

File No 14/6/2011-DGAD  
Government of India  
Ministry of Commerce & Industry  
Directorate General of Anti-dumping & Allied Duties  
Udyog Bhawan, New Delhi

Dated the 20th March, 2013

**TERMINATION NOTIFICATION**

**Subject: Anti-Dumping Duty investigation concerning imports of ‘Electrical Insulators’ originating in or exported from China PR.**

F.No. 14/6/2011-DGAD:- Having regard to the Customs Tariff Act, 1975, as amended from time to time and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof:

2. Whereas, M/s WS Industries (India) Ltd.; M/s Modern Insulators Limited; M/s Insulators and Electrical Company; and M/s Aditya Birla Nuvo Ltd filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff Act, 1975, as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped articles and for Determination of injury) Rules, 1995, as amended from time to time (hereinafter referred to as the AD Rules) for initiation of anti-dumping duty investigation concerning imports of electrical Insulators (hereinafter also referred to as the product under consideration and/or the subject goods) originating in or exported from China PR (hereinafter also referred to as the subject country).

**Product Under Consideration And Like Article**

3. The product under consideration for the purpose of present investigation is “Electrical Insulators made of porcelain/ceramic or glass, whether assembled or unassembled” originating in or exported from China PR. Porcelain/ceramic or Glass Insulators are classified under customs heading 8546 under Chapter 85 of the Customs Tariff Act. The scope of the product under consideration is as defined in the Public Notice No. 14/6/2011-DGAD dated 9th April, 2012 published in the Gazette of India, Extraordinary. Further, for the purpose of the present investigation, the Authority treats the subject goods produced by the petitioners in India as ‘Like Article’ to the subject goods being imported from the subject country.

**Period Of Investigation**

4. The period of investigation (POI) for the purpose of present investigation is from 1st January, 2011 to 31st December, 2011. However, for the purpose of analyzing injury, the data of previous three years, i.e., Apr’08-Mar’09, Apr’09-Mar’10, Apr’10-Mar’11 and the proposed period of investigation has been considered. For threat of material injury, the data beyond the POI was also to be examined.

## **Domestic Industry**

5. The petition has been filed by WS Industries (India) Ltd., Modern Insulators Limited; Insulators and Electrical Company; and Aditya Birla Nuvo Ltd. There are a number of other producers of the product under consideration in India. The Authority noted that Modern Insulators Limited; Insulators and Electrical Company; and Aditya Birla Nuvo Ltd have certified that they have not imported the product under consideration during the period of investigation. The Authority also noted that WS Industries (India) Ltd has made significant imports during the period of investigation (POI) in the present investigation which is from 1st January, 2011 to 31st December, 2011. The Authority, therefore, considered WS Industries (India) Ltd as ineligible domestic industry in view of significant imports made by the company. The Authority further noted that the total production of the remaining three petitioners, viz., Modern Insulators Limited; Insulators and Electrical Company and Aditya Birla Nuvo Ltd during the Period of Investigation (POI) is 67% after excluding production of WS Industries from Indian production. The Authority, therefore, concluded that these three petitioners have standing to file the present petition and constitute the Domestic Industry within the meaning of the Anti Dumping Rules.

## **Procedure**

6. The procedure given below has been followed with regard to the investigation:

(i) The Authority on the basis of sufficient evidence submitted by the petitioners issued a Public Notice No. 14/6/2011-DGAD dated 9th April, 2012 published in the Gazette of India, Extraordinary, initiated anti-dumping investigations concerning imports of the subject goods, originating in or exported from the subject country, in accordance with the Rules, to determine the existence, degree and effect of alleged dumping and to recommend the amount of antidumping duty, which, if levied would be adequate to remove the injury to the domestic industry.

(ii) The Authority sent copies of the Public Notice dated 9th April, 2012 to the Embassy of the subject country in India, known exporters from the subject country and known importers in India, as per the information available with it. Copy of the non-confidential version of the application filed by the petitioners was also made available to the Embassy of the subject country in India, known exporters and importers in accordance with the AD Rules. Further, the copy of the Exporter's Questionnaire along with the Market Economy Questionnaire; and the copy of the Importer's Questionnaire was sent to the known exporters and known importers in India respectively with a request to file the questionnaires' responses and make their views known in writing within the prescribed time limit.

(iii) The Embassy of the subject country was also advised to bring it to the notice of the other exporters/producers from the subject country to respond to the questionnaire within the prescribed time limit.

(iv) Responses to the questionnaire were received from various interested parties including exporters from the subject country.

(v) Exporters, producers and other interested parties who neither responded to the Authority nor supplied information relevant to this investigation have been treated as non-cooperating interested parties by the Authority.

(vi) Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) to arrange details of imports of subject goods for the past three years, including the period of investigations, which was received by the Authority.

### **Request For Change In The Period Of Investigation**

7. The petitioners during the course of investigation filed request for change in the period of investigation on the following grounds:

- a. The volume of imports from the subject country has significantly increased after the last investigation period considered by the Authority (i.e., from 1st January, 2011 to 31st December, 2011).
- b. The import price has very steeply declined after the last investigation period.
- c. In PGCIL tenders, the Chinese bidders have further reduced the prices in successive tenders which further has aggravated the injury to the domestic industry.
- d. The extent of injury in the recent period is phenomenally higher than the injury margin that has prevailed during the period of investigation considered by the Authority.
- e. The domestic industry is suffering injury to the extent of 50-70% and even the present safeguard duty of 35% may not fully address the injury suffered by the domestic industry. Further, should the Designated Authority continue with the present investigation period, the protection under dumping and safeguard shall not exceed the injury margin in these periods. However, the extent of injury in the recent period is phenomenally higher than the injury margin that has prevailed during the period considered by the Authority.
- f. In view of the above, it is requested to modify the investigation period and consider January, 2012 – December, 2012 as the investigation period for the present purposes.

### **Examination by the Authority**

8. The Authority, after considering the request of the petitioner, issued a letter dated 5th February, 2013 to the petitioners stating that after the initiation a large number of interested parties including exporters of Electrical Insulators from China have responded and their responses are under examination; that the petitioners have requested to change the period by one full year; that change in period of investigation would mean that the Authority not only has to examine afresh the new data for the dumping and injury analysis but also to allow all the interested parties a fresh opportunity to again submit their responses to the new data for the amended period of investigation and that, therefore, the petitioners could withdraw the petition and file fresh petition with new data for the amended period of investigation.

### **Request For Withdrawal Of Investigation**

9. The petitioner domestic industry, vide their letter dated 27.02.2013, has requested the Authority to treat the petition filed by them for anti-dumping investigation against imports of electrical insulators originating in or exported from China PR as withdrawn with a liberty to resubmit the same with new data for the fresh period of investigation.

### **Recommendation**

10. Therefore, under the provisions of Rule 14(a) of the Rules supra, the Designated Authority hereby terminates this investigation which was initiated vide Notification No. 14/6/2011-DGAD dated 9th April, 2012 against imports of Electrical Insulators originating in or exported from China PR.

**Sd/-**  
**J S Deepak**  
**Designated Authority**