

सीमाशुल्क कोड 720249 के अंतर्गत आने वाले तथा रूस और कजाकिस्तान मूल के लो कार्बन फेरो क्रोम के आयातों पर अनंतिम एंटी-डम्पिंग शुल्क के लगाने की सिफारिश करता है। अनंतिम एंटी-डम्पिंग ड्यूटी की दर (निकटतम 100 रु. में) नीचे निर्दिष्ट की गई है :—

| निर्यातक का नाम | शुल्क की राशि (रु./मी.टन) |
|--|------------------------------|
| I. मूल देश—रूस | |
| 1. डेरिक राफेल एंड कं. लि., लंदन | 10,900 |
| 2. नोरकालोएस एस. ए. लक्सम्बर्ग | 17,400 |
| 3. नोरकालोएस एल.पी. न्युयार्क | 18,600 |
| 4. सोसाइटे एनोनीमे डेस मिनरल्स | 12,300 |
| 5. सिनक्रेट बी.वी., रोट्टरडम | 16,900 |
| 6. उपर्युक्त से भिन्न निर्यातक | 18,600 |
| II. मूल देश—कजाकिस्तान | |
| सोसाइटे एनोनीमे डेस मिनरल्स लक्सम्बर्ग | 18,500 |
| अन्य निर्यातक | 18,500 |

जो निर्यातक, आयातक सम्बद्ध पाए गए हैं, उन्हें अलग से लिखा जा रहा है जो इसके प्रकाशन की तारीख से 40 दिन के भीतर अपने विचार रख सकेंगे तथा मौखिक रूप से सुनवाई के लिए आवेदन कर सकेंगे। अन्य कोई इच्छुक पार्टी भी इस अधिसूचना की तारीख से 40 दिन के भीतर प्राधिकारी के पास अपने विचार भेज सकती है।

टी.एस. विजयराघवन, नामित प्राधिकारी तथा अपर सचिव

MINISTRY OF COMMERCE

NOTIFICATION

New Delhi, the 21st May, 1996

Subject : Anti-dumping investigation concerning import of Low Carbon Ferro Chrome (LCFC) originating from Russia, Kazakhstan, and Ukraine—Provisional Findings...

No. 47/ADD/94.—The Government of India having regard to the Customs Tarrif Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof.

A. PROCEDURE

2. The procedure described below has been followed :

(i) The Designated Authority (hereinafter referred to Authority), under the above Rules, received a written petition from Ferro Alloys Corporation Limited, through Indian Ferro Alloys Association alleging dumping of Low Carbon Ferro Chrome (hereinafter referred to LCFC) originating from Russia, Kazakhstan and Ukraine.

(ii) The Authority notified the embassies of Russia, Kazakhstan and Ukraine about the receipt of dumping allegations from the petitioner before proceeding to initiate an investigation in accordance with Sub-Rule (5) of Rule 5 supra.

(iii) The Authority issued a Public Notice dated 6-6-1995 published in the Gazette of India, Extraordinary, notifying its decision of initiating anti dumping proceedings concerning imports of LCFC classified under heading 7202.49 of Schedule I of the Customs Tariff Act, 1975 and No. 7202.49.00 under Indian trade classification (Based on Harmonised Commodity Description and Coding System) originating from Russia, Kazakhstan and Ukraine.

(iv) the Authority forwarded copy of the said public notice of initiation to the known exporters, importers and the complainant.

(v) The embassies of Russia, Kazakhstan and Ukraine in New Delhi were also informed about the initiation of investigation. While forwarding a copy of public notice of initiation of the investigations, they were requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time.

(vi) A copy of the petition was provided to the exporters, embassies of Russia, Kazakhstan and Ukraine. The Trade Representation of Russia Federation in India desired names and addresses of the Russian manufacturers/producers, which were also supplied to them on 14-08-1995.

(vii) All India Induction Furnaces Association was also provided a copy of the petition and was provided opportunity to furnish information relevant to the investigation in accordance with rule 6(5) of the Rules supra.

(viii) The exporters were addressed on 6-07-1995 again, to ascertain the country of origin of the subject goods in accordance with the proviso to the explanation to Section 9A(1)c of the Act.

(ix) the Authority sent questionnaire, to elicit relevant information, to the following :—

(I) Exporters

1. M/s. Norcalloys SA, Luxemburg,
2. M/s. Norcalloys L.P., New York,
3. M/s. Syncret B.V., Rotterdam, The Netherland,
4. M/s. Rutmet Inc., Ontario, Canada,
5. M/s. Otto Wolff, Dusseldorf, Germany,
6. M/s. Societe Anonyme Des Minerals, Luxemburg,
7. M/s. Derik Raphael & Co. Ltd., London,
8. M/s. Sudamin Trading, Waterloo, Belgique.

(II) Importers

1. M/s. Anita International, New Delhi,
2. M/s. Omprakash Rakesh Kumar, New Delhi,
3. M/s. Shiva Alloys Pvt. Ltd., Delhi,
4. M/s. Steel Strips Ltd., Chandigarh,
5. M/s. Chivas International, New Delhi,
6. M/s. Lowwear Alloys Products Pvt. Ltd., New Delhi,

7. M/s. Unique Alloys Pvt. Ltd., New Delhi,
8. M/s. Kumar Steels, Jagadhari,
9. M/s. Singhanian Chemicals, Ludhiana,
10. M/s. Allied Holdings Pvt. Ltd., New Delhi,
11. M/s. Uttar Pradesh Steels, Napa, Muzaffarnagar,
12. M/s. Balaji Industrial Products, Jaipur.

(x) An opportunity was also given to exporters, importers, petitioners, Govts. of Russia, Kazakhstan and Ukraine and other interested parties to express their views in a public hearing held on 23rd August, 1995. The said public hearing was attended by :

1. The representatives of the petitioner domestic industry viz. M/s. Ferro Alloys Corporation Limited.
2. Officials of Russian Trade Office in New Delhi.
3. Officials of Ministry of Foreign Economic Relations and Trade of Ukraine.
4. M/s. Sterling Alloys, Baroda on behalf of the exporter M/s. Norcalloys SA, Luxemburg and M/s. Norcalloys L.P., New York.
5. All India Induction Furnaces Association, Delhi (user industry).
6. M/s. Om Prakash Rakesh Kumar, New Delhi, (importer).
7. M/s. Shiva Alloys Pvt. Ltd., New Delhi (importer).

(xi) All the parties who attended the said public hearing were advised to present the submissions made in the public hearing in writing for obtaining counter comments from the other party(ies) to the investigation and the written submissions made by the parties were made available to the other parties for their counter comments.

(xii) The Authority sought and verified information deemed necessary for the investigation, and to this end investigations were carried out at the premises of M/s. Ferro Alloys Corporation Limited.

(xiii) A request of the petitioner to terminate the anti-dumping investigations against LCFC of Ukraine origin was received by the Authority under Rule 14 supra to terminate the investigation as to the existence, degree and effect of alleged dumping in relation to imports of LCFC of Ukrainian origin.

(xiv) The authority also conducted cost investigation and worked out optimum Cost of Production and Cost to make and Sell LCF C in India on the basis of Generally Accepted accounting Principles and principle of the best available information to ascertain in quantum of anti-dumping duty necessary to remove the injury to the domestic industry.

(xv) The investigation covered the period from 1st April, 1994 to 31st March, 1995.

B. PETITIONER'S VIEWS

3. The petitioner made the following submissions in the oral hearing which have been reproduced in writing :

(A) LCFC being imported and being produced by the domestic industry are "like articles".

(B) "Non Market Economy" countries and as per procedure followed by European Union and Government of Brazil, Zimbabwe may be considered as surrogate country whose constructed cost may be considered for Normal Value.

(C) LCFC of Russian and Kazakhstan origin is being dumped in India at a price below its Normal Value as is evidenced from the Shipping Invoices/Bills of Entries for the goods cleared through one Customs Point itself, i.e., ICD, Tugalkhabad, and the total quantum of imports would be substantially higher.

(D) The dumped imports are continuing unabated and are causing material injury to the domestic industry, and the petitioner has suffered both in terms of the sales quantum and sales realisation.

(E) One of the producers in the organised sector (M/s. Industrial Development Corporation of Orissa Ltd.) has been forced to close its LCFC operations due to indiscriminate dumping.

C. VIEWS OF RUSSIAN TRADE OFFICE

4. Representatives of the Russian Trade Office in India attended the oral hearing as observers only and made a speech, reproduced in writing also, and made the following main observations :

(a) Starting from 1991 Russia has been implementing a policy of transforming the State-regulated economy into the market one, and all Russian LCFC producers have become joint-stock companies,

(b) It would have been more reasonable to choose some other country with approximately the same level of industrial development and productive force, e.g. Netherlands, U.K., Germany instead of Zimbabwe for the purpose of Normal Value determination,

(c) Complete picture with regard to imports of LCFC import in India has not furnished by the petitioner, and only partial data is given on certain countries,

(d) The data submitted by the petitioner gives no idea about Chromium content (referred to as Cr. content hereinafter) taken as the basis for calculations,

(e) the petitioner has by "pure coincidence" omitted the LCFC imports by M/s. Mukund Ltd. and M/s. Mahendra Ugin Steel Co. (112 MT at the price of Rs. 41740 per MT and 58 MT at the price of Rs. 35820 per MT).

(f) The petitioner holds a monopoly in production of LCFC in the Indian market,

(g) the petition does not contain the names of the Russian exporters,

(h) The Russian export of LCFC to India is less than one per cent of the total production volume of only one Klyuchevsky ferro alloys Mill.

D. EXPORTER'S VIEWS

6. The major views expressed by the exporters directly or through their agent in India are as follows :

(a) The petitioner enjoys monopoly and has rationed this product since the last two decades.

(b) The petitioner has not entertained dealers, who are an integral part of the industry.

(c) LCFC being produced by the petitioner mainly has Carbon range 0.03%, 0.05%, and 0.10% max., whereas the imports are mainly of the grade with 0.15 Carbon content.

(d) Anti dumping duty is levied by those countries where duty structure is low, and the Indian customs duty is almost like an anti dumping duty.

(e) The international Ferro Chrome industry was facing slump during the investigation period.

(f) All material are of Russian origin and there is no production in Kazakhstan.

(g) The prices have increased in the international market after the investigation period and even the petitioner has increased its prices.

E. VIEWS OF IMPORTERS AND OTHER INTERESTED PARTIES

7. Importers, All India Induction Furnaces Association and other interested parties have expressed their views, which are briefly as follows :

(a) The petitioner is a monopoly, and sells directly to consumers without entertaining the traders.

(b) The international Ferro chrome market was in slump during investigation period. The current prices are much higher.

(c) Very little quantity of LCFC was imported in 1994-95, and even now after reduction of custom duty the imports are negligible.

(d) The petition has been filed with the aim of getting the custom duty increased.

(e) The petitioner has been making huge profits in the past.

(f) No direct import from these countries has been made, and all such imports whose origin could be these Countries are routed through Holland and Belgium, and therefore the question of imposing anti dumping duty against CIS countries does not arise.

F. EXAMINATION BY AUTHORITY

8. The above submissions made by the Russian Trade Office, exporters directly as also through their agent in India, by the importers, petitioner and other interested parties have been examined and considered while arriving at these findings and have been dealt with at appropriate places in these findings.

9. In the absence of any direct response from the exporters in the prescribed format, the Authority has made the findings on the basis of the information available to it and as per Rule 6(8) supra.

10. The Authority notes that All India Furnace Association circulated the plea of the petitioner to its members

vide its circular No. 22 dated 17-8-1995. The association desired details of the calculations made by the petitioner about its cost of production of LCFC and HCFC. The same being confidential, were not supplied. The Authority, however, confirms that it has conducted a verification at the premises of the petitioner and has worked out optimum cost of production and cost to make and sell LCFC for the domestic industry, as detailed in procedures supra.

G. LIKE ARTICLE

11. The Authority notes that LCFC being exported originating from Russia and Kazakhstan has characteristics closely resembling with the LCFC being produced by the domestic industry, and the two are like article in accordance with Rule 2(d).

H. PRODUCT UNDER CONSIDERATION

12. Low Carbon Ferro Chrome (LCFC) is a Ferro Alloy required as vital input for Stainless Steel production with very stringent specifications of Silicon, Carbon, Sulphur, Phosphorus and Aluminium. LCF of Carbon content ranging from 0.03% to 0.20% and Cr. content ranging from 65% to 70% is being used. LCFC is classified under custom heading 7202.49 of Schedule I of Indian Customs Tariff Act, 1975 and under 7202.49.00 under Indian Trade Classification (Based on Harmonised Commodity Description and Coding System).

I. DOMESTIC STATUS

13. The petition has been filed through Indian Ferro Alloys Association, Bombay for and on behalf of M/s. Ferro Alloys Corporation Limited, Hindustan Times House, 8th Floor, 18-20 Kasturba Gandhi Marg, New Delhi-110 001 having its Registered Office at Shreeram Bhawan, Tumsar (Maharashtra) and works at Shreeramnagar, Distt. Vizianagaram, Andhra Pradesh. Another producer, M/s. Industrial Development Corporation of Orissa, a Government of Orissa undertaking, has since stopped the production of LCFC. The petitioner accounts for a majority of production of LCFC in India and hence satisfies the domestic industry status in accordance with rule 2(b) of the Rules supra.

J. NORMAL VALUE

14. None of the exporters has furnished the information in the prescribed proforma nor divulged the information about domestic price of the product. Though some of the exporters confirmed having exported LCFC to India, no information about normal value has been provided. In view of the confirmation by some of the exporters having merely transhipped the material, the Authority in accordance with the proviso to Section 9A(1)(c) determined the normal value with reference to its price in the country of origin.

15. The petitioner has not provided domestic prices of LCFC in Russia and Kazakhstan, pleading non-availability of the relevant information. The petitioner has suggested treating Zimbabwe as surrogate country for determining cost of production. It has, however, not furnished the details of the cost of production in Zimbabwe, pleading refusal by the

Zimbabwe company, M/s. Zimbabwe Alloys Limited and has constructed cost of production based on power rates prevailing in Zimbabwe.

16. The Authority, during the course of investigation, wrote to M/s. Zimbabwe Alloys Limited. Zimbabwe directly as also through their embassy in New Delhi, requesting details of its cost of production. The company has, whilst sharing concerns over the CIS countries, refused to divulge its cost information.

17. Russian Trade Office, whilst objecting treatment of Russia as Non-Market Economy and attending Oral Hearing as observers only, has also not supplied any information with regard to the Normal Value.

18. The Authority has, under the circumstances, for the purpose of this preliminary determination, worked out Normal Value for Russia and Kazakhstan on the basis of cost of production constructed for Zimbabwe on the basis of the best information available in accordance with rule 6(8) of the Rules supra and information in India.

K. EXPORT PRICE

19. The Authority notes that the import details reported by the importers for the purpose of custom clearances, as compiled by DGCIS, Calcutta or other agencies (such as Metals and Mineral Review) neither provides exporter-wise transaction nor indicates the Chromium contents and as such cannot be relied upon for the purpose of exporter-wise export price determination. None of the exporter to whom request was made by the Authority has made the relevant information available in the prescribed proforma and the details furnished by the importers, who have responded to the Authority, are sufficient for the purpose of export price determination.

20. The petitioner has furnished photocopies of some invoices and bills of entry for imports cleared at one of the customs ports namely ICD Tugalakhabad, though matching bill of entries for all the invoices are not submitted.

21. M/s. Norcalloys S.A., Luxemburg has furnished combined details of shipments made by Norcalloys S.A., Luxemburg and Norcalloys L.P., U.S.A., though not in the prescribed format. The same has been correlated with the information furnished by the petitioner as also some of the importers. The details furnished by the exporter does not contain details of Cr content and therefore cannot be used for working out ex-works export price. The Authority has therefore, worked out CIF export price in respect of exporters on the basis of copies of the invoices raised by these two exporters, as furnished by the petitioner.

22. M/s. Otto Wolff HGmbH has confirmed having exported 300 MT LCFC to India, which was purchased by them from another German company. The exporter has, however, not furnished details of the exports made by it and, therefore, has not been assessed individually.

23. Derek Raphael & Co. Ltd. an exporter has stated having shipped little or no LCFC from Russia/Kazakhstan to India. The Authority has therefore worked out CIF export

price for the exporter on the basis of evidence made available by the petitioner.

24. Since no other exporter has responded to the Authority's request, the Authority has worked out export price on the basis of the copies of invoices raised during the period of investigation viz. 1st April, 1994 to 31st March, 1995 by these exporters, and furnished by the petitioner.

25. The Authority has arrived at weighted average export price for each exporter for LCFC having average Chromium content 66.1% as detailed in the paragraph relating to comparison.

26. The CIF export price has been adjusted for insurance, and ocean freight for working out FOB export price on the basis of the best available information. The Authority notes that none of the exports are directly from Russia and Kazakhstan and exports have been made through third countries. The FOB export price has, therefore, been adjusted for 5% towards commission and other incidental expenses of the exporters on the basis of best available information.

L. COMPARISON

27. For the purpose of a fair comparison between the normal value and export price and in accordance with Section 9(A)(2), proviso to the explanation to Section 9(A)(c) of the Act and rule 6(8) of the Rules supra, the authority took into account the information supplied by the petitioner, the importers, the exporters, and the best information available with it in the absence of any direct response in the prescribed form and manner from the exporters. Since normal value has been constructed on the basis of best available information for Zimbabwe in India as brought out in above paragraphs relating to Normal Value and considered to have the average Cr contents of 66.1% in LCFC, for fair and uniform comparison, the export price has been adjusted for the same Cr contents. These adjusted transaction-wise exports for which evidence was available have been used to arrive at the weighted average export price in respect of each exporter. Weighted average export price has been compared with Normal Value for individual exporter. The Authority has found Normal Value, Export Price, and Dumping Margin as follows:

| Name of the Exporter and Place | Normal Value (US \$/MT) | Export Price (US \$/MT) | Dumping Margin (US \$/MT) |
|--|----------------------------|----------------------------|------------------------------|
| I. Country of origin—Russia | | | |
| 1. Derek Raphael & Co. Ltd., London | 1359 | 941.16 | 417.84 |
| 2. Norcalloys SA, Luxemburg | 1359 | 807.11 | 551.89 |
| 3. Norcalloys LP, New York | 1359 | 770.17 | 588.83 |
| 4. Societe Anonyme Des Minerals, Luxemburg | 1359 | 913.58 | 445.42 |
| 5. SYNCRET BV, Rotterdam | 1359 | 822.49 | 536.51 |
| II. Country of Origin—Kazakhstan | | | |
| Societe Anonyme Des Minerals Luxemburg | 1359 | 773.37 | 585.63 |

29. The Authority notes that the Normal Value and Export Price during the investigation period only are relevant for deciding dumping, and the current Export Price to India of international prices are not relevant for the purpose.

M. INJURY

30. Under Rule 11 supra, when a finding of injury is arrived at, such finding shall involve determination of the 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 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.

Cumulation of Dumped Imports

The Authority examined under Annexure-II to Rule 9(2) as to whether the effect of imports originating from Russia and Kazakhstan can be cumulatively assessed. It was found that the products imported from each of these countries competed with each other and with the like product produced by the Indian industry, that the volumes imported from each country during the period under consideration were significant and the price trends were similar and, therefore, it was considered that imports from these countries should be analysed cumulatively.

31. For the examination of the effect of dumped imports on the domestic industry in India, the Authority considered such further indices having a bearing on the state of industry as production, capacity utilisation, sales, stock, profitability and net sales realisation.

(a) Volume and Market Share of Dumped Imports

32. Total imports of LCFC from Russia and Kazakhstan increased from 63 MT in 1992-93 to 1264 MT in 1993-94, and 1598 MT in 1994-95, resulting in sharp increase in volume in absolute terms.

33. Market share of Russia and Kazakhstan increased during 1993-94 and 1994-95 in relation to production and consumption in India, as a result of increase in its volume, and decline in the sales of the domestic industry.

(b) Production Trend and Capacity Utilisation

34. Production of LCFC of the domestic industry declined by 16% in the investigation period as compared to the previous period. Production during April, September and October 1994 remained very low. The overall capacity utilisation consequent to lower production has also declined from 71.36% in 1991-92 to 49.63% in 1994-95.

(c) Sales in absolute quantity

35. Sales of the domestic industry declined by 24% in the investigation period as compared to the previous period.

Sales during October and November 1994 have remained lower than the average monthly sales.

(d) Selling Price Trend

36. Average realisation from sales of LCFC (exclusive of central excise duty) to the domestic industry increased from Rs. 54009 PMT (1993-94) to Rs. 56737 PMT in 1994-95. The same is, however, far below the cost of production.

(e) Stock Trend

37. Stock of the finished product with the domestic industry increased to 1170 MT during investigation period as compared to 881 MT during previous year, showing an increase of about 33% in spite of decrease in production of LCFC during the corresponding period.

(f) Profitability Trend

38. The petitioner is engaged in multi-product activities and its overall profitability position may not be representative. However, on the basis of detailed cost study conducted by the Authority, it is found that the petitioner company is suffering net losses from the sale of LCFC at prices much below its cost of production.

(g) Conclusion on Injury

39. The Authority find that : (i) the imports have increased in absolute terms from Russia, and Kazakhstan during the investigation period as compared to the previous period.

(ii) The share of Russia and Kazakhstan in the total imports in India increased significantly during the investigation period as compared to the previous period.

(iii) The exports from Russia and Kazakhstan resulted in price depression and forced the domestic industry to keep its prices to unremunerative levels and prevented it from recovering its full cost of production.

(iv) The various indicators relating to domestic industry such as Production, Capacity Utilisation, Sales Quantities, Average Sales Realisations, Profit/Loss, etc. collectively established that the domestic industry has suffered material injury.

40. The Authority is, thus, led to the conclusion that the domestic industry has suffered material injury.

N. CASUAL LINK

41. In determining whether material injury to the domestic industry was caused by the dumped imports, the Authority took into account the following facts : (i) the imports of the product from Russia and Kazakhstan increased in absolute terms and relative to the consumption of the product in India. The share of Russia and Kazakhstan in the total imports also increased. As a direct consequence, the domestic industry has lost its market share and inventory increased during the investigation period in spite of reduction in capacity utilisation.

(ii) The imports from Russia, Kazakhstan suppressed the prices of the domestic industry to such an extent that the domestic industry was prevented from recovering its full cost

of production and earn a reasonable profit from the sales of LCFC in India.

O. INDIAN INDUSTRY'S INTEREST

42. The purpose of anti dumping duties is in general to eliminate dumping which is causing injury to the domestic industry and to reestablish the situation of open and fair competition on the Indian market which is in the general interest of the country.

43. The authority confirms that it has worked out reasonable selling price of LCFC in India for the domestic industry, by considering the optimum cost of production at attainable level of Capacity Utilisation, to ascertain the extent of Anti-dumping duty necessary to remove the injury to the domestic industry.

44. Injury being caused to the petitioner from factors other than dumping have not been considered by the Authority while recommending the amount of Anti Dumping duty necessary to remove the full extent of injury to the petitioner.

45. The Authority notes that the system of marketing to be adopted by an industry of a company in the industry is at the discretion of the industry of the company, as the case may be, within the framework of legal requirements, and the industry or the company is not under obligation to follow a particular system for marketing its produce or appoint dealers/traders.

46. The Authority notes that petitioner can be asked to furnish the information as is reasonably available with it. Neither the petitioner has deliberately ignored the fact of imports made by M/s. Mukund Ltd. or M/s. Mahendra Ugine (the same have been mentioned in the import details for 1992-93 furnished by the petitioner), nor the petitioner has claimed having furnished exhaustive details of the imports. The petitioner itself has expressly stated having furnished details of "....some of the imports cleared at ICD, Tugalakbad,..... which may in no way be exhaustive....". The Authority, however, notes that except M/s. Norcalloys S.A. none of the exporters have furnished information about the exports made by them.

47. The authority notes that the identity of the Russian exporters is not relevant for the present investigations in view of the acceptance of some of the exporters in accordance with proviso to the explanation to Section 9A(1)c.

48. The Authority confirms that the imports are more than de minimus limits.

49. The Authority notes that imports are of LCFC having Carbon content ranging between 0.02% to 0.15% and not of 0.15% only.

50. The Authority confirms that it has taken into consideration the level of customs duties applicable during the investigation period.

51. The Authority notes that whilst it could be true that the international market was in slump during the investigation period, normal value and export price during the investigation period only have been considered and therefore the factum of dumping is not affected by a slump or boom in the international market.

52. The purpose of anti dumping duty is, as detailed in para 42 to remove the unfair practice and not to alter the levy of Custom Duty.

53. The Authority notes that the comparison of the prices of High Carbon Ferro Chrome (HCFC) and LCFC is irrelevant for the purpose of the present investigations, except that HCFC is being used for the production of Silicon Chrome (which in turn is being used for the production of LCFC) by the domestic industry, which has been taken care by the Authority while arriving at fair selling price for the domestic industry.

P. FINDINGS

54. The Authority, accordingly, has come to the conclusion that :

(i) LCFC originating from Russia and Kazakistan has been exported to India below its normal value,

(ii) the Indian domestic industry has suffered material injury.

(iii) the injury has been caused by the imports originating from Russia and Kazakistan.

55. On the written request of the petitioner, the Authority under Rule 14 supra terminated the investigation against allegation of dumping of Ukrainian origin LCFC as brought out in para 2(xiii) above.

Q. DUTY

56. The authority considers it necessary to impose a provisional anti dumping duty on imports of LCFC originating from Russia and Kazakistan in order to remove the material injury to the domestic industry, pending final determination.

57. The Authority considered whether a duty lower than the dumping margin would be enough to remove the injury. For this purpose, the exporter-wise weighted average landed price of LCFC was compared with selling price of LCFC produced by the domestic industry considered reasonable after taking into account an optimum level of capacity utilisation, for the period of investigation. Wherever such difference was less than the dumping margin, lesser duty to the extent of injury is recommended. Accordingly, the Authority, hereby recommends imposition of provisional anti dumping duty on imports of Low carbon Ferro Chrome falling under custom code 720249 and originating from Russia and Kazakhstan from the date of notification issued in this regard by Ministry of Finance. The rate of provisional anti dumping duty (rounded to nearest hundred rupees) are specified below :—

| EXPORTER'S NAME | AMOUNT OF DUTY (Rs./MT) |
|--|-------------------------------|
| I. Country of Origin—Russia | |
| 1. Derek Raphael & Co. Ltd., London | 10,900 |
| 2. Norcalloys SA, Luxemburg | 17,400 |
| 3. Norcalloys LP, New York | 18,600 |
| 4. Societe Anonyme Des Minerals, Luxemburg | 12,300 |
| 5. SYNCRET BV, Rotterdam | 16,900 |
| Exporters other than above | 18,600 |
| II. Country of Origin—Kazakhstan | |
| 1. Societe Anonyme Des Minerals Luxemburg | 18,500 |
| 2. Exporters other than above | 18,500 |

The exporters, importers known to be concerned are being addressed separately, who may make known their views within 40 days from the date of this publication, and apply to be orally heard. Any other interested party may also make known its views to the Authority within 40 days of the date of this notification.

T. S. VIJAYARAGHAWAN, Designated Authority
and
Addl. Secy.

1273 GI/96-3