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F.No.7/18/2018-DGAD
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi – 110001

Dated 9th October 2018

INITIATION NOTIFICATION

Case No. SSR- 09/2018

Subject: Initiation of Sunset Review anti-dumping investigation concerning imports of Ductile Iron Pipes from China PR.

F.No.7/18/2018-DGAD: Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti-Dumping Duty on imports of "Ductile Iron Pipes", (hereinafter also referred to as DI Pipes or subject goods) originating in or exported from China (hereinafter referred to as subject county). The Authority vide its final findings No.15/1006/2012- DGAD dated 4.9.2013 recommended imposition of anti-dumping duties against dumped imports of the subject goods from the subject country. Duties were imposed by the Central Government vide custom notification No. 23/2013 – Customs (ADD) dated 10.10.2013.

2. And whereas, a petition was jointly filed by M/s Electrosteel Casting Limited (ECL), Srikalahasti Pipes Limited (SPL) and M/s Jindal Saw Limited (hereinafter referred to as 'petitioners') in accordance with the Act and the Rules, seeking initiation of sunset review of the Anti-dumping duty in force on import of "DI Pipes" for extending the duties for a further period of five years, alleging likelihood of continuation or recurrence of dumping and injury of the subject goods originating in or exported from China.

3. And whereas, based on examination of the petition filed by the Domestic Industry, Authority came to the conclusion that there was no need to initiate the Sunset Review concerning imports of DI Pipes originating in or exported from China and accordingly, order dated 17.05.2018 was issued intimating the decision of the Authority on Sunset Review petition.

4. And whereas against the said order, the Domestic Industry filed Special Civil Applications No. 12368 of 2018 before the Hon'ble High Court of Gujarat at Ahmedabad. The Hon'ble High Court disposed of the said petition vide its order dated 26.9.2018. The extracts of direction dated 26.09.2018 from Hon'ble High Court of Gujarat are reproduced as under

“Accordingly, impugned order dated 17.05.2018 is set aside, as the same is without reasons. The respondent authority shall decide the application requesting a sunset review afresh, in accordance with law, within six months from the date of receipt of this order. Till such a decision is taken, the period of anti-dumping duty, which ceases to have effect on and from 9/10/2018, shall stand extended. Petition is allowed accordingly. Rule is made absolute. Direct service is permitted.”

5. Pursuant to the said orders of the Hon'ble High Court of Gujarat dated 26.09.2018 the Designated Authority hereby initiates sunset review in accordance with section 9A (5) of the Custom Tariff Amendment) Act read with Rule 23 of Antidumping Rules.

A. Product under Consideration

6. The product under consideration in the present application is “Ductile Iron Pipes of all diameters” commonly known as DI Pipes (hereinafter referred to as the “subject goods” or the “Product under Consideration”) from China PR.

7. The subject goods are classified under chapter heading 73030030 and 73030090, it is also submitted that the custom classification is indicative only and in no way, it is binding upon the product scope. It is also noted that being a sunset review, the scope of the product under consideration remains the same as has been defined in the original investigation.

B. Domestic Industry & Standing

8. The request for the sunset review has been filed by M/s Electrosteel Casting Limited (ECL), Srikalahasti Pipes Limited (SPL) and M/s Jindal Saw Limited. It is seen from the information on record that the production by the applicants account for a major proportion in the production of the subject goods by the domestic industry in India. Further, the applicants have submitted that they are not related to a producer/exporter of the product under consideration in subject countries or an importer in India. The application is deemed to have been made by or on behalf of the domestic industry and the applicant participating companies have been treated as the domestic industry under Rule 2(b) of the Rules for the purpose of injury investigation.

C. Subject Country

9. The country involved in this investigation is China PR.

D. Procedure

10. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule shall be mutatis mutandis applicable in this review.

E. Period of Investigation (POI)

11. The period of investigation for the purpose of the present investigations is January 2017 to December, 2017. The injury investigation period shall cover the periods 2014-15, 2015-16, 2016-17 and the period of investigation.

F. Submission of information

12. The known exporters in the subject countries, the Government of the subject countries through its embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

**The Designated Authority,
Directorate General of Trade Remedies,
Ministry of Commerce & Industry,
Department of Commerce
4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi -110001.**

13. Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

G. Time Limit

14. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Anti-Dumping measures within 40 days from the date of issue of letter by the authority intimating initiation of the investigation. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Anti-Dumping Rules.

H. Submission of Information on Non-Confidential basis

15. In case confidentiality is claimed on any part of the questionnaire's response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

16. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (02) copies of the non-confidential version must be submitted by all the interested parties.

17. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

18. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

19. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

20. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

I. Inspection of Public File

21. In terms of rule 6(7) any interested party may inspect the public file containing non-confidential versions of the evidence submitted by other interested parties.

J. Non-Cooperation

22. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

(Sanjay Chadha)
Additional Secretary & Director General