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File No. 7/7/2017-DGAD

Government of India
Department of Commerce
Ministry of Commerce & Industry
(Directorate General of Anti-Dumping & Allied Duties)
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi -110001

Dated: 4th, July, 2017

Case NO. SSR- 11/2017

INITIATION NOTIFICATION

Subject: Initiation of Sunset review investigation concerning imports ‘Grinding Media Balls’ (excluding Forged Grinding Media Balls) from China PR and Thailand.

Having regard to the Customs Tariff 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, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti-Dumping Duty on imports of " ‘Grinding Media Balls’ (excluding Forged Grinding Media Balls)", (hereinafter referred to as subject goods) originating in or exported from China PR and Thailand (hereinafter referred to as subject Countries). The authority vide its final findings No 14/34/2010-DGAD dated, 22nd May 2012 recommended imposition of anti-dumping duties against dumped imports of the subject goods from the Subject countries. Duties were imposed by the Central Government vide custom notification No. 36/2012-Customs (ADD) dated the 16th July, 2012.

2. And whereas, a petition has been jointly filed by M/s AIA Engineering Ltd and Webcast Steels Ltd (hereinafter referred to as petitioners') in accordance with the Act and the Rules, seeking initiation of a sunset review of the Anti-dumping duty in force on import of "‘Grinding Media Balls’ (excluding Forged Grinding Media Balls) ", 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 PR and Thailand.

A. Countries Involved

3. The country involved in this investigation is China PR and Thailand.

B. Product under consideration and like article

4. The product under consideration is the same as the original investigations which is defined as

‘Grinding Media Balls’ (excluding Forged Grinding Media Balls). ‘Grinding Media Balls’ (in short, ‘GM Balls’) are produced in different sizes, shapes and compositions for use in diverse applications. Further, it is available in different hardness depending upon varying requirements of the customers. The subject good is classified under Customs sub-heading 7325 9100 of Chapter 73 of the Customs Tariff Act, 1975. However, the Customs classification is indicative only and in no way binding on the scope of this investigation.

5. The Authority described product under consideration as follows in the final findings of the original investigation is as under:

8. The product under consideration is ‘Grinding Media Balls’ (excluding Forged Grinding Media Balls). ‘Grinding Media Balls’ (in short, ‘GM Balls’) are produced in different sizes, shapes and compositions for use in diverse applications. Further, it is available in different hardness depending upon varying requirements of the customers.

9. The product under consideration is extensively used in cement build materials, metal mine, coal slurry, thermal power plant, chemical engineering, ceramic industry, dope industry, light industry such as papermaking and magnetic material etc for powder preparation. The subject goods are classified under Customs sub-heading 7325 9100 of Chapter 73 of the Customs Tariff Act, 1975. However, the Customs classification is indicative only and in no way binding on the scope of this investigation.

6. Since the present investigation is a sunset review investigation, the scope of the product under consideration is the same as that of the previously concluded investigation.

C. Like Article

7. 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;

8. Petitioners have claimed that there is no known difference in subject goods exported from subject countries and that produced by the domestic industry. Both the products have comparable characteristics in terms of parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification, etc.

D. Domestic Industry and Standing

9. The petition has been filed by M/s AIA Engineering Ltd and Webcast Steels Ltd. Petitioners claim to be the major producers of the product under consideration in the Country. The petitioners have

certified that they are not related to producer/exporter of the product under consideration in subject countries or have imported the subject good from the subject countries during the Period of investigation and therefore is eligible to be treated as “domestic industry” within the meaning of Rules. The Authority has considered the petitioner companies as domestic industry within the meaning of Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5 of the Rules supra.

E. Initiation of Sunset Review

10. 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 investigation to review the need for continued imposition of the duties in force in respect of the subject goods, originating in or exported from the subject countries 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.

F. Period of Investigation

11. The Authority has considered the period of April 2016-March 2017 as the Period of investigation. The injury investigation period has however, been considered as the period 2013-14, 2014-15, 2015-16 and the period of investigation.

G. Procedure

12. The present sunset review covers all aspects of the final findings of the original findings published vide Notification No. No 14/34/2010-DGAD dated, 22nd May 2012 recommending imposition of anti-dumping duty on imports of Grinding Media Balls originating and exported from China PR and Thailand.
13. 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.

H. Submission of information

14. The known exporters in the subject country, 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 Anti-Dumping & Allied Duties,
Ministry of Commerce & Industry, Department of Commerce
4th Floor, Jeevan Tara Building,
5 Parliament Street, New Delhi -110001.
dgad.india@gov.in

15. 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 submit a non-confidential version of the same to be made available to the other parties.

I. Time Limit

16. Any information relating to the present review and any request for hearing 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 publication of this 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 Anti-Dumping Rules.

17. 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 initiation of this investigation.

J. Submission of information on confidential basis

18. In case confidentiality is claimed on any part of the questionnaire 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 and accompanied with soft copies.

19. 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.

20. 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.

21. 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.

22. 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.
23. 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.

K. Inspection of public file

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

L. Non-cooperation

25. 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.

(Dr. Inder Jit Singh)
Designated Authority