: It has been submitted by the petitioner that the Producers in China PR maintain huge

capacities to produce persulphates. As evidence of surplus capacity, the domestic industry has relied upon the US final findings of ‘Persulphates from China’ which was a third review and also on the findings of expiry review of EC extending definitive duties on imports of peroxosulphates (persulphates) from China in March, 2014 and December, 2013 respectively. The petitioners have also ascertained capacities of the producers in China and the total known capacities is to the tune of 3,54,000 MT. The entire demand in India is only 7,850 MT. They have further submitted that freely disposable production capacities with the producers in China are sufficient to cater to the entire domestic demand in the event of cessation of anti-dumping duty.

Producer	Capacity (MT)
Youxi County, Fujian Province Tianda Reagents Limited	11,000
Yatai Electrochemical Co. Ltd.	58,000
Shaanxi Baohua Technology Co. Ltd.	16,000
Youdede Hefei Ltd.	23,000
Zhangzhou Ping Yongsheng Chemical Co. Ltd.	7,000
Fujian Zhanhua Chemical Co., Ltd	83,000
United Initiators	23,000
Production capacities as per last findings	
Shanghai Ansin Chemical Co., Ltd	5,000
Degussa-aj (Shanghai) Initiators Co.,Ltd	15,000
Fujian JianouYongsheng industry Co., Ltd	35,000
HebeiJiheng Group Co.,Ltd	27,000
HengshuiJiamu Chemical Co., Ltd	18,000
Fulida Industry Co. Ltd.	15,000
ZHANHUA Chemicals Industrial Co. , Ltd	27,000
ABC Chemicals (Shanghai) Co. Ltd	6,000
Total	3,53,000

60. **USA:** It has been submitted by the petitioner that they have not been able to get publically available evidence on excess capacity in other subject countries. However, as per market information of the domestic industry, producers in USA have large capacities causing them to dump goods in India at intensified rate despite imposition of anti dumping duties. They further stated that FMC is the sole producer of the subject goods which is one of the largest producer and exporter of the subject goods. The US review finding demonstrates that there has been decline in the domestic demand and increase in the capacities of the producer which indicates that there is a significant unutilised capacities in USA.

iii. Export Orientation of subject countries

61. The petitioner has relied upon the US findings wherein it was stated that China is the largest exporter of the subject goods in the world. The US authority has also concluded significant growth in the capacity of subject goods with the producers in China.
62. It shows that the capacity with Chinese exporters kept on increasing. Also, the number of producers in China, as per the US findings, has increased to 6 times in the third review of what was present in the original investigation indicating the increase in capacities, surplus or otherwise.

63. With respect to USA, the petitioner has given the trade data showing that exports from USA to world have consistently increased confirming their export orientation. Also the exports from USA to India have also consistently increased, further the rate has consistently remained below the prices at which the USA is exporting to the world indicating selective dumping in Indian market.

S.N.	Particular	Exports from USA				
		2,013	2,014	2,015	2,016	POI
Quantity in MT						
1	India	603	741	844	1,315	1,413
2	other Countries	17,225	15,518	16,436	17,190	17,588
3	Total	17,828	16,258	17,280	18,505	19,001
Rate\$/kg						
1	India	1.33	1.44	1.45	1.47	1.40
2	other Countries	2.08	2.28	2.12	1.84	1.79
3	Total	2.05	2.24	2.09	1.82	1.76

64. Petitioners have claimed that USA has huge production capacities as compared to total demand in India, which indicates that this export quantity from USA may intensify if the current duties cease to exist.

iv. Third country exports and antidumping measures by other jurisdictions

65. It has been stated by the petitioner that China is attracting anti-dumping duties in other countries as well. USA has concluded its third review against imports of Persulphates and imposed duty. The review recently conducted by USA has reconfirmed dumping by China and has imposed duty at the rate of 119.02 percent. EU, imposed antidumping duty on Persulphates from China in October 2007. The same were then continued in December, 2013, for a period of five years, and are currently in force. The current antidumping duty rate applicable to China is 71.8 percent. The cessation of duties will intensify the dumped imports from the subject countries.

G. OTHER KNOWN FACTORS & CAUSAL LINK

66. After examination of existence of material injury, volume and price effects of dumped imports on the prices of the domestic industry as above, in terms of its price underselling and price suppression, and depression effects, other indicative parameters listed under the Rules and Agreement on Anti-dumping, the Authority proceeded to see whether any factor, other than the dumped imports could have contributed to injury to the domestic industry.

i.) Imports from Third Country

67. The 87% of imports of the subject goods are from subject countries. The imports from other countries are not significant in volume terms so as to cause or threaten to cause injury to the

domestic industry.

ii.) Contraction in demand

68. The demand for the subject goods has shown an increasing trend in absolute terms throughout the period.

iii.) Trade restrictive practices

69. The Authority notes that there is no trade restrictive practice which could have impacted the Domestic Industry.

iv.) Developments in technology

70. The technology for production of the product concerned has not undergone any change. Thus, developments in technology had no impact on the growth of the DI.

v.) Changes in pattern of consumption

71. The DI is producing similar goods that have been imported into India. Possible changes in pattern of consumption are not a factor that could have caused any impact on the DI.

vi.) Productivity of the domestic industry

72. The Authority notes that the production and productivity of DI has shown improvement when compared from base year to the subsequent years in the injury period and POI.

H. POST DISCLOSURE COMMENTS

73. The post disclosure submissions have been summarized and addressed as below:

a) Views of the Domestic industry

74. The Domestic Industry made the following submissions:
- i. Petitioners submit that the disclosure statement does not constitute sufficient disclosure of essential facts. With regard to likelihood of recurrence of injury, the disclosure statement merely contains parameters or information or verified data that are relevant to establishment of facts. The essential facts under consideration have not been disclosed.
 - ii. The petitioners submit that the information given by the exporters for determination of normal value, export price or dumping margin constitutes “data/information”, while the normal value, export price & dumping margin constitutes “facts”. The Authority has not disclosed these details.

- iii. Petitioners have requested to issue a meaningful disclosure for the domestic industry to provide meaningful comments. Further, the petitioners reiterate their request for a hearing and additional time for offering comments in view of several factual unresolved issues of the case and the need to appropriately bring these before the Designated Authority.
- iv. In the absence of any responding producers/exporters of the subject goods from the USA the Authority is unable to determine normal value in case of USA. Thus, the Authority has determined separate normal value for each of the three types of the PUC as per facts available and in terms of Rule 6(8) considering the optimum consumption norms of the domestic industry for raw materials and utilities, conversion cost, interest, SGA, etc. at the levels allowed for the domestic industry including reasonable profit on the cost of production. Petitioners however submit that the normal value is required to be determined on the basis of actual cost of production in India, duly adjusted. The rules does not provide for considering normated costs. The rules provide for consideration of actual cost of production.
- v. The import prices are undercutting the prices of the domestic industry. The consumers would therefore switch to imported product in the event of cessation of anti dumping duty which will lead to significant increase in imports of the product.

b) Views of the opposing interested parties

75. Opposing interested partes made the following submissions:

- i. The importer has contended that M/s V R Persulphates (one of the petitioners) have not disclosed the fact that they have imported the material from subject country at the time of petition and in our understanding parties cannot make any incorrect statement or conceal facts from the Authority while filing a petition. If a petitioner buy/arranges imported material from importers and process it a gives it to the end customers, such activity also should be treated as imports. If such a practice is permissible, it will lead to circumventing provisions of Rule 2 (b) viz. imports by the petitioner.
- ii. It is provided in the Disclosure statement viz. imports by the petitioner that the quantities purchased are insignificant in relation to its own production, Indian production and total imports. However, no information in terms of actual volume or percentage is provided so that we could have offered any comments here. Continued imports are demand supply specific and not oriented to the ADD in force.
- iii. The Disclosure also shows that the price underselling on account of imports of the subject goods from the China PR is negative for POI as well as post POI whereas from USA it is nominal for POI and negative for post POI. This position clearly substantiates the fact that the DI is not vulnerable to likely dumping and any injury in the event of expiry of present duties. The duty should be discontinued in view of such robust development in performance of the DI which is also not vulnerable to

- any likely injury.
- iv. The excess capacities with producers in exporting countries are not conclusively indicative of the fact of likelihood of injurious dumping in the event of expiry of present ADD.
 - v. The overall economic situation of the DI is very healthy. All the volume and value parameters show sharp growth throughout the injury period. The position of DI on economic parameters show the duty has met its purpose that the distorting effect of dumping found earlier is all removed and the DI is in a position to compete fairly in the market. The duty should be discontinued in view of such robust development in performance of the DI which is also not vulnerable to any likely injury.

EXAMINATION BY THE AUTHORITY

76. It is noted that the issues raised at post disclosure stage have already been examined by the Authority and addressed appropriately in above relevant paragraphs.

I. CONCLUSIONS

77. After examining the issues raised and submissions made by the interested parties and facts available, as recorded in this finding, the Authority concludes that:

- i. The performance of Domestic Industry has shown significant improvement on the injury parameters. Therefore, it is concluded that the alleged dumped imports are not affecting the performance of the Domestic Industry.
- ii. The dumping margin in case of China PR is de-minimis. It implies that their own market is capable to consume their own production. Therefore, there is no evidence of likelihood of dumping from China PR though they have substantial production capacity of PUC.
- iii. As submitted by domestic industry, American exports to the world are being made at prices higher than what it is exporting to Indian market. It means, Indian market is not their target country, since export realisation from India is lesser than any other countries they export. Therefore, there is no substantial argument that dumping would recur in case of cessation of duty from USA.

J. RECOMMENDATION

78. The Authority notes that the investigation was initiated and notified to all the interested parties and adequate opportunity was given to the domestic producers, exporters, importers and other interested parties to provide positive information on the aspects of dumping, injury and causal link. Having initiated and conducted the present investigation into dumping, injury and the causal link thereof in terms of the AD Rules it is established that the domestic industry is not suffering injury on account of the subject imports from the subject countries and there is no causal link between the dumped imports and material

injury to the domestic industry due to reasons given above. The Authority is of the view that imposition of antidumping duty is not warranted in the present investigation. In view thereof the Designated Authority considers it appropriate not to recommend Anti-Dumping Duty in respect of Peroxosulphates (Persulphate) originating in or exported from China PR and U.S.A.

79. An appeal against this notification shall lie before the Customs, Excise, and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975 and the decision by Hon'ble High Court of Delhi in M/s Jindal Poly Film Ltd. v. Designated Authority W.P. (Civil) No. 8202/2017.

(Sunil Kumar)
Additional Secretary & Director General