

F. No.15/21/2016-DGAD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-dumping and Allied Duties

New Delhi, 9th November, 2017

Office Memorandum

- Subject:** Sun Set Review (SSR) investigation for imports of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) originating in or exported from Israel and Taiwan
- Reference:** i) Application dated 14th Nov., 2016 read with subsequent application dated 2nd Dec., 2016 filed by the Petitioner.
- ii) Interim Order of the Hon'ble Delhi High Court dated 11.01.2017

Application(s) referred to above were filed by M/s Gujarat Alkalies & Chemicals Ltd. and M/s Grasim Industries. Ltd. (hereafter referred to as petitioners/applicants) for initiation of Sun Set Review (SSR) investigations and continuation of existing Anti-Dumping Duties on import of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) (hereinafter referred to as subject goods or products under consideration (PUC) from Israel & Taiwan (hereinafter referred to as subject countries).

2. The Application was examined based on the details given in the application as well as import data from DGCI&S in order to examine the volume of imports of PUC during the period of investigation (POI) and injury investigation period.

3. After a detailed examination of the data/information, the Authority declined the initiation of SSR in the present case. However, aggrieved by the O.M dated 02nd January, 2017, the domestic industry approached the Hon'ble Delhi High Court for issuing writ of mandamus and directing the Authority to initiate the Sunset Review Investigation.

4. The Hon'ble Delhi High Court to save the judicial delays and to save the petitions from being infructuous passed an interim order which stated

"In these circumstances, the Court is of the opinion that the petitioners/applicants have shown a prima facie case as well as satisfied that there would be irretrievable injustice given the fact that on the expiry of the day, (i.e. tomorrow midnight), the initiation of review would be rendered impossible. Consequently, a direction is issued to the respondents to – in the course of the day - initiate the Sunset Review in the petitioners' cases. At the same time, the Sunset Review and notification as well as the orders shall carry a stipulation that the proceeding itself would be subject to the final outcome of the writ proceedings."

5. In pursuance of the interim order from the Hon'ble Court, the Authority initiated the present sunset review investigation vide F.NO. 15/21/2016-DGAD dated 12th January, 2017, subject to the final order of the Court.

6. Now, the Hon'ble Court vide order dated 08.11.2017 in W.P. (C) 147/2017, W.P. (C) 247/2017 & W.P. (C) 5089/2017 has stated that

“However, as it now transpires, having had the benefit of the reports of the DA, the Court is now satisfied that the DA was not in error in declining to initiate the SSR. Consequently, regardless of whatever stage the SSR has reached, it will have to now be terminated by virtue of the Court not agreeing with any of the Petitioners in these cases.”

7. Pursuant to the order of the Hon'ble High Court, the Authority terminates the present Sun Set Review (SSR) investigation for imports of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) originating in or exported from Israel and Taiwan filed by M/s Gujarat Alkalies & Chemicals Ltd. and M/s Grasim Industries. Ltd.


9.11.17
(Sunil Kumar)
AS & DA

To M/s TPM Consultants,
K-3/A, Saket , New Delhi-110017
(Applicant)

Cc: M/s Gujarat Alkalies & Chemicals Ltd.,
PO Petrochemicals,
District Baroda, Gujarat-391346

Cc: M/s Grasim India Industries Pvt. Ltd.,
Karwar Chemical Division,
P.O. Binaga-581307
Karwar, Uttarakhand, Karnataka

Cc : Department of Revenue, TRU
Cc: Interested Parties

Cc: Web site of DGAD