

F. No. 6/12/2023-DGTR
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: 23.07.2024

NOTIFICATION

FINAL FINDINGS

Case No. OI – 12/2023

Subject: Anti-Dumping Investigation concerning imports of "Unframed Glass Mirror" originating in or exported from China PR.

A. BACKGROUND OF THE CASE

1. A representation was received from "All India Mirror Manufacturers Association" (hereinafter referred to as "AIMMA" or "Association"), representing the manufacturers of "Unframed Glass Mirror" (hereinafter referred to as the "subject goods" or the "product under consideration") before the Designated Authority (hereinafter referred to as "Authority") stating that the industry in India is getting injured in view of increase in dumped imports of the subject goods from China PR (hereinafter referred to as the subject country).
2. The Authority, on the basis of *prima facie* evidence on the record submitted by various domestic producers and their associations, called information from customs authorities.
3. The Authority analysed the trend in imports of the product in the country, both in terms of volume and price, corroborated the same with information contained in various representations and ascertained whether there is sufficient *prima facie* evidence that the product under consideration is being exported from China at a price below estimates of normal value, whether the same is causing injury to the Indian industry and whether an anti-dumping investigation is required to be conducted to ascertain existence, degree and effect of alleged dumping. The Authority also considered the nature of the industry, the degree of dumping, the trend in the volume of imports, the import price from China, prevailing prices of principal raw material (float/sheet glass) and information with regard

to the possible impact on the Indian industry on the basis of information contained in the representation and subsequent communications so received. The Authority called for information with regard to the imports of the product under consideration from the customs authorities and adopted the same. The Authority found that there was sufficient *prima facie* evidence regarding dumping, injury, and causal link between such dumped imports and the alleged injury, to justify the initiation of an investigation.

4. Having satisfied itself with regard to the existence of sufficient evidence regarding dumping, injury, and causal link between such dumped imports and the alleged injury to the domestic industry to justify the initiation of an investigation, the Authority issued a public notice, vide Notification No. 6/12/2023-DGTR dated 21st September 2023, published in the Gazette of India, Extraordinary, initiating an anti-dumping investigation on a *suo-moto* basis in accordance with sub-rule 4 of Rule 5 of the Rules to determine the existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from the subject country, and to recommend the amount of anti-dumping duty, which, if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

5. The procedure described below has been followed with regard to the present investigation:
 - i) The Authority issued a public notice dated 21st September 2023, published in the Gazette of India, Extraordinary, initiating an investigation concerning imports of the subject goods originating in or exported from the subject country in accordance with Rule 5(4) of the Rules.
 - ii) The Authority sent a copy of the initiation notification to the embassy of the subject country in India, known producers and exporters from the subject country, known importers/users and the user associations as per the information made available by the association, and requested them to make their views known in writing within the prescribed time limit.
 - iii) The Authority provided a copy of the non-confidential version of the representation filed by the association to the known producers/exporters and to the embassy of the subject country in India, in accordance with Rule 6(3) of the Rules. A copy of the non-confidential version of the representation filed by the association was circulated to the other interested parties.
 - iv) The embassy of the subject country in India was also requested to advise the producers/exporters in their country to respond to the questionnaire within the prescribed time limit.
 - v) The Authority forwarded a copy of the public notice initiating the anti-dumping investigation to the following known producers/exporters in the subject country, and offered them an opportunity to make their submissions known in accordance with Rule 6(2) of the Rules:

SN	Exporters
1.	Dongguang Aimeizhe Glass Products Co Ltd
2.	Ikea Supply Ag
3.	Joseph Joseph Ltd.
4.	M/S.Villeroy & Boch Ag
5.	Qingdao Aagya Industry Co., Ltd
6.	Qingdao Regenco Industry Co., Ltd
7.	Qingdao Reliance Industry Co., Ltd
8.	Qingdao Simpassic Import And Export Co Ltd
9.	Qinhuang Dao Green Star Mirror Co Ltd
10.	Shahe City Luck Glass Technology
11.	Shandong Harvest Glass Co., Ltd
12.	Shandong Toou Trading Co. Ltd.
13.	Shouguang Yaobang Imp And Exp Industry Co.,Ltd
14.	Tengzhou Jingcheng Mirror Co. Ltd
15.	Tengzhou Kunyue Industry Group Co., Ltd
16.	Tianjin Sunrise Industrial Co., Ltd
17.	Xingtai Gudeman Import Export Tra
18.	Yohayo Industry Limited
19.	Zhejiang Li Heng International Trade Co Limited

- vi) No exporter has participated and filed questionnaire responses in the present investigation.
- vii) The Authority sent questionnaires to the following known importers/users of the subject goods in India, calling for necessary information in accordance with Rule 6(4) of the Rules:

SN	Importers/Users
1.	A. H. Glass
2.	And More Stories
3.	Atco Interiors Private Limited
4.	Atlas Glass Traders
5.	Darshan Mirror
6.	Design Decode
7.	Edge To Edge
8.	Enginotech Systems Private Limited
9.	Enviro Safety Glass
10.	Float Glass Centre
11.	FMB Trading
12.	H S Trading
13.	Ikea India Private Limited
14.	JK Global Ventures

15.	K D Impex
16.	Kritarth Impex
17.	Levante
18.	N.M.Stones Private Limited
19.	Om Beauty Collection
20.	P C Sampath and Co
21.	Pacoline Industries Private Limited
22.	Qaas Trading Co.
23.	R K Glass Centre
24.	R R Industries
25.	Seeba Industries Private Limited
26.	Sew Surface Coating P. Ltd.
27.	Shree Dariyav Sales
28.	Shreenathji Trade
29.	Swayambhu Enterprises
30.	Unique Traders
31.	Uttam Art-N-Glass Works

- viii) No importer/user has participated and filed questionnaire responses in the present investigation.
- ix) The Authority issued an economic interest questionnaire to the embassy of the subject country, all the known exporters, importers, the administrative line Ministry and the domestic industry. Barring the domestic industry, none of the parties has submitted this questionnaire in the present investigation.
- x) Following interested parties have made comments post-issuance of the Disclosure statement:
- a. SUK International
 - b. Kiran International
 - c. Royal Impaxe
 - d. RR Industries
 - e. Shine Glass
- These parties have not registered themselves as interested parties and the submissions made by them are belated at this stage. It has not been shown how these parties are interested parties. Notwithstanding, these parties were provided several opportunities to register themselves and to provide response and concerns which these parties did not avail. Thus, these parties are not being considered as interested parties to the subject investigation.
- xi) The period of investigation (POI) for the present investigation is from April 2022 - March 2023 (12 months). The injury investigation period for the present investigation is 2019-20, 2020-21, 2021-22 and the POI.
- xii) The representations were made based on the DGCI&S published import data for the period 2019-20 to 2022-23. A request was made by the Authority to the DG System to provide the transaction-wise details of imports of the subject goods for the past

three years and the period of investigation, which was received by the Authority and the same has been considered for the purpose of initiation and the present investigation.

- xiii) In view of the nature of the present industry, the Authority selected the following companies to provide information for the determination of Non-Injurious Price (NIP) in accordance with Annexure-III.
 - a. Gold Plus Glass Industry Ltd.
 - b. Kalkaji Glasses Pvt. Ltd.
 - c. Emerge Glass India Pvt. Ltd
 - d. BM Glasstech
- xiv) The Authority sought further information from the domestic industry to the extent deemed necessary. The verification of the data provided by the domestic industry was conducted to the extent considered necessary for the purpose of the present investigation. The Authority has considered the verified data of the domestic industry in its analysis in the present case.
- xv) The Authority made available the non-confidential version of the submissions made by the various interested parties. A list of all the interested parties was uploaded on the DGTR website along with the request to all of them to email the non-confidential version of their submissions to all the other interested parties.
- xvi) In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to the interested parties to present their views orally in a public hearing held on 9th February 2024. The parties presented their views in the oral hearing and were requested to file written submissions of the views expressed orally, followed by rejoinder submissions, if any.
- xvii) The submissions made by the interested parties, arguments raised and the information provided by the various interested parties during the course of the investigation, to the extent the same were supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority in these final findings.
- xviii) 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 has conducted the examination on the basis of facts available.
- xix) The information provided by the interested parties on a confidential basis was examined with regard to the 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 the other interested parties. Wherever possible, the parties providing the information on a confidential basis were directed to provide an adequate summary of the confidential version in a non-confidential version.
- xx) A disclosure statement containing the essential facts in this investigation which have formed the basis of the final findings was issued to the interested parties on 30.05.2024 and the interested parties were allowed time up to 06.06.2024 to comment on the same. The comments on disclosure statements received from the

interested parties have been considered, to the extent found relevant, in this final finding notification.

- xxi) “***” in these final findings, represents information furnished by interested parties on a confidential basis and so considered by the Authority under the Rules.
- xxii) The exchange rate adopted by the Authority for the subject investigation is US \$1= INR 81.06.
- xxiii) The following abbreviations have been used in this document:

SN	Abbreviations	Full description
a.	DI	Domestic industry
b.	MOF	Ministry of Finance
c.	PUC	Product under consideration
d.	Act	Customs Tariff Act, 1975
e.	Rules	Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995
f.	Other interested parties	Interested parties participating in the present investigation and opposing imposition of anti-dumping duty
g.	EIQ	Economic Interest Questionnaire
h.	EQR	Exporter’s questionnaire response
i.	AIMMA	All India Mirror Manufacturers Association
j.	MSME	Micro, Small and Medium Enterprise

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

C. 1. Views of the other interested parties

6. No submission has been made by other interested parties with regard to the scope of the product under consideration (PUC) and like article.

C. 2. Views of the domestic industry

7. The domestic industry has made the following submissions with regard to the scope of the product under consideration and like article:

- i) The product under consideration in the present investigation is “Unframed Glass Mirror”.
- ii) The subject goods are transacted in various names and the illustrative list of names is as follows:
 - sheet glass mirror
 - painted mirror glass
 - aluminium mirror glass
 - sheet mirror
 - mirror glass
- iii) Unframed glass mirrors have reflective surfaces on one side and are painted on the opposite side. It is produced in plates, and, depending on the location and operators, it is cut in smaller sizes by milling, beveling, grooving and various printing methods to be made ready for end use.
- iv) The goods are classified under Chapter 70 under the 8-digit code 70099100.
- v) Unframed glass mirrors can be produced either with float glass or sheet glass. There are no material composition differences between unframed glass mirrors made with float glass and sheet glass and the two raw materials can be used alternatively in the manufacturing process of glass mirrors.
- vi) The main raw materials used for the manufacturing of the domestic product are similar to the ones used for the subject goods from China, which are either float glass or sheet glass. The other raw materials used in the manufacturing of the product are aluminium, tungsten, base coat paint and topcoat paint. These are common in the production of all unframed glass mirrors.
- vii) The production process used in producing mirrors begins with cleaning the glass by washing the top surface. This glass is then coated with a blast of aluminium in a vacuum room at -2 degrees to ensure there is no oxygen and nitrogen as dust will make the aluminium black. The aluminium is heated at 400 degrees on tungsten and the vapour is kept close to the glass which is then stuck on the glass. This aluminium is then coated with base coat paint. Xylene and Toluene are mixed with the paint for thinning the paint. After the base coat paint is dried, the topcoat paint is applied, which finally leads to the baking of the final layer. The process is highly automated.
- viii) Framed glass mirrors or decorative glass mirrors are excluded from the scope of the product under consideration. Framed glass mirrors are glass mirrors with a frame fitted around it. They fall under a distinctively separate HS Code 7009 92 00 as against unframed glass mirror, which falls under HS Code 70099100. These glass mirrors have frames made with wood, metal, or plastic and are plain, textured or decorative in nature. Decorative glass mirrors are framed glass mirrors with artistic frames for wall hangings and display.
- ix) The glass mirror can also be coated with a blast of silver. However, mirror glass coated by silver is specifically excluded from the scope of the product under consideration. Glass mirrors coated by silver are required to conform to BIS standard 3438: 2023. Glass mirrors coated by silver should be exempted only if the same conforms to BIS standard 3438: 2023.
- x) There is no difference in the technology adopted by the producers in India and that

adopted by the producers in the subject country. The technology adopted by the domestic industry is comparable with the technology adopted by the producers of the subject goods in the subject country. However, every producer fine-tunes its production process based on necessities and available facilities.

- xi) The subject goods produced by the domestic industry and imported from the subject country are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. The goods produced by the domestic industry are like article to the product under consideration imported from the subject country.

C. 3. Examination by the Authority

8. The product under consideration (hereinafter also referred to as the “PUC”) as defined at the stage of initiation was as follows:

“3. The product under consideration in the present investigation is “unframed glass mirror”. The glass mirror has a protected back surface. They have reflective surfaces on one side and are painted on the opposite side. It is produced in plates and, depending on the location and operators, it is cut in smaller sizes by milling, bevelling, grooving and various printing methods to be made ready for end use.

4. The main raw materials used for the manufacturing of the domestic product are similar to the ones used for the subject goods from China, being float glass, aluminium, tungsten, base coat paint and topcoat paint. This product is mainly used in architecture and furniture manufacturing. It is used as a decorative and functional material for the decoration of interiors in the construction business.

5. While the product may occur in different thicknesses, 90% of the products occur at 3mm. There is no difference in the manufacturing process and composition of different thicknesses of the product. The thickness is based on the uses of the product. The change in the product size does not materially alter the unit cost of production and selling price (on a weight basis).

6. The product is classified under Chapter 70 of the Customs Tariff Act under subheading 7009 and under the 8-digit code 7009 91 00. The customs classification is only indicative, and not binding on the scope of this investigation.”

9. The Authority provided an opportunity to the interested parties to offer comments on the scope of the product under consideration and PCN methodology. The Authority received comments only from the association.
10. Based on the comments received, the Authority defined the PUC vide Notice dated 12th December, 2023 published on the DGTR website as follows:

“The product under consideration in the present investigation is “unframed glass mirror”. The product is also globally known by other names like “Sheet Glass Mirror”, “Float Glass Mirror”, “Painted Mirror Glass”, “Aluminium Mirror Glass”, “Sheet Mirror”, “Mirror Glass”, etc. The glass mirror has a protected back surface. They have reflective surfaces on one side and are painted on the opposite side. It is produced in plates and, depending on the location and operators, it is cut in smaller sizes by milling, bevelling, grooving and various printing methods to be made ready for end use.

The main raw materials used for the manufacturing of the domestic product are similar to the ones used for the subject goods from China, which are either float glass or sheet glass. The other raw materials are aluminium, tungsten, base coat paint and topcoat paint. These are common in the production of all unframed glass mirrors. Framed glass mirrors or decorative glass mirrors and mirror glass coated by silver are specifically excluded from the scope of the product under consideration.

The product is mainly used in architecture and furniture manufacturing. It is used as a decorative and functional material for the decoration of interiors in the construction business.

While the product may occur in different thicknesses, 90% of the products occur at 3mm. There is no difference in the manufacturing process and composition of different thicknesses of the product. The thickness is based on the uses of the product. The change in the product size does not materially alter the unit cost of production and selling price (on a weight basis).

The product is classified under Chapter 70 of the Customs Tariff Act under subheading 7009 and under the 8-digit code 7009 91 00. The customs classification is only indicative, and not binding on the scope of this investigation.”

11. The Authority notes that unframed glass mirrors are mirrors made of float glass or sheet glass. The glass is first produced as an unframed glass mirror. Unframed Glass Mirror is later cut as per customised requirements. It can be used without framing, or it can be framed and used.
12. Framed glass mirrors or decorative glass mirrors are specifically excluded from the scope of the product under consideration. Framed glass mirrors are glass mirrors in ready-to-use shape & size, and are fitted with a permanent frame around them. They fall under a distinctively separate HS Code 7009 92 00 as against unframed glass mirrors. These glass mirrors have frames made of wood, metal, or plastic. These are plain, textured or decorative in nature. Decorative glass mirrors are framed glass mirrors with artistic frames for wall hangings and displays to enhance the aesthetic look. Framed glass mirrors are transacted in final shape and are not cut into small sizes, framed again and sold in the market.

13. Unframed Glass Mirror comes in a full sheet of standard sizes. The standard sizes typically are given below. However, these are merely illustrative and not binding on the scope of the product under consideration:
- a. 1220x1830mm
 - b. 1220x2440mm
 - c. 1070x1830mm
 - d. 1830x2440mm
14. The Authority also specifically excludes mirror glass coated with silver from the scope of the product under consideration. There is a significant difference in the cost and price of the products coated with aluminium from those coated with silver. The domestic industry has specifically consented to the exclusion of the product coated with silver.
15. Unframed Glass Mirrors can be produced either with float glass or sheet glass. There are no material composition differences between unframed glass mirrors made with float glass and sheet glass and the two raw materials can be used alternatively in the manufacturing process of glass mirrors. There are no material differences in the cost of production of the unframed glass mirror produced by float glass or sheet glass.
16. The Authority vide Notification dated 12th December, 2023 notified the interested parties that there is no PCN required in the subject investigation.
17. The Authority defines the scope of the PUC as given below-

*“The product under consideration in the present investigation is **“unframed glass mirror”** and is globally known by other names like “Sheet Glass Mirror”, “Float Glass Mirror”, “Painted Mirror Glass”, “Aluminium Mirror Glass”, “Sheet Mirror”, “Mirror Glass”, etc. The unframed glass mirror has a protected back surface with reflective surfaces on one side. These are painted on the opposite side. Framed glass mirrors or decorative glass mirrors and mirror glass coated by silver are specifically excluded from the scope of the product under consideration.”*

18. The Authority notes that the goods produced by the domestic industry and imported from the subject country are comparable in terms of physical & chemical characteristics, functions & uses, product specifications, pricing, distribution & marketing, and tariff classification of the goods. The two are technically and commercially substitutable. The Authority holds that the subject goods produced by the domestic industry are like article to the product under consideration imported from the subject country within the scope and meaning of Rule 2(d) of Anti-Dumping Rules.

D. SCOPE OF DOMESTIC INDUSTRY & STANDING

D. 1. Views of the other interested parties

19. No submission has been made by other interested parties with regard to the scope of the domestic industry and standing.

D. 2. Views of the domestic industry

20. The domestic industry has made the following submissions with regard to the scope of the domestic industry and standing:

- i) The association filed representation on behalf of its members and producers of the Indian industry. 18 representations were filed on behalf of 17 producers seeking antidumping duty.
- ii) The unframed glass mirror industry in India is highly fragmented and consists of a large number of domestic producers. There are around 27 manufacturers in India, 23 belonging to the MSME category and 4 large companies.
- iii) The representation filed by the association mentioned 25 producers and the names of producers namely, Saint-Gobain India Pvt. Ltd. and Asahi India Glass Ltd should be excluded as these companies produce only silver-coated unframed glass mirrors. These producers have however registered themselves as interested party and thus have been included in the list of Indian producers. Thus, the Indian industry comprises of 27 domestic producers of the product.
- iv) The association provided the statement of Indian production to the extent the data was available. The production data given was in respect of both member and non-member companies of the association. Since the association was recently registered, all producers of the product had not become members of the association at that stage. The association has provided information in respect of both members and non-members with an understanding that there is no legal bar on the association to provide information in respect of non-members. These companies collectively command more than 50% of eligible domestic production.
- v) The association also filed post-initiation submissions on behalf of the members of the association and the other producers in India. The following companies filed injury information along with the post-initiation submissions.
 1. Able Glass Instruments
 2. Antique Glass
 3. BM GlassTech
 4. Emerge Glass
 5. Kalkaji Glass
 6. Manhar glass
 7. Gold Plus
- vi) The Authority selected the following companies for costing information. These companies provided costing information.
 - a. Gold Plus Glass Industry Ltd.

- b. Kalkaji Glasses Pvt. Ltd.
- c. Emerge Glass India Pvt. Ltd
- d. BM Glasstech

D. 3. Examination by the Authority

21. Rule 2(b) of the AD Rules defines 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 which case [such producers may be deemed] not to form part of domestic industry."

22. The present investigation has been initiated *suo moto* pursuant to the representation filed by the AIMMA on behalf of the producers of the product under consideration. The Authority received representation from the following companies who sought initiation of the investigation.

1. Able Glass India Pvt Ltd
2. Able Glass Instruments
3. Accurate Mirror
4. Arun Glass Works
5. Antique Glass Industries
6. BM Glass Tech
7. C.S. Mirror
8. Emerge Glass
9. Ganesh Process
10. Glassic Mirrors Industries
11. Jay Shivansh Mirror Pvt. Ltd.
12. Kalkaji Glass Pvt. Ltd.
13. Manhar Glass
14. Saikiran Glass Industries Pvt. Ltd.
15. Shreeji Industries
16. Shrichakra Laminates
17. Sri Mookambika Mirror Works

23. The Authority notes that the Indian industry comprises 25 domestic producers of the product under consideration. There are 23 producers belonging to the MSME category and 2 large companies.

24. Companies who are members of the association and have filed representations, prior to or post-initiation, are listed below:

MSME Companies:

1. Able Glass Instruments
2. Antique Glass Industries
3. BM Glass Tech
4. Jay Shivansh Mirror Pvt. Ltd.
5. Kalkaji Glass Pvt. Ltd.
6. Manhar Glass
7. Shreeji Industries
8. Srichakra Laminates
9. Saikiran Glass Industries Pvt. Ltd.
10. Glassic Mirror Industries
11. Able Glass India Pvt. Ltd.
12. Arun Glasswork
13. Sri Mookambika Mirror Works

Large Companies:

14. Emerge Glass
15. Gold Plus

25. Companies who are not members of the association but have filed representations, prior to or post-initiation are as follows:

MSME Companies

1. Ganesh Process
2. Accurate Mirror
3. C.S. Mirror

26. Companies who are not members of the association and have not filed representations in this investigation are as follows:

MSME Companies

1. Bangalore Hardware
2. Gurunanak Mirror Industries
3. Eagletuff Glass Pvt Ltd
4. G.D. Mirror Industry
5. Maa Bhagwati Glass
6. Philips Mirror
7. Precious Industries

vii) The representation filed by the association mentioned that Saint-Gobain India Pvt. Ltd. and Asahi India Glass Ltd should not be considered as the domestic producers of the subject goods as these companies produce only silver-coated unframed glass mirrors. These producers had registered themselves as interested parties. However, these producers did not file the required information before the Authority. Based on the information available, the Authority considers that Saint-Gobain India Pvt. Ltd. and Asahi India Glass Ltd do not produce aluminium-coated mirror glass i.e., the PUC and therefore are not the producers of the PUC.

27. Post initiation, following companies filed injury information along with the post-initiation submissions.

1. Able Glass Instruments
2. Antique Glass
3. BM GlassTech
4. Emerge Glass
5. Kalkaji Glass
6. Manhar Glass
7. Gold Plus

28. The Authority notes that the Indian producers of the subject goods predominantly belong to the MSME category which is fragmented and unorganized. Due to the large number of producers, the Authority decided to undertake a sampling of domestic producers for the purpose of determination of injury margin. Based on the information received, the Authority sampled the following companies for seeking costing information.

1. BM GlassTech
2. Emerge Glass
3. Kalkaji Glass
4. Gold Plus

29. The Authority received the costing and injury information from the aforementioned sampled companies.

30. In view of the above, the Authority considers Able Glass Instruments, Antique Glass, BM GlassTech, Emerge Glass, Kalkaji Glass, Manhar Glass and Gold Plus as the domestic industry for the purpose of injury determination. The production by these producers constitutes 88% of total Indian production. Further, none of these producers have imported the subject goods from the subject country nor are they related to any of the importers or exporters of the subject goods. Thus, the Authority holds that these producers constitute eligible domestic industry within the meaning of Rule 2(b) and also satisfy the criteria of standing in terms of Rule 5(3) of the Rules.

E. DETERMINATION OF NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

E.1. Views of the other interested parties

31. No submission has been made by other interested parties with regard to the normal value, export price and dumping margin.

E.2. Views of the domestic industry

32. The submissions of the domestic industry with regard to the normal value, the export price and the dumping margin, are as follows:

- i) China should be considered as a non-market economy, in line with the position taken by the Authority in previous cases, and by the investigation authorities in other countries. Chinese producers' costs and prices cannot be relied upon for the determination of normal value.
- ii) The Authority shall follow Para 1-6 of Annexure I for the determination of normal value only if the Chinese companies establish that their costs and price information is such that individual normal value and dumping margin can be determined. If the Chinese companies are not able to demonstrate that their costs and price information can be adopted, the Designated Authority shall reject the claim of individual dumping margin.
- iii) Paragraphs 1 to 6 of Annexure I of the Rules do not apply to the computation of normal value for imports from China PR unless a producer/exporter shows sufficient evidence that he is operating under market economy conditions. As a result, the normal value for China PR has to be determined in terms of Para 7 of Annexure I of the Rules.
- iv) Relevant data was not available for the price in a market economy third country and constructed value in a market economy third country. The price from a third country to other countries, including India could also not be considered as the subject goods are majorly being imported into India from China PR and imports from other countries are very low in volume.
- v) Thus, the normal value has been constructed based on the estimates of the cost of production in India, after the addition for selling, general & administrative expenses. Adjustments were made to this price to include conversion costs based on the domestic industry's information, a reasonable profit margin and SGA.
- vi) Export price must be determined considering the volume and value of imports for the period of investigation adopted from the published DG System data after due adjustments are made to determine the ex-factory price.
- vii) The dumping margin is not only above the *de minimis* levels, but also significant for the subject country.

E. 3. Examination by the Authority

E. 3. 1. Determination of Normal Value

33. Under Section 9A(1)(c) of the Act, 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 transhipped 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.

34. Article 15 of China's Accession Protocol in WTO 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.*
- (iii) 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.*
- (iv) 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.*
- (v) 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 nonmarket economy provisions of subparagraph (a) shall no longer apply to that industry or sector. "*

35. It is noted that while the provisions contained in Article 15(a)(ii) have expired on 11.12.2016. However, the provisions under Article 2.2.1.1 of the WTO read with an obligation under 15 (a) (i) of the Accession protocol require the criterion stipulated in para 8 of Annexure I of India's AD Rules to be satisfied through the information/ data to be provided in the supplementary questionnaire for claiming the market economy status.

36. At the stage of initiation, the Authority proceeded as per the information made available by some of the domestic producers on the cost of production of the subject goods with due addition of SGA and profits. Upon initiation, the Authority advised the producers/ exporters in China PR to respond to the notice of the initiation and provide information relevant to the determination of their market economy status. The Authority sent copies of the supplementary questionnaire to all the known producers/ exporters for rebutting the presumption of a non-market economy in accordance with criteria laid down in Para 8(3) of Annexure-I to the Rules and furnish relevant detailed information. The Authority also requested the Government of China PR to advise the producers// exporters in China PR to provide the relevant information.
37. None of the exporters/producers contested the NME status of China. Thus, in view of the above position and in the absence of rebuttal of the non-market economy presumption by any Chinese exporting company, the Authority considers it appropriate to treat China PR as a non-market economy country in the present investigation and proceeds with para 7 of Annexure-I to the Rules for determination of normal value in case of China PR
38. Para 7 of Annexure I of the Rules reads as under:

In case of imports from non-market economy countries, normal value shall be determined on the basis of 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.

39. Para 7 lays down a hierarchy for the determination of normal value and provides that normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including India, or where it is not possible, 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. Thus, the Authority notes that the normal value is required to be determined having regard to the various sequential alternatives provided under Annexure

7. There is no evidence of price or constructed value prevailing in a market economy third country brought forward by any interested party. Apart from the subject country in the present investigation, imports into India from other countries are low in volume. Thus, imports into India from the market economy third country could not be considered for determination of normal value.

40. Therefore, the Authority has determined the normal value for the subject imports in China as “price actually payable in India” as stipulated in para 7 of Annexure – I to the AD Rules, 1995. It has been computed based on the cost of production of the domestic industry, with reasonable addition for selling, general and administrative expenses, and profits. The normal value so determined is given below in the dumping margin table.

E. 3. 2. Determination of Export Price

41. The Authority notes that none of the producers/exporters from China have participated in the present investigation or filed a questionnaire response. In the absence of cooperation from the producers/exporters of the PUC in China, the Authority is constrained to proceed on facts available in terms of Rule 6(8) of the AD Rules, 1995 with regard to the determination of export price for all non-cooperative producers/exporters from China.

42. The Authority has determined the export price on the basis of volume and value of imports as per transaction-wise DG System data. Price adjustments have been made for ocean freight, inland freight, insurance, handling charges, commission, and bank charges, on the basis of facts available, in view of non-cooperation. The export price so determined is stated in the table below.

E. 3. 3. Determination of Dumping margin

43. Considering the normal value and the export price for the subject goods, the dumping margin for the subject goods from the subject country has been determined as follows:

SN	Producers	Normal Value	Export Price	Dumping margin		
		(US\$/MT)	(US\$/MT)	(US\$/MT)	%	(Range) (%)
1	All producers/exporters from China PR	***	***	***	***	125-135

F. METHODOLOGY FOR INJURY DETERMINATION AND EXAMINATION OF INJURY AND CAUSAL LINK

44. Rule 11 of the 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.

F. 1. Views of the other interested parties

45. No submission has been made by other interested parties with regard to injury and causal link.

F. 2. Views of the domestic industry

46. The following submissions were made by the domestic industry with regard to injury and causal link:

- i) The Indian industry falls in the MSME sector, which is extremely fragmented, and unorganized, making it vulnerable. The manufacturers in India are mostly owner-driven, lacking technical expertise, and infrastructure which run their establishments with a limited number of employees who handle multiple jobs in these companies.
- ii) The industry is severely injured by the dumped imports from China.
- iii) The demand for this product in the Indian market had declined marginally in 2020-2021 owing to COVID but increased significantly since then.
- iv) Volume of subject imports from China PR decreased from the base year i.e., 2019–20 to 2020–21. However, imports increased significantly from 2021–22 up to the POI.
- v) Imports from China in relation to Indian production and consumption have also increased significantly over the injury period and is significantly high.
- vi) The landed price of imports from China PR has been significantly below the selling price of the Indian industry throughout the injury period. The level of price undercutting is alarming.
- vii) The cost of production and selling price have increased over the injury period. However, the selling price has remained below the level of costs of production. The landed price of imports has remained below the level of cost of production and selling price of the domestic industry. Imports are causing price suppression in the Indian market.
- viii) The domestic industry has not enhanced its capacity.
- ix) With the increase in demand, production and sales of the domestic industry increased

till 2021-22. However, despite further increases in demand, production and domestic sales of the domestic industry declined significantly in the POI.

- x) The industry is operating at extremely low utilisation levels, which is especially concerning for MSME companies.
- xi) The domestic industry has provided evidence of electricity bills, sales ledgers, bank loans and production statements indicating a decline in capacity utilization, production and sales.
- xii) Despite the increase in demand, the market share of the domestic industry has declined significantly in the POI.
- xiii) The profitability, cash profits and ROI of the domestic industry improved till 2021-22 and declined significantly thereafter in the POI. So significant is the dumping of the product that the sale of glass is more profitable than the production and sale of glass mirrors.
- xiv) The number of employees has remained more or less consistent over the injury period. The salary wages and productivity per day increased till 2021-22 and declined during POI.
- xv) Growth of the domestic industry in terms of volume parameters and price parameters are negative in the POI.
- xvi) The dumping margin from the subject country is not only more than *de-minimis* but also substantial.
- xvii) At least 11 companies have been forced to shut down their production in the most recent period.
- xviii) The demand has increased. A possible contraction in demand is not a cause of injury to the domestic industry.
- xix) The pattern of consumption with regard to the product under consideration has not undergone any change.
- xx) The information provided by producers does not include information on export sales. Thus, it indicates that the focus of the industry is on the domestic market and thus the export performance of the domestic industry, therefore, is not a possible cause of injury to the domestic industry.
- xxi) The technology as well as the production process for producing the product under consideration has not undergone any significant development in this period. Developments in technology could not have been the cause of injury to the domestic industry.
- xxii) There is no trade restrictive practice, which could have contributed to the injury to the domestic industry.
- xxiii) There is no known material constraint (related to raw materials shortage, power shortage, the impact of any tax differential, lack of adequate capacity or investment constraints, etc. in relation to the production or sales of the subject goods) faced by the domestic industry during the current period.

F. 3. Examination by the Authority

47. Rule 11 of the 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 the 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, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Rules.

F. 3. 1. Assessment of Demand/Apparent Consumption

48. The Authority has taken into consideration, for the purpose of the present investigation, the demand or apparent consumption of the product in India as the sum of domestic sales of the domestic industry and other producers and imports from various sources as per transaction-wise DG Systems data. The same is given in the following table:

Demand	Units	2019- 20	2020-21	2021-22	POI
Sales of DI	MT	17,662	17,662	17,662	17,662
Trend	Indexed	100	133	160	99
Sales of Other producers	MT	4,131	2,761	3,480	2,477
Trend	Indexed	100	67	84	60
Imports from China	MT	48,852	36,285	47,550	66,000
Trend	Indexed	100	74	97	135
Imports from Other countries	MT	211	303	1465	1621
Trend	Indexed	100	144	695	769
Demand/Consumption	MT	70,859	70,859	70,859	70,859
Trend	Indexed	100	89	114	123

49. It is seen that the demand had declined marginally in 2020-21 owing to COVID but increased significantly since then. The overall demand for the product has increased in the POI as compared to the base year.

F. 3. 2. Volume Effect of Dumped Imports on the Domestic Industry

a. Imports in absolute and relative terms

50. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in the dumped imports, either in absolute terms or relative to production or consumption in India. The import volumes of the subject goods from the subject country and share of the dumped imports during the injury investigation period are as follows:

Particulars	Unit	2019-20	2020-21	2021-22	POI
Import Volume					
China	MT	48,852	36,285	47,550	66,000
Other countries	MT	211	303	1465	1621
Total Imports	MT	49,063	36,588	49,015	67,621
Sale of Domestic Industry	MT	17,662	23,463	28,268	17,412
Trend	Indexed	100	133	160	99
Sale of Other producers	MT	4,131	2,761	3,480	2,477
Trend	Indexed	100	67	84	60
Demand/Consumption	MT	70,859	62,812	80,763	87,510
Trend	Indexed	100	89	114	123
Production (DI)	MT	16,872	23,501	28,578	17,694
Trend	Indexed	100	139	169	105
Production (others)	MT	4131	2761	3480	2477
Trend	Indexed	100	67	84	60
Total Indian Production	MT	21,003	26,262	32,058	20,171
Trend	Indexed	100	125	153	96
Subject imports in relation to					
Total imports	%	100%	99%	97%	98%
Indian production	%	233%	138%	153%	335%
Indian demand	%	69%	58%	59%	75%

51. It is seen that:

- a. Volume of subject imports from China declined in 2020-21 and then increased in 2021-2022. It was the highest in the POI. The imports from the subject country have increased significantly over the injury period, with the import volume being almost 1.38 times in the POI as compared to the preceding year.

- b. Imports have increased by almost 35% in the POI from the base year.
- c. Almost 98% of imports into India are from China.
- d. Imports from China in relation to Indian production and consumption have also increased significantly over the injury period and are significantly high. Imports constitute a majority share of the market despite Indian capacity being sufficient to take care of the entire Indian demand.

F. 3. 3. Price Effect of Dumped Imports

52. In terms of Annexure II (ii) of the Rules, with regard to the effect of the dumped imports on prices, the Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.
53. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject country has been examined with reference to price undercutting and price suppression/depression, if any. For the purpose of this analysis, the cost of sales and the net sales realization (NSR) of the domestic industry have been compared with the landed price of the subject imports from the subject country.

a. Price undercutting

54. To determine the price undercutting, 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 ex-factory levels, after reducing the selling price for all post-ex-factory expenses.

Particulars	Unit	2019- 20	2020-21	2021-22	POI
Landed Value of Import	Rs/MT	23,086	20,847	24,669	23,858
Trend	Indexed	100	90	107	103
Net Sales Realisation	Rs/MT	***	***	***	***
Trend	Indexed	100	109	139	153
Price Undercutting	Rs/MT	***	***	***	***
Trend	Indexed	100	143	198	245
Price Undercutting	%	***	***	***	***
Trend	Indexed	100	158	186	237
Price Undercutting	Range	50-60	80-90	95-105	120-130

55. It is seen that the landed price of imports is materially below the selling price of the domestic industry. The imports are significantly undercutting the prices of the domestic industry in the market.

b. Price Suppression or Depression

56. For the purpose of analysing price suppression and depression in the domestic market, the Authority has considered information on (a) unit cost of sales, (b) domestic selling price and (c) landed price of imports as shown in the table below:

Particulars	Unit	2019-20	2020-21	2021-22	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	98	112	136
Net Sales Realisation	₹/MT	***	***	***	***
Trend	Indexed	100	109	139	153
Landed price of imports	₹/MT	23,086	20,847	24,669	23,858
Trend	Indexed	100	90	107	103

57. The cost of sales and selling price decreased up to 2020-21 and then increased till POI. Further, the domestic industry has increased selling prices more than the increase in cost of sales. However, the increase in the selling price was less than the increase in the cost of sales in the POI. Whereas the cost of sales increased by Rs. ***/MT, the selling price increased by Rs. *** as compared to the previous year. This was also the period when the imports increased significantly from China.

58. It is further seen that the landed price of imports is much below the cost and selling price of the domestic industry. Further, even when the cost of sales has increased significantly over the injury period, the landed price of imports has remained almost at the same level. Between 2021-22 and POI, whereas the cost of sales of the domestic industry increased by Rs. ***/MT, the landed price of imports in fact declined.

F. 3. 4. Economic parameters of the domestic industry

59. Annexure II to the Rules provides 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 and the ability to raise capital investments. Accordingly, various injury parameters relating to the domestic industry are discussed herein below:

a. Capacity, production, capacity utilization and sales

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

Particulars	Units	2019-20	2020-21	2021-22	POI
Installed Capacity	MT	71,990	71,990	71,990	71,837
Index	Trend	100	100	100	99.78
Production	MT	16,872	23,501	28,578	17,694
Index	Trend	100	139	169	105
Capacity Utilization	%	23	33	40	25
Index	Trend	100	139	169	105
Domestic Sales	MT	17,662	23,463	28,268	17,412
Index	Trend	100	133	160	99

61. It is seen that:

- a. The capacity of the domestic industry has remained constant over the injury period.
- b. The domestic industry's production increased till 2021-22. However, production declined significantly in the POI, with the surge in imports in this period.
- c. The capacity utilization of the domestic industry increased from the base year to 2021-22 but declined significantly in the POI. The capacity utilization has remained low throughout the injury period.
- d. Sales of the domestic industry increased till 2021-22. Sales however declined significantly in the POI due to surge in imports in this period. Whereas the imports increased by 39% in POI as compared to the preceding year, the domestic industry lost sales by 38% during this period.
- e. The domestic industry has established capacity considering the demand in the country. However, despite a significant increase in demand in the POI, the production and sales of the Indian industry have declined significantly.

b. Suspension of Production by Some Domestic Producers

62. The authority takes note of the submissions of the association that some of the domestic producers have suspended their production due to the dumping of the PUC from the subject country. The list of producers who have suspended their production is as follows:

- i. Jay Shivansh Mirror Pvt. Ltd.
- ii. Arun Glass Works
- iii. Ganesh Process
- iv. Accurate Mirror
- v. C.S. Mirror
- vi. Gurunanak Mirror Industries

- vii. Eagletuff Glass Pvt Ltd
- viii. Maa Bhagwati Glass
- ix. Sri Mookambika Mirror Works
- x. Philips Mirror
- xi. G.D. Mirror Industry

c. Market Share in Demand

63. The market share of the domestic industry and imports over the injury period is shown in the table below.

Particulars	Units	2019-20	2020-21	2021-22	POI
Subject Country	%	69%	58%	59%	75%
Other Countries	%	0%	0%	2%	2%
Domestic Industry	%	25%	37%	35%	20%
Other Indian Producers	%	6%	4%	4%	3%

64. It is seen that:

- a. The market share of the domestic industry increased till 2021-22, but declined significantly thereafter in the POI.
- b. The market share of the subject imports marginally declined in 2021-22, but increased significantly in the POI.
- c. Majority of the market is held by the subject imports and the capacity of the Indian industry is lying unutilised. Thus, imports have taken away the market of the Indian industry.

d. Profitability, Cash profits, and Return on Capital Employed

65. The profit, profitability, cash profits, profit before interest (PBIT) and return on investment of the domestic industry over the injury period has been analysed as follows:

Particulars	Unit	2019-20	2020-21	2021-22	POI
PBIT	₹/Mt	***	***	***	***
Trend	Index	100	215	393	284
PBIT	₹/lacs	***	***	***	***
Trend	Index	100	285	630	280
Cash Profit	₹/Mt	***	***	***	***
Trend	Index	100	266	536	406
Cash Profit	₹ Lacs	***	***	***	***
Trend	Index	100	353	859	401

ROCE	%	***	***	***	***
Trend	Index	100	254	670	383

66. It is seen that:

- a. The domestic industry started earning profits in 2020-21 which increased further in 2021-22 due to a decline in imports. The domestic industry saw a decline in profits in the POI.
- b. Cash profits and ROI of the domestic industry also followed the same trend and improved till 2021-22 and declined significantly thereafter in the POI with an increase in dumped imports.

67. The domestic industry has submitted that two of the domestic producers, namely Gold Plus and Emerge Glass have their own glass plants. While one of them (Gold Plus) is a producer of float class, the other (Emerge Glass) is a producer of sheet glass. The domestic industry submitted that since these companies are backward integrated, the DGTR should either consider their raw material at market price, as held by the Supreme Court in the matter of Reliance Industries Ltd. vs. DA, or, in the alternative, the DA should consider that the performance of these companies is impacted by backward integration and is not representative of those who are dependent on the purchased glass. It is seen that there are 25 producers of the PUC in the country. Only two of them are backward integrated. Out of these two, one has reported financial losses in POI even when the glass has been considered at cost of production, while the other has reported profit, but a significant decline in profits in the POI as compared to previous years. The other producers constituting domestic industry have reported negative or meagre returns in the POI.

e. Inventory

68. The data relating to the inventory position of the domestic industry over the injury period is given in the table below:

Particulars	Unit	2019-20	2020-21	2021-22	POI
Opening Inventory	MT	1,371	580	565	823
Trend	Indexed	100	42	41	60
Closing Inventory	MT	580	565	823	1,136
Trend	Indexed	100	97	142	196
Average Inventory	MT	975	573	694	980
Trend	Indexed	100	59	71	100
Number of days production in closing stock	Days	12	8	10	22

69. It is seen that the average level of inventories within the domestic industry has remained at a similar level over the injury period. However, the number of days of production in stock at the end of the year increased significantly in the POI.

f. Employment, Wages and Productivity

70. The position with regard to employment, wages and productivity of the domestic industry is as follows:

Particulars	Unit	2019-20	2020-21	2021-22	POI
No of employees	Nos.	***	***	***	***
Trend	Indexed	100	100	101	107
Salaries & Wages	₹ Lacs	***	***	***	***
Trend	Indexed	100	106	122	95
Productivity Per day	MT/Day	47	65	79	49
Trend	Indexed	100	139	169	105

71. The Authority notes that the number of employees has increased over the injury period. The salary and wages increased till 2021-22 and declined thereafter in the POI. Further, productivity per day increased till 2021-22 and declined during POI following the movement of production.

g. Factors affecting prices

72. Consideration of the prices of subject imports, changes in the cost structure, competition in the domestic market, and factors other than dumped imports that might be affecting the prices of the domestic industry in the domestic market shows that the landed value of imported the subject goods was below the selling price of the domestic industry, causing significant price undercutting in the Indian market. There is no viable substitute for this product. Demand for the subject goods has shown an increase, and this could not have been a factor affecting domestic prices. Thus, the domestic industry prices are impacted by the landed price of the subject goods.

h. Growth

73. The table below shows the growth of the domestic industry with respect to various parameters.

Growth	Unit	2020-21	2021-22	POI
Production	MT	39%	22%	-38%
Sales (Domestic)	MT	33%	20%	-38%
Average inventory	MT	-41%	21%	41%
PBIT	Rs Lacs	185%	121%	-55%
Cash Profit	Rs Lacs	253%	143%	-53%
ROI	%	154%	164%	-43%

i. Ability to raise capital investments

74. The profitability of the domestic industry has declined in the POI and thus its ability to raise investment has been adversely affected on account of dumping.

j. Magnitude of dumping Margin

75. It is seen that the dumping margin from the subject country is not only more than *de-minimis* but also substantial. The impact of dumping on the domestic industry is significant.

G. FACTORS ESTABLISHING CAUSAL LINK

76. Analysis of the performance of the domestic industry over the injury period shows material injury to the domestic industry. The causal link between dumped imports and the injury to the domestic industry is established on the following grounds:

- a. Imports of the subject goods from the subject country have increased significantly over the injury period, with the import volume being almost 1.38 times in the POI as compared to the preceding year. It has also remained significant in relative terms.
- b. Landed price is below the level of selling price and also below the cost of sales in the POI leading to price suppression in the market.
- c. Imports are increasing and the capacity utilisation of the domestic industry is only in the range of 20-30%. Thus, the capacities are grossly underutilised in view of imports.
- d. Market share of dumped imports in total demand in India remained at about 79% whereas Indian industry holds only around 19% of the market share.
- e. The domestic industry has not been able to increase its production and sales commensurate with the increase in demand. The domestic industry has significant unutilised capacity in the POI even though the demand has increased.
- f. The domestic industry's profitability and return on capital employed are also adversely affected. The profits of the domestic industry are drastically affected.

77. The above analysis indicates that the domestic industry is suffering material injury due to increased dumped imports of PUC into India from the subject country. There exists a strong causal relation between the increase in dumped imports of the subject goods originating in or exported from the subject country and the material injury suffered by the domestic industry.

H. NON-ATTRIBUTION ANALYSIS

78. As per the Rules, the Authority, *inter-alia*, is required to examine any known factors other than dumped imports which at the same time are injuring the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports. The factors which may be relevant in this respect include, *inter-alia*, the volume and prices of

the imports not sold at dumped prices, contraction in demand or changes in the pattern of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology, export performance and productivity of the domestic industry. It has been examined below whether factors other than dumped imports could have contributed to the injury.

a. Volume and price of imports from third countries

79. The Authority notes that the imports from non-subject sources were not significant.

b. Contraction of demand

80. It is seen that the demand for the subject goods increased over the injury period.

c. Changes in the pattern of consumption

81. There has been no known material change in the pattern of consumption of the product under consideration.

d. Trade restrictive practices and competition between the foreign and domestic producers

82. The imports of the subject goods are not restricted in any manner and are freely importable in the country.

e. Developments in technology

83. The Authority notes that there has been no known material change in the technology for the production of the product under consideration.

f. Export performance

84. The information provided has been considered only for domestic operations of the domestic industry.

I. MAGNITUDE OF INJURY MARGIN

85. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the PUC has been determined by adopting the information/data relating to the cost of production provided by the domestic industry. The NIP has been compared with the landed price of the subject

goods from the subject country for calculating the injury margin. For determining the NIP, the best utilisation of the raw materials and utilities has been considered over the injury period. The best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e., average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the NIP as prescribed in Annexure III to the Rules.

86. Based on the landed price and NIP determined as above, the injury margin for producers/exporters as determined by the Authority is provided in the table below:

SN	Producers/Countries	NIP	Landed price	Injury margin		
		(USD/MT)	(USD/MT)	(USD/MT)	%	(Range %)
1	All producers and exporters from China	***	***	***	***	70-80

J. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

J. 1. Views of the other interested parties

87. No submission has been made by other interested parties with regard to Indian industry's interest and other issues.

J. 2. Views of the domestic industry

88. The following submissions have been made by the domestic industry:

- i. The product is used in the furniture industry and as an end product by the public at large. They are used in the furniture industry for furniture such as an almirah and a dressing table. They are also used as finished goods and are purchased by consumers who fall under all income groups.
- ii. The impact of the anti-dumping duty on the end users is extremely minimal at 0.003%.
- iii. The domestic industry belongs to the MSME sector and has been suffering due to the unfair imports from the subject country. The entire Indian industry producing the subject goods is extremely fragmented and unorganized.

- iv. The demand is likely to increase further due to the growing consumption of the subject goods by consumers in various sectors of society. If duties are imposed, an increase in demand can have a significant positive impact on the Indian economy.
- v. The imposition of anti-dumping duty is to ensure that the imports enter the country at a fair price. There is no monopolist situation for the domestic industry.
- vi. The domestic industry is suffering from significant price undercutting by imports, forcing it to sell at a loss. The imposition of duties will allow the domestic industry to compete with the imports on fair terms and price its products profitably.
- vii. The exporters/producers from China PR have been reluctant to participate in the present investigation. There is a high possibility that disclosure of such information would show a significant dumping margin for them.

J. 3. Examination by the Authority

89. The Authority issued the initiation notification, inviting views from all interested parties including importers, users and consumers. A questionnaire was also prescribed to allow various stakeholders, including the domestic industry and the users/ consumers to provide relevant information with regard to the present investigation, including the possible effect of anti-dumping duty on their operations. However, it is noted that none of the interested parties other than the domestic industry has submitted comments or submissions with respect to the same.
90. The Indian producers of the subject goods predominantly belong to the MSME category which is fragmented and unorganized. It is essential that the MSME industries maintain a certain level of profitability to keep their infrastructure functional. The imposition of duties would help in improving their performance, in terms of sales and price parameters. The duties would also help in maintaining a competitive domestic industry supplying the product to the customers in the presence of fair-priced imports.
91. The Authority notes that the purpose of imposition of anti-dumping duty is to remedy the situation of dumping causing injury to the Indian industry and establish a fair level playing field for the domestic industry. The Rules provide that the amount of duty levied is restricted to what is necessary to redress the injury to the domestic industry and prevent the impact of unfair imports on the performance of the domestic industry. The application of the lesser duty rule thus ensures that the remedy to the Indian industry is limited.
92. The Authority notes that the product under consideration is an end-use product used by the public at large for their daily use/need. It is used by the furniture industry for furniture such as an almirah and a dressing table. They are also used as finished goods and are purchased by consumers who fall under all income groups. Consumers use the same in their houses for bathroom fittings and dressing rooms.
93. The domestic industry provided the quantification of impact by considering the share of the total cost of unframed glass mirrors in the finished consumer goods, having regard to the consumption of the end products in a household.

94. It has been contended by the domestic industry that the share of the total cost of unframed glass mirrors in the finished consumer goods is extremely low. Thus, the imposition of duties will not have a significant impact on the end-user.
95. Fair competition in the Indian market will not be reduced by the anti-dumping measure, 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, the imposition of anti-dumping measures would remove the unfair advantages gained by dumping practices, prevent the decline in the performance of the domestic industry and help maintain the availability of wider choice to the consumers of the subject goods. To ensure the continued availability of a competitive domestic product, it is necessary that the domestic industry also remain viable at fair prices failing which the users would become increasingly dependent on the dumped imports.
96. Imposition of anti-dumping duty will not restrict the imports of the PUC and would only ensure that it would enter into the Indian territory at a fair price. The antidumping duty is meant only to prevent dumped imports and provide a remedy to the domestic industry whose growth has been materially injured. A substantial share of the market would still be catered by such imports.
97. The Authority notes that trade remedial measures are intended to restore equal competitive opportunities in the domestic market by ensuring a level playing field for domestic producers through the imposition of appropriate duties against unfair imports of the subject goods. At the same time, the Authority is cognizant of the fact that the impact of such duties, in general, is not limited to only the domestic producers of the PUC but can also affect the users as well as consumers of the PUC. Further, imposition of duties may also lead to competition issues within the country and the Authority takes note of the same.

K. POST DISCLOSURE COMMENTS

98. The Authority notes that the following parties have made comments post-issuance of the disclosure statement. However, the parties which have filed submissions have not registered themselves as interested parties for the purpose of the present investigation and have failed to provide a response or submissions during the course of the investigation.
- a. SUK International
 - b. Kiran International
 - c. Royal Impaxe
 - d. RR Industries
 - e. Shine Glass
99. No other interested parties made any submissions in the present investigation. The views mentioned hereinbelow are that of the abovementioned parties which have failed to register

themselves as interested parties.

K.1. Views of the other parties

100. The following submissions have been made by other parties post-issuance of the disclosure statement:

- i. Glass mirrors are produced using either “sheet glass” or “float mirrors”. The “sheet glass” which is being imported has a thickness ranging from 1.0 mm to 1.25 mm. The “float mirrors” which are being imported have a thickness ranging from 1.5mm to 2.7mm.
- ii. Sheet mirror (aluminum coated) are of two types – (a) “sheet mirror (aluminium coated) on clear glass” and (b) “sheet mirror (aluminium coated on tinted glass”.
- iii. There is only one manufacturer, Emerge Glass Industries, producing sheet mirror aluminium coated by automatic plant having raw material ranging from 1.3mm aluminum mirror – 1.7mm aluminum mirror. emerge glass has a capacity of approximately 100 metric tons per month which can never fulfill the local demand of thinner aluminium mirrors.
- iv. float mirror (aluminium coated) are of three types – (a) float mirror (aluminium coated) on clear glass; (b) float mirror (aluminium coated on tinted glass) and (c) float mirror (color) coated on clear glass having colors like rose gold, pink, golden, rich yellow and some colors which are not produced in India. There is no manufacturer of color coated aluminium mirror in India.
- v. There is only one manufacturer, Gold Plus Glass Pvt. Ltd., who has an automatic aluminium-coated mirror plant which has raw material having a thickness of 3mm and above with them and are selling on monopoly at a high price in Indian market.
- vi. There is no production of the following in India – (a) clear float glass - thickness ranging from 1.5mm to 2.7mm; (b) tinted float glass - thickness ranging from 1.5mm and the above, and (c) Clear sheet glass - thickness ranging from 0.90mm to 1.25mm. The parties have requested to exempt such mirror products which are not produced in India or are produced at a very small quantity.
- vii. The imposition of duties will affect the supply chain including shipping cargos, railways, cargos, transportation, clearing, custom clearing etc. It would cause a loss of Government Revenue such as Customs Duty, Cess, GST etc. The small-scale manufacturers would be affected. Lastly, the domestic Industry will increase prices if AD is imposed.
- viii. It is requested to exempt PUC from Anti-dumping investigation as many mirror products are not produced in India or are produced at a very small scale. Therefore, import is bound to happen.

K.2. Views of the domestic industry

101. The following submissions have been made by the domestic industry post issuance of the disclosure statement:

- i) The domestic industry has reiterated its submissions made previously, that raw material price for Gold Plus and Emerge Plus should be considered at market price, not at captive input cost.
- ii) Domestic producers like Gold Plus sell glass in the market, and their performance should be evaluated based on market prices of glass. If captive input is taken at cost, then the return for the same should be added.
- iii) Some domestic glass producers are suffering losses, especially those who buy glass from the market. In contrast, companies like Gold Plus, which produce their own glass, are profitable. Even among such producers, like Emerge Glass, losses are apparent. Gold Plus' capacity utilization significantly decreased from 2021-22 to POI, indicating higher profits from selling glass in the market than from selling glass mirrors.
- iv) Several glass companies, including Arun Glassworks, Antique Glass, and Shreeji Industries, have experienced reduced production indicated by declining electricity payments. Antique Glass and Kalkaji Glass, saw sales drop over four years. Able Glass Instruments struggled with declining turnover, leading to loan repayment issues. Manhar Glass lowered prices due to competition from Chinese imports. Emerge Glass, despite its size, faced significant sales declines from 2020-21 to 2022-23, forcing closure of one production line due to imports.
- v) Up until declining imports i.e. 2021-22, performance of the domestic industry improved. In the POI with an increase in imports, the industry's performance also deteriorated.
- vi) The capacity utilisation of industry is extremely low and declining, in fact much below the utilisation of the Indian MSME sector.
- vii) Landed price is significantly below selling price and cost of production. In fact, it is much below even below cost of glass.
- viii) The duties be imposed in US dollars due to significant depreciation of the rupee. This depreciation affects the costs of raw materials, utilities, and other expenses. Reliance has been placed on CESTAT's decision in Metcoke from China.

K.3 Examination by the Authority

102. The Authority has examined the post-disclosure comments made by the domestic industry are reiterations which have already been examined suitably and addressed adequately in the relevant parts of this final findings notification.
103. As regards the submissions made by other parties namely, SUK International, Kiran International, Royal Impaxe, RR Industries and Shine Glass regarding the scope of the investigated product and requests for exclusions, the same arrived late in the investigation process. The interested parties were granted an opportunity to present their comments on the scope of the PUC and propose PCN methodology. The Authority received comments only from the All-India Mirror Manufacturers Association (AIMMA). As these belated submissions lack sufficient evidence or rationale, they are inadmissible at this stage. Furthermore, they failed to establish

whether the products in question, for which exclusions were requested, differed significantly from those under investigation and had distinct uses. The Authority has examined and verified the information provided by the domestic industry and it is seen that the goods produced by the domestic industry are “like article” to the subject goods being imported from the subject country. Hence, the request for exclusion raised at this belated stage is not accepted by the Authority.

L. CONCLUSION AND RECOMMENDATION

104. Based on the submissions made, substantiated information provided by the interested parties and the facts available before the Authority as recorded and examined in the aforementioned paragraphs and on the basis of the determination of dumping and consequent injury to the domestic industry, the Authority concludes the following:

- i) The investigation was initiated based on the representation filed by the Association on behalf of the producers of the subject goods.
- ii) The article manufactured by the domestic industry is ‘like article’ to the subject goods imported from the subject country in terms of Rule 2 (d) of the AD Rules, 1995.
- iii) Framed glass mirrors or decorative glass mirrors and mirror glass coated by silver are specifically excluded from the scope of the product under consideration.
- iv) The dumping margin is not only above the *de-minimis* level but also significant. The product under consideration has been exported to India at a price below the normal value, resulting in dumping.
- v) With respect to the volume effect of the imports on the state of the domestic industry as required to be assessed under para (ii) of the AD Rules, 1995, it was found that the volume of imports from the subject country decreased from the base year i.e., 2019 – 2020 to 2020 – 21 but increased significantly from 2021 – 2022 up to the POI. The demand for the product had declined marginally in 2020-2021 but increased significantly since then.
- vi) The market share of the domestic industry during the POI has significantly declined. The market share of imports from the subject country has increased.
- vii) The volume of imports and the dumping margin of the subject goods from the subject countries were found to be above *de minimis* thresholds as stipulated under para (iii) of Annexure – II to the AD Rules, 1995.
- viii) The landed price of imports is below the level of selling price of the domestic industry and is undercutting the prices of the domestic industry. Further, the selling price is even below the level of cost of sales throughout the injury period. The imports were thus suppressing the prices of the domestic industry in the market.
- ix) As regards the effect of such dumped on the economic parameters of the domestic industry, the following conclusions were reached:

- a. The performance of the domestic industry in terms of production, installed capacity, sales volumes has declined during the POI as compared to the base year.
 - b. The profitability of the domestic industry has declined in the POI.
 - c. The average inventories of the applicant have increased during the POI as compared to the previous years of the injury period.
 - d. The salary and wages, productivity per day, and increased till 2021-22 and declined during POI. This is due to the significant decline in production of the domestic industry..
- x) The domestic has suffered material injury as a result of the dumped imports. The injury margin is significant.
- xi) The Authority has examined that no other factor appears to have caused injury to the domestic industry. The Authority concludes that the material injury suffered by the domestic industry has been caused by the dumped imports from the subject countries.
- xii) The Authority has noted the impact of anti-dumping duty on the users. It is seen that the impact of the recommended measures will be very small considering the nature of the PUC being consumed. The imposition of anti-dumping duty would not have any significant adverse impact on public interest.
105. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, embassies of the subject country, exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal link. Having initiated and conducted an investigation into dumping, injury and causal link in terms of Rules and having established a positive dumping margin as well material injury to the domestic industry caused by such imports, the Authority is of the view that imposition of the anti-dumping duty is needed.
106. Having regards to the lesser duty rule followed, the Authority recommends imposition of anti- dumping duty equal to the lesser of the margin of dumping and the margin of injury so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of the anti-dumping duty on the imports of subject goods originating in or exported from the subject countries, for a period of 5 years, from the date of notification to be issued in this regard by the Central Government, equal to the amount mentioned in Column 7 of the duty table appended below.

DUTY TABLE

S.N.	Heading/sub-heading	Description of goods	Country of origin	Country of export	Producer/exporter	Amount	Unit of measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7009.91.00	Unframed Glass Mirror*	China PR	Any country including China PR	Any	234	MT	USD
2.	7009.91.00	Unframed Glass Mirror*	Any other than China PR	China PR	Any	234	MT	USD

**Framed glass mirrors or decorative glass mirrors and mirror glass coated by silver are specifically excluded from the scope of the product under consideration.*

M. FURTHER PROCEDURE

107. An appeal against this determination/review of the Designated Authority in this final finding shall lie before the Customs, Excise, and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act/Rules.



(Anant Swarup)

Designated Authority