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F.No.- 7/15/2019-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Trade Remedies)
New Delhi – 110001

Dated 24th September 2019

Initiation Notification
(Case No. SSR 06/2019)

Subject: Initiation of Sunset Review of Anti-Dumping investigation concerning imports of Electronic Calculators originating in or exported from China PR.

F.No. 7/15/2019-DGTR: Whereas M/s. Ajanta LLP (formerly known as M/s. Ajanta Private Limited) (hereinafter referred to as the “applicant”) has filed an application before the Designated Authority (hereinafter referred to as the Authority), on behalf of the domestic industry, in accordance with the Customs Tariff Act, 1975, as amended from time to time (hereinafter referred to as the “Act”) and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the “Rules”), for Sunset Review of Anti-Dumping investigation concerning imports of “Electronic Calculators” (hereinafter referred to as the “subject goods” or “product under consideration”), originating in or exported from China PR (hereinafter referred to as the “subject country”).

2. AND WHEREAS, the applicant has filed a duly substantial application before the Authority, in accordance with the Act and the Rules, alleging likelihood of continuation or recurrence of dumping of subject goods, originating and exported from China PR and consequent injury to the domestic industry and has requested for review and continuation of the anti-dumping duty imposed on the imports of subject goods, originating in or exported from the subject country.

Background

3. Whereas, the original investigation concerning imports of the subject goods from China PR was initiated by the Authority vide Initiation Notification No. 14/19/2013-DGAD dated 18th October 2013. The Authority vide its final finding notification No. 14/19/2013-DGAD dated 13th April 2015, recommended imposition of anti-dumping duty against imports of the subject goods from China PR. Duty was imposed by the Ministry of Finance (MoF) vide Customs Notification No. 24/2015- Customs (ADD) dated 29th May 2015.

Subject Country

4. The present investigation is in respect of alleged dumping of the PUC from China PR.

Product under consideration

5. The product under consideration in the present investigation is Electronic Calculators. An electronic calculator is a small and portable electronic device used for performing arithmetic operations and certain other mathematical functions. Simple numeric operations include basic arithmetic such as addition, subtraction, multiplication and division. Complex mathematical functions include exponential operations, roots, logarithms, trigonometric functions, and hyperbolic functions, etc. and include all its commercial/trade parlance names.

6. The product under consideration for the present investigation is 'Electronic Calculators of all types', *excluding* the following:

- a. Calculators with attached printers, commonly referred to as *printing calculators*
- b. Calculators with ability to plot charts and graphs, commonly referred to as *graphing calculators*
- c. *Programmable calculators*

7. The present investigation being a Sunset Review Investigation, the product under consideration remains the same as notified in the original notification.

8. The product under consideration is classified under tariff item 8470 1000 of the Customs Tariff Act, 1975.

Like Article

9. Rule 2(d) with regard to like article provides as under: -

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

10. The Applicant have submitted that the subject goods produced by them and the subject goods imported from the subject country are like articles. There is no known difference between the subject goods exported from the subject country and those produced by the Applicant. Electronic Calculators produced by the Applicant and imported from the subject countries are comparable in terms of technical characteristics, functions and uses, distribution and marketing, pricing and tariff classification. Consumers can use and are using the two interchangeably.

11. The scope of the product under consideration has been kept the same as was considered by the Authority at the time of previous final findings. Subject goods produced by the

Applicant's company are being treated as "like article" to that being imported from the subject country for the purpose of the present review investigation.

Domestic industry & 'Standing'

12. The application has been filed by M/s. Ajanta LLP. The Applicant has neither imported the subject goods from the subject country nor is related to any exporter or producer of subject goods in the subject country or any importer of the PUC in India. Further, the Applicant accounts for a major proportion in Indian production of subject goods. Therefore, the Authority has considered the Applicant as Domestic Industry within the meaning of the Rule 2 (b) and also satisfy the criteria of standing in terms of Rule 5 (3) of the Rules.

Initiation of Sunset Review

13. Whereas, in view of the duly substantiated application filed and in accordance with Section 9A(5) of the Act, read with Rule 23 of the Anti-Dumping Rules, the Authority hereby initiates a Sunset Review investigation to review the need for continued imposition of the duty in force in respect of the subject goods, originating in or exported from the subject country and to examine whether the expiry of such duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

Period of Investigation

14. The period of investigation (hereinafter referred to as "POI") for the present investigation is from 1st April 2018 to 31st March 2019 (12 months). The injury investigation period will, however, cover the periods April 2015-March 2016, April 2016-March 2017, April 2017-March 2018 and the POI.

Procedure

15. The present sunset review covers all aspects of the final findings of the original investigation published vide Notification No. 14/19/2013-DGAD dated 13th April 2015.

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

Submission of information

17. The known exporters in the subject country and their government through their embassy in India, importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.

18. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below. The information/submission may be submitted to:

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

19. 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.

Time-Limit

20. Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 days) from the date of the publication of this initiation notification. 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 Rules.

21. 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 within forty days (40 days) from the date of the publication of this initiation notification. The information must be submitted in hard copies as well as in soft copies.

Submission of information on confidential basis

22. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file the same in two separate sets, in case "confidentiality" is claimed on any part thereof:

- i. One set marked as Confidential (with title, number of pages, index, etc.), and
- ii. The other set marked as Non-Confidential (with title, number of pages, index, etc.).

23. The "confidential" or "non-confidential" submissions must be clearly marked as "confidential" or "non-confidential" at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions. Soft copies of both the versions will also be required to be submitted, along with the hard copies, in four (4) sets of each.

24. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For

information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, 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.

25. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarised 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, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarisation is not possible must be provided to the satisfaction of the Authority.

26. 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 if the supplier of the information is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, it may disregard such information.

27. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.

28. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

Inspection of Public File

29. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties.

Non-cooperation

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


24.9.19
(Sunil Kumar)

Additional Secretary & Designated Authority