

To be published in Part-I Section I of the Gazette of India Extraordinary

**F. No. 6/29/2023-DGTR
Government of India
Department of Commerce
Ministry of Commerce & Industry
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, Parliament Street, New Delhi – 110001**

Dated: 5th November, 2024

PRELIMINARY FINDINGS

Subject: Anti-dumping investigation concerning imports of ‘Textured Tempered Glass’ originating in or exported from China PR and Vietnam.

A. BACKGROUND OF THE CASE

F. No. 6/29/2023-DGTR. — Having regard to 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 Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof, as amended from time to time (hereinafter referred as the ‘Anti-Dumping Rules’ or the ‘Rules’);

1. Whereas, Borosil Renewable Limited (hereinafter referred to as the ‘applicant’ or the ‘domestic industry’) filed an application, before the Designated Authority (hereinafter also referred to as the ‘Authority’) in accordance with the Customs Tariff Act, 1975 and the Anti-Dumping Rules for initiation of an anti-dumping investigation concerning imports of the Textured Tempered Glass (hereinafter also referred to as the ‘product under consideration’ or the ‘PUC’ or the ‘subject goods’ or ‘TTG’) originating in or exported from China PR and Vietnam (hereinafter also referred to as the ‘subject countries’).
2. And whereas, in view of the duly substantiated application filed by the applicant, the Authority issued a public notice vide Notification No. 6/29/2023-DGTR dated 13th February 2024, published in the Gazette of India, initiating an anti-dumping investigation into imports of PUC from the subject countries in accordance with Rule 5 of the anti-dumping rules to determine the existence, degree and effect of any alleged dumping of the subject goods and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

3. The procedure described below has been followed with regard to the investigation:

- a. The Authority notified the embassies of the subject countries in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with sub-rule (5) of Rule 5 supra.
- b. The Authority issued a public notice dated 13th February 2024, published in the Gazette of India, Extraordinary, initiating the anti-dumping investigation concerning the imports of the subject goods from the subject countries.
- c. The Authority sent a copy of the initiation notification to the governments of the subject countries, through their embassies in India, known producers and exporters from the subject countries, known importers/users, the domestic industry, the other Indian producers as well as other interested parties, as per the addresses made available by the applicant and requested them to make their views known in writing within the prescribed time limits.
- d. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the governments of the subject countries, through their embassies in India, in accordance with Rule 6(3) of the Rules. A copy of the non-confidential version of the application was provided to other interested parties, wherever requested.
- e. The Authority sent an Exporter's Questionnaire to the following known producers/exporters to elicit relevant information in accordance with Rule 6(4) of the Rules:
 - i. Flat (Vietnam) Company Limited, Vietnam
 - ii. Dongguan CSG Solar Glass Co., Ltd.
 - iii. Zhejiang Jiafu Glass Co Ltd (Shanghai Flat glass, FSG Group)
 - iv. Henan Ancai Hi Tech Co Ltd.
 - v. Shaanxi Topray Solar, China
- f. The embassies of the subject countries in India were requested to advise the exporters/producers from their country to respond to the questionnaire within the prescribed time limit.
- g. In response, the following producers/exporters from the subject countries have responded by filing questionnaire responses:
 - i. Anhui CSG New Energy Material Technology Co., Ltd
 - ii. Guangxi Xinyi Photovoltaic Industry Co., Ltd
 - iii. Xinyi PV Products (Anhui) Holdings Ltd.
 - iv. Xinyi Solar (Suzhou) Ltd
 - v. Xinyi Solar (Hong Kong) Limited
 - vi. Dongguan CSG Solar Glass Co., Ltd
 - vii. Hunan Kibing Solar Technology Co., Ltd.
 - viii. Ningbo Kibing Photovoltaic Technology Co., Ltd.

- ix. Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd.
- x. Zhejiang Ninghai Kibing New Energy Co., Ltd.
- xi. Wujiang CSG Glass Co., Ltd.
- xii. Anhui Flat Solar Glass Co., Ltd.
- xiii. Flat (Vietnam) Co., Ltd
- xiv. Flat Glass Group Co., Ltd
- xv. Flat (Hong Kong) Co., Limited
- xvi. Shaanxi Topray Solar Co., Ltd
- xvii. Shenzhen Topray Solar Co., Ltd

h. The Authority sent Importer's Questionnaire to the following known importers/users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules.

- i. Mundra Solar PV Limited
- ii. Swelect Energy Systems Limited
- iii. Premier Energies Limited
- iv. Renewsys India Private Limited
- v. Goldi Solar Private Limited
- vi. Waaree Energies Limited
- vii. Alpex Exports Pvt Ltd
- viii. Vikram Solar Pvt Ltd
- ix. Topsun Energy Limited
- x. Tata Power Solar Systems Limited
- xi. Emmvee Photovoltaic Power Pvt Ltd
- xii. Navitas Green Solutions Pvt Ltd
- xiii. Sova Power Limited

- i. None of the importers / users / consumers have filed any questionnaire response.
- j. The Authority made available the non-confidential version of the submissions made by the various interested parties. A list of all the interested parties was uploaded on the DGTR website along with the request to all of them to email the non-confidential version of their submissions to all the other interested parties.
- k. Request was made to the DGCI&S to provide the transaction-wise details of imports of the subject goods for the injury period and also the period of investigation. The Authority has relied upon the DGCI&S data for computation of the volume of imports and required analysis after due examination of the transactions.
- l. The non-injurious price (NIP) based on the optimum cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure-III to the Rules has been worked out so as to ascertain whether anti-dumping duty lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- m. The period of investigation (POI) for the purpose of the present investigation is 1st January 2023 to 31st December 2023 (12 months). The examination of trends in the

context of injury analysis covers a period of 2020-21, 2021-22, 2022-23 and the period of investigation.

- n. The submissions made by the interested parties during the course of this investigation, to the extent supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority, in these preliminary findings.
- o. Information provided by the interested parties on a confidential basis was examined with regard to the sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered confidential and not disclosed to other interested parties. Wherever possible, parties providing information on a confidential basis were directed to provide sufficient non-confidential version of the information filed on a confidential basis.
- p. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has considered such parties as non-cooperative and recorded the views/observations on the basis of the facts available.
- q. The Authority provided time for providing comments on PUC/PCN. However, none of the interested parties provided any comment on the same.
- r. The Authority has considered all the arguments raised and information provided by all the interested parties up to this stage, to the extent the same are supported with evidence and considered relevant to the present investigation. The Authority will further examine the evidentiary documents submitted by the interested parties subsequent to preliminary findings, which will form the basis for conclusions at the time of final findings.
- s. ‘***’ in this notification represents information furnished by an interested party on a confidential basis and so considered by the Authority under the Rules.
- t. The exchange rate adopted by the Authority for the subject investigation is 1 US\$ = ₹ 83.52.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

4. At the stage of initiation, the product under consideration was defined as ‘Textured Toughened (Tempered) Glass with a minimum of 90.5% transmission of thickness not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated’. The product is also known by various names like Solar Glass, Solar Glass Low Iron, Solar PV Glass, High Transmission Photovoltaic Glass, Tempered Low Iron Patterned Solar Glass, etc.

C.1 Views of other interested parties

5. None of the interested parties have provided any comments on the PUC or PCNs.

C.2 Views of the domestic industry

6. The product under consideration is 'Textured Toughened (Tempered) Glass with a minimum of 90.5% transmission of thickness not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated' originating in or exported from China PR and Vietnam.
7. The product in the market parlance is also known by various names such as Solar Glass, Solar Glass Low Iron, Solar PV Glass, High Transmission Photovoltaic Glass, Tempered Low Iron Patterned Solar Glass etc. Textured Tempered Glass is used as a component in Solar Photovoltaic Panels and Solar Thermal applications. The level of transmission can be achieved by keeping the iron content low, typically less than 200 ppm. The transmission level goes up by about 2%-3% when coated with an anti-reflective coating liquid.
8. The subject products are predominantly imported under tariff classification at the 8-digit level is 70071900 even though the same are being classified and imported under various sub-headings of the Customs Tariff Act, 1975, as can be seen from the import data. However, it is noted that subject goods are also being imported in the sub-headings 70031990, 70051010, 70051090, 70052190, 70052990, 70053090, 70071900, 70072190, 70072900, 70169000, 70200090 and 85414011 as evidenced by the import data. Moreover, it is also submitted that the custom classification is indicative only and in no way, it is binding upon the product scope and the product description prevails in circumstances of conflict
9. There is no known difference in the subject goods produced by the domestic industry and those imported from the subject countries. The subject goods produced by the domestic industry and the subject goods imported from the subject countries are comparable in terms of characteristics such as physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, distribution and market & tariff classification of the goods. The applicants have claimed that the subject goods, which are being coming into India, are identical to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end-uses of the subsidized imports and the domestically produced subject goods and the product under consideration manufactured by the applicants. The two are technically and commercially substitutable and hence should be treated as 'like article' under the Rules.

C.3 Examination by the Authority

10. The product under consideration in the present investigation was, at the stage of initiation, defined as 'Textured Toughened (Tempered) Glass with a minimum of 90.5% transmission of thickness not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated.
11. The PUC is also known by various other names such as solar glass, solar glass low iron, solar PV glass, high transmission photovoltaic glass, tempered low iron patterned solar glass etc. The PUC is used as a component in solar photovoltaic panels and solar thermal applications. The level of transmission can be achieved by keeping the iron content low, typically less than

200 ppm. The transmission level goes up by about 2%-3% when coated with an anti-reflective coating liquid.

12. The product under consideration is classified under the category 'Glass and Glassware' in Chapter 70 of the Customs Tariff Act, 1975 and further under 7003, 7005, 7007, 7016, 7020 and 8541 as per Customs Classification. However, Customs classification is indicative only and not binding on the scope of the investigation.
13. With regard to like article, Rule 2(d) of the Rules 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.'

14. The Authority notes that there is no known difference in product under consideration produced by the Indian industry and exported from the subject countries. Product under consideration produced by the Indian industry and imported from the subject countries are comparable in terms of characteristics such as physical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The subject goods produced by the domestic industry are like article to the product under consideration imported from subject country within the scope and meaning of Rule 2(d) of anti-dumping Rules.
15. No arguments were filed by the interested parties regarding the product under consideration and like article issue. The Authority, therefore, confirms that the scope of the product under consideration as defined in the initiation notification.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

16. The current application has been filed by M/s Borosil Renewables Limited. It accounts for almost 72% of the total production of the subject goods in India during the period of investigation. The applicant has claimed that there are five other known producers of the PUC in the country.
17. As per the available information, applicant, has neither imported the subject goods from subject country nor it is related to any importer or producer / exporters of the subject goods.

D.1 Views of other interested parties

18. The other interested parties have not made any submissions with regard to the scope of domestic industry and standing.

D.2 Views of the domestic industry

19. The submissions of the domestic industry with regard to the scope of domestic industry and standing are as follows:

- i. The present application has been filed by Borosil Renewables Limited (BRL) and they are the major producers of the subject goods in India.
- ii. There are five (5) other known producers of the subject goods in India.
- iii. The domestic industry has not imported the subject goods from the subject countries and is not related to any exporter of the subject goods in the subject countries or importer of the subject goods in India.

D.3 Examination by the Authority

20. Rule 2(b) of the Anti-Dumping Rules defines the domestic industry as under:

'(b) 'domestic industry' means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term 'domestic industry' may be construed as referring to the rest of the producers.'

21. The Authority notes that the application has been filed by Borosil Renewables Limited (BRL). It is further noted that apart from applicant industry, there are 4 other producers namely Gobind Glass & Industries Ltd, Triveni Renewables Private Ltd., Vishakha Glass Pvt. Ltd., and Gold Plus Float Glass Pvt. Ltd. who have commenced production in the POI.

22. The Authority further notes that the applicant has not imported the subject goods from the subject countries and that it is not related to any exporter of the subject goods in the subject countries or importer of the subject goods in India. Further, the production of the applicant accounts for a major proportion of the total domestic production. Thus, the applicant constitutes domestic industry as defined under Rule 2(b) of the Anti-Dumping Rules, and the application satisfies the requirement of standing in terms of Rule 5(3) of the Anti-Dumping Rules.

E. CONFIDENTIALITY

E.1 Views of other interested parties

23. The producers/exporters/other interested parties have not made any submission in this regard.

E.2 Views of the domestic industry

24. The domestic industry has not made any submission in this regard.

E.3 Examination by Authority

25. With regard to confidentiality of information, Rule 7 of Anti-dumping Rules provides as follows:

'Confidential information:

- (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule(2) of rule 12, sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.*
- (2) The designated authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.*
- (3) Notwithstanding anything contained in sub-rule (2), if the designated 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 authorise its disclosure in a generalized or summary form, it may disregard such information.'*

26. The Authority, for the purpose of the present provisional findings, has relied upon the information/data provided as claimed in the questionnaire responses filed by the producers / exporters from the subject countries for calculation of the margins. Detailed examination, analysis and verification will be conducted during the further course of the investigation.

F. NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

F.1 Views of other interested parties

27. The other interested parties have not made any submissions with regard to normal value, export price and dumping margin.

F.2 Views of the domestic industry

28. The submissions of the domestic industry with regard to the normal value, export price and dumping margin are as follows:

- i. China PR should be treated as a non-market economy in accordance with Article 15(a)(i) of China's Accession Protocol and the normal value should be determined in terms of Annexure I, Rule 7 of the Rules.

- ii. The domestic industry has not been able to determine the normal value based on the price in a market economy third country due to non-availability of verifiable information/data. The domestic industry has, therefore, determined the normal value on the basis of cost of production of the applicant with addition for administrative, selling and general expenses and reasonable profits.
- iii. While computing normal value for Vietnam, the Authority should consider international prices for the raw material, which the exporters are procuring from China. The Authority in many cases had taken such approach in earlier investigations.
- iv. Export price must be determined considering the volume and value of imports for the proposed period of investigation adopted from the published DGCIS data after due adjustments are made to determine the ex- factory price.
- v. The dumping margins for the subject countries are not only above the *de minimis* levels, but also significant.

F.3 Examination by the Authority

29. Under section 9A(1)(c), the normal value in relation to an article means:

'i) The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6), or

ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:

(a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);

(b) Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.'

30. The Authority notes that the following producers/exporters of the subject goods have filed exporter's questionnaire responses:

- a. Xinyi Group, China

- b. Kibing Group, China
- c. Flat Group, China
- d. Anhui CSG New Energy Material Technology Co., Ltd
- e. Dongguan CSG Solar Glass Co., Ltd
- f. Wujiang CSG Glass Co., Ltd
- g. Anhui Flat Solar
- h. Flat Group Vietnam

F.3.1 Determination of Normal Value and Export Price

Normal Value for China

31. The Authority notes the following relevant provisions with regard to the determination of normal value for China PR. Provisions under Para 7 and Para 8 of Annexure I to the Anti-Dumping Rules are as under:

'7. In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including India, or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted, if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner [keeping in view the level of development of the country concerned and the product in question] and due account shall be taken of any reliable information made available at the time of the selection. Account shall also be taken within time limits; where appropriate, of the investigation if any made in a similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without unreasonable delay of the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.

'8. (1) The term 'non-market economy country' means any country which the designated authority determines as not operating on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise, in accordance with the criteria specified in subparagraph (3).

(2) There shall be a presumption that any country that has been determined to be, or has been treated as, a non-market economy country for purposes of an antidumping investigation by the designated authority or by the competent authority of any WTO member country during the three-year period preceding the investigation is a non-market economy country. Provided, however, that the non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the designated authority that establishes that such country is not a non-market economy country on the basis of the criteria specified in subparagraph (3)

(3) The designated authority shall consider in each case the following criteria as to whether: (a) the decisions of the concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values; (b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts; (c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and (d) the exchange rate conversions are carried out at the market rate. Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the designated authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph.

(4) Notwithstanding, anything contained in sub-paragraph (2), the designated authority may treat such country as a market economy country, on the basis of the latest detailed evaluation of relevant criteria, which includes the criteria specified in sub-paragraph (3), has been, by publication of such evaluation in a public document, treated or determined to be treated as a market economy country for the purposes of anti-dumping investigations, by a country which is a Member of the World Trade Organization.'

32. At the stage of initiation, the Authority proceeded with the presumption of treating China PR as a non-market economy country. Upon initiation, the Authority advised the producers/exporters in China PR to respond to the notice of initiation and provide information on whether their data/information could be adopted for normal value determination. The Authority sent copies of the market economy treatment/supplementary questionnaire to all the known producers/ exporters in China PR to provide relevant information in this regard.

33. Article 15 of China's Accession Protocol in WTO provides as follows:

'(a) In determining price comparability under Article VI of the GATT 1994 and the Anti-Dumping Agreement, the importing WTO Member shall use either Chinese prices or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:

If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall

use Chinese prices or costs for the industry under investigation in determining price comparability;

The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

(b) In proceedings under Parts II, III and V of the SCM Agreement, when addressing subsidies described in Articles 14(a), 14(b), 14(c) and 14(d), relevant provisions of the SCM Agreement shall apply; however, if there are special difficulties in that application, the importing WTO Member may then use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the importing WTO Member should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.

(c) The importing WTO Member shall notify methodologies used in accordance with subparagraph (a) to the Committee on Anti-Dumping Practices and shall notify methodologies used in accordance with subparagraph (b) to the Committee on Subsidies and Countervailing Measures.

(d) Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector.'

34. The Authority notes that while the provisions of Article 15 (a)(ii) of China PR's Accession Protocol have expired with effect from 11th December 2016, the provision under Article 2.2.1.1 of the Anti-Dumping Agreement read with an obligation under 15(a)(i) of the Accession Protocol require criterion stipulated in Para 8 of Annexure 1 of Anti-Dumping Rules to be satisfied through the information/data to be provided in the supplementary questionnaire for claiming MET status. The Authority notes that no producer or exporter from China PR has submitted market economy treatment or supplementary questionnaire response. Therefore, the normal value computation for these producers/exporters is required to be determined in terms of provisions of Para 7 of Annexure-1 of Anti-Dumping Rules.
35. It is noted that paragraph 7 of Annexure-I to the AD Rules stipulates three methods of constructing the normal value for Non-Market Economies: (a) on the basis of price or

constructed value in a market economy third country; (b) export price from a third country to other countries, including India; and (c) on any other reasonable basis. The Authority notes that under the provisions of paragraph 7 of Annexure-I to the AD Rules, the normal value must first be determined on the basis of the price or constructed value in a surrogate country, or the price of the exports from such country to other countries, including India.

36. At the application filing stage, the domestic industry submitted a computation of the normal value based on a constructed normal value methodology, given that all major sources of the subject goods were under investigation. Following the initiation of the investigation, neither the domestic industry nor any interested parties proposed a surrogate country for consideration. Furthermore, it has been observed that there is no dedicated Harmonized System (HS) Code for the PUC. In the absence of export data from the subject countries to other jurisdictions, the Authority has been unable to determine the normal value based on the exports of the subject goods from China to other countries. Consequently, in light of the insufficient available information, the Authority has opted to construct the normal value using the third method outlined in the relevant provisions, specifically relying on any other reasonable basis, including the price actually paid or payable in India.
37. For this purpose, the Authority has considered the optimized cost of production of the domestic industry, with a reasonable addition of selling, general and administrative expenses and profits.

Export price for producers / exporters from China

a. Export price in case of Xinyi Group entities from China

38. The Authority notes that four entities of Xinyi Group, namely, Guangxi Xinyi Photovoltaic Industry Co., Ltd, Xinyi PV Products (Anhui) Holdings Ltd, Xinyi Solar (Suzhou) Ltd and Xinyi Solar (Hong Kong) Limited, have filed the exporter questionnaire response. From their responses, it is noted that Guangxi Xinyi Photovoltaic Industry Co., Ltd. and Xinyi Solar (Suzhou) Ltd, have exported the subject goods directly to India and also through Xinyi PV Products (Anhui) Holdings Ltd, and Xinyi Solar (Hong Kong) Limited. Xinyi PV Products (Anhui) Holdings Ltd. has also exported the subject goods directly to India and also through Xinyi Solar (Hong Kong) Limited. The Authority has considered the data submitted by the above entities for the purpose of these preliminary findings. The exporters have claimed adjustments on account of inland freight, ocean freight, marine insurance, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

b. Export price in case of Kibing Group entities from China

39. The Authority notes that four entities of Kibing Group, namely, Hunan Kibing Solar Technology Co., Ltd., Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd., Ningbo Kibing Photovoltaic Technology Co., Ltd. and Zhejiang Ninghai Kibing New Energy Management Co., Ltd., have filed the exporter questionnaire responses. From their responses, it is noted that the three companies Hunan Kibing Solar Technology Co., Ltd., Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd., Ningbo Kibing Photovoltaic Technology Co., Ltd, have exported the subject goods through Zhejiang Ninghai Kibing New Energy Management Co., Ltd. The Authority has considered the data submitted by the above entities for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, ocean freight, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

c. Export price in case of Flat Glass Group from China

40. The Authority notes that the three entities of Flat Glass Group, namely, Anhui Flat Solar Glass Co., Ltd., Flat Glass Group Co., Ltd. and Flat (Hong Kong) Co., Limited., have filed the exporter questionnaire responses. From their responses, it is noted that Anhui Flat Solar Glass Co., Ltd., Flat Glass Group Co., Ltd, have exported the subject goods through Flat (Hong Kong) Co. Ltd. The Authority has considered the data submitted by the above entities for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

d. Export price in case of Topray Group from China

41. The Authority notes that the two entities of Topray Group, namely, Shenzhen Topray Solar Co., Ltd. and Shaanxi Topray Solar Co., Ltd., have filed the exporter questionnaire response. From their responses, it is noted that Shenzhen Topray has exported the subject goods through Shaanxi Topray Solar Co., Ltd. The Authority has considered the data submitted by the above entities for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, ocean freight, marine insurance, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV &

net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

e. Export price in case of Anhui CSG New Energy Material Technology Co., Ltd from China

42. The Authority notes from the questionnaire response of Anhui CSG New Energy Material Technology Co., Ltd. that during the POI it has directly exported the subject goods to India. The Authority has considered the data submitted by the above entity for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, port and handling charges, credit cost, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

f. Export price in case of Dongguan CSG Solar Glass Co., Ltd from China

43. The Authority notes from the questionnaire response of Dongguan CSG Solar Glass Co., Ltd that during the POI it has directly exported the subject goods to India. The Authority has considered the data submitted by the above entity for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, ocean freight, marine insurance, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

g. Export price in case of Wujiang CSG Glass Co., Ltd from China

44. The Authority notes from the questionnaire response of Wujiang CSG Glass Co., Ltd that during the POI it has directly exported the subject goods to India. The Authority has considered the data submitted by the above entity for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, ocean freight, marine insurance, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The CNV & net export price have been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

Export price for all non-cooperative producers/exporters from China PR

45. The export price for all the non-cooperative producers/exporters from China has been determined based on facts available in terms of Rule 6(8) of the Rules.

Normal value for Flat (Vietnam) Solar Glass Co. Ltd., from Vietnam

46. Based on the information furnished in the questionnaire response, the Authority notes that M/s Flat (Vietnam) Solar Glass Co. Ltd. is a producer of the subject goods and has exported the subject goods to India during the POI through Flat (Hong Kong) Co. Ltd.
47. The exporter has sold *** MT of the PUC in the domestic market whereas, it has exported *** MT of the subject goods to India through Flat (Hong Kong) Co. Ltd during the POI. The Authority has first examined whether the total domestic sales of the subject goods by the producer/exporter concerned in the subject country were representative when compared to their total sales of the subject goods in the exporting country. Thereafter, it was examined whether their sales are under ordinary course of trade in terms of the Annexure-I to the Anti-dumping Rules. The Authority has considered the data submitted by the above entities for the purpose of these preliminary findings. However, the final acceptance will be based on the detailed verification of the above producer/exporter during the further course of investigation.
48. The Authority examined all domestic sales transactions concerning the cost of production of the subject goods to determine if these sales were in the ordinary course of trade. To establish the normal value, the Authority conducted a test to identify profit-making domestic sales transactions. If more than 80% of these transactions are profitable, all domestic sales are considered for determining the normal value. If profitable transactions constitute less than 80%, only those profitable sales are considered. In this case, since over 80% of the sales were profitable by volume, all domestic sales were included in the determination of the normal value. The producer's claims for inland freight, credit costs, and bank charges as post-factory expenses have been provisionally accepted by the Authority. The normal value has been calculated separately for coated and uncoated PUC for fair comparison and then weighted average has been determined which is mentioned below in the dumping margin table.

Export prices for Flat (Vietnam) Co. Ltd.

49. The Authority notes that Flat (Vietnam) Co. Ltd. has exported the subject goods through Flat (Hong Kong) to India during the POI. The Authority has considered the data submitted by the above entity for the purpose of these preliminary findings. The exporter has claimed adjustments on account of inland freight, ocean freight, port and handling charges, credit cost, bank charges, etc. and these have been preliminarily accepted at this stage. However, the final acceptance will be based on the detailed verification of the above producers/exporters during the further course of investigation. The net export price has been calculated separately for coated and uncoated PUC for fair comparison and then

weighted average has been determined which is mentioned below in the dumping margin table.

Export price and Normal value for all non-cooperative producers/exporters from Vietnam

50. The export price and normal value for all the non-co-operative producers/exporters has been determined based on facts available in terms of Rule 6(8) of the Rules.

F3.3. Dumping Margin

51. The normal value, export price and dumping margin determined in the present investigation are as follows:

Dumping Margin Table

Producer	Export Price (USD/MT)	Normal value (USD/MT)	Dumping Margin (USD/MT)	Dumping Margin (%)	Dumping Margin
					(Range)
China					
Shaanxi Topray Solar Co., Ltd / Shenzhen Topray Solar Co., Ltd	***	***	***	***	60-70
Anhui Flat Solar Glass / Flat Glass Group Co., Ltd Co Flat (Hong Kong) Co., Limited., Ltd.	***	***	***	***	55-65
Anhui CSG New Energy Material Technology Co., Ltd	***	***	***	***	50-60
Dongguan CSG Solar Glass Co., Ltd	***	***	***	***	50-60
Wujiang CSG Glass Co., Ltd	***	***	***	***	50-60
Xinyi group: Guangxi Xinyi Photovoltaic Industry Co., Ltd / Xinyi Solar (Suzhou) Ltd / Xinyi Solar (Hong Kong) Limited	***	***	***	***	60-70
Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd. Kibing Group/ Ningbo Kibing Photovoltaic Technology Co., Ltd	***	***	***	***	50-60
Others	***	***	***	***	80-90

Producer	Export Price (USD/MT)	Normal value (USD/MT)	Dumping Margin (USD/MT)	Dumping Margin (%)	Dumping Margin
					(Range)
Vietnam					
Flat (Vietnam) Co., Ltd/ Flat (Hong Kong) Co., Limited., Ltd.	***	***	***	***	30-40
Others	***	***	***	***	30-40

G. ASSESSMENT OF INJURY AND CAUSAL LINK

G.1 Views of other interested parties

52. The other interested parties have not made any submissions with regard to injury and causal link.

G.2 Views of the domestic industry

53. The following submissions have been made by the domestic industry with regard to the injury and causal link;

- i. Despite the presence of the domestic industry and other producers, the imports have dominated the entire market. The imports from subject countries constitute ***% of the market share during the period of investigation
- ii. The volume of imports from the subject country was *** times the Indian production in the period of investigation., despite new capacities being added in the Indian market. This clearly shows that the exporters are flooding the Indian market to drive out the domestic industry.
- iii. The dumped imports are undercutting the prices of the domestic industry, and the undercutting is significantly positive during the period of investigation.
- iv. The subject imports have continuously caused strain on the prices of the domestic industry as they were priced lower than the selling price of the domestic industry throughout the injury period.
- v. In the period of investigation, the landed value of the subject goods was below the cost of sales and selling price of the domestic industry. This clearly shows the price pressure on the domestic industry.
- vi. The dumped imports have had a suppressing effect on the prices of the domestic industry.
- vii. The share of the domestic industry in the demand is a meagre **%, despite having sufficient capacity to meet the Indian demand.
- viii. Due to the constant pressure of dumped imports, the domestic industry has not been able to dispose of its production sufficiently. As a result, the domestic industry

was forced to undertake exports to dispose of their inventories to avoid piling up the goods.

- ix. In the period of investigation, the profitability of the domestic industry has declined by nearly ***% when compared to the base year. The domestic industry has also faced significant cash losses and a negative return of ***%. This is substantial by any standards.
- x. The domestic industry has also submitted that post initiation, their losses increased substantially and imports also increased.
- xi. There is a critical need for the imposition of an interim duty in the present case because the domestic industry has been struggling to maintain its operations, leaving aside reaching desired levels.

G.3 Examination by the Authority

54. Rule 11 of Antidumping Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate 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 the 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 article 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. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Anti-Dumping Rules.
55. The Authority has examined the arguments and counterarguments of the interested parties with regard to injury to the domestic industry. The injury analysis made by the Authority hereunder addresses the various submissions made by the interested parties.

G.3.1 Cumulative assessment of injury

56. Article 3.3 of the WTO agreement and para (iii) of Annexure II of the Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigations, the Authority will cumulatively assess the effect of such imports, in case it determines that:
- a. The margin of dumping established in relation to the imports from each country is more than two percent expressed as a percentage of export price and the volume of the imports from each country is three percent (or more) of the import of like article or where the export of individual countries is less than three percent, the imports collectively account for more than seven percent of the import of like article, and

- b. Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

57. The Authority notes that:

- a. The subject goods are being dumped into India from the subject countries. The margin of dumping from each of the subject countries is more than the *de minimis* limits prescribed under the Rules.
- b. The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
- c. Cumulative assessment of the effects of import is appropriate as the imports from the subject countries not only directly compete with the like articles offered by each of them but also the like articles offered by the domestic industry in the Indian market.

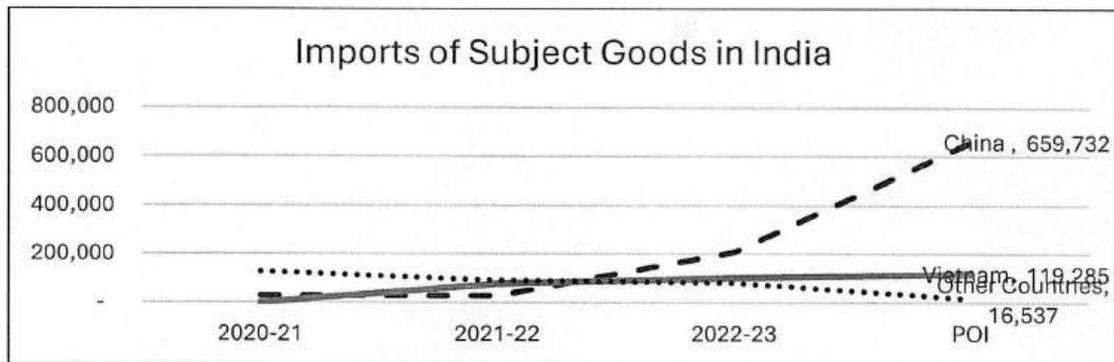
58. In view of the above, the Authority considers that it is appropriate to assess the effect of dumped imports of the subject goods from China PR and Vietnam on the domestic industry.

G.3.2 Volume effect of the dumped imports

a) Assessment of demand / apparent consumption

59. The Authority has defined, for the purpose of the present investigation, demand or apparent consumption of the product concerned in India as the sum of the domestic sales of the domestic industry and other Indian producers and imports from all sources. The demand so assessed is given in the table below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Subject countries	MT	29,980	106,464	312,595	779,017
China	MT	29,324	28,372	209,317	659,732
Vietnam	MT	656	78,093	103,277	119,285
Other Imports	MT	128,819	91,972	82,930	16,537
Total Imports	MT	158,799	198,436	395,524	795,555
Sales of the domestic industry	MT	***	***	***	***
Sales of Other Domestic Producers	MT	0	0	0	***
Total Demand/Consumption	MT	***	***	***	***



60. The Authority observes and notes the following from the table and the graph above:

- a. Imports from Subject Countries: Imports from subject countries (including China and Vietnam) showed a significant increase over the years. Starting at 29,980 MT in 2020-21, they surged to 779,017 MT during the POI (Period of investigation).
- b. China's Contribution: Imports from China grew from 29,324 MT in 2020-21 to 659,732 MT during the POI.
- c. Vietnam's Contribution: Imports from Vietnam increased from 656 MT in 2020-21 to 119,285 MT in the POI, with the highest spike between 2020-21 and 2021-22.
- d. Other Imports: Imports from other sources outside the subject countries decreased over time, starting from 128,819 MT in 2020-21 to 16,537 MT during the POI.
- e. Total Imports: Reflecting the rise in imports from subject countries, the total imports grew significantly from 158,799 MT in 2020-21 to 795,555 MT in the POI, indicating a shift towards imports from the subject countries.
- f. Sales of the domestic industry: Sales volumes of the domestic industry remained relatively stable over the first three years, ranging between *** MT to *** MT, and increased to *** MT during the POI.
- g. Sales of Other Domestic Producers: There were no sales recorded for other domestic producers from 2020-21 to 2022-23. Sales of *** MT were made during the POI.
- h. Total Demand/Consumption: The overall market demand or consumption has been on an upward trend throughout the period, growing from *** MT in 2020-21 to *** MT during the POI, indicating increased market activity.

b) Import Volumes from the subject countries

61. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied upon DGCI&S data. The import volumes of the subject goods from the subject countries and share of the dumped imports during the injury investigation period are as follows:

Particulars	Unit	2020-21	2021-22	2022-23	POI
China	MT	29,324	28,372	209,317	659,732

Particulars	Unit	2020-21	2021-22	2022-23	POI
Vietnam	MT	656	78,093	103,277	119,285
Imports from subject countries	MT	29,980	106,464	312,595	779,017
Other Countries	MT	128,819	91,972	82,930	16,537
Total imports	MT	158,799	198,436	395,524	795,555
Production	MT	***	***	***	***
Production	Indexed	100	118	129	209
Demand / Consumption	MT	***	***	***	***
Consumption	Indexed	100	120	203	411
Subject import in relation to:					
Total imports	%	19%	54%	79%	98%
Production	%	***	***	***	***
Trend	Indexed	100	300	808	1245
Demand / Consumption	%	***	***	***	***
Trend	Indexed	100	297	514	633

62. From the above, the Authority notes that-
- The imports have increased significantly in the period of investigation as compared to any of the previous years.
 - The imports from the subject countries constitute almost the entirety of the imports into the country, with a share of 98% during the period of investigation.
 - The imports in relation to production were higher in the POI as compared to any of the previous years.
 - The subject imports increased in absolute terms as well as in relative terms and are highest in the POI.

G.3.3 Price effect of the dumped imports

63. In terms of Annexure II (ii) of the Rules, with regard to the effect of the dumped imports on prices, the Authority is required to consider 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 increase, which otherwise would have occurred, to a significant degree.

a) Price undercutting

64. Price undercutting has been determined by comparing the net sales realization of the domestic industry with the landed price of the imports for the period of investigation. It is seen that the price undercutting is positive during the period of investigation.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Net selling price	₹/MT	***	***	***	***
Landed Price	₹/MT	48,072	47,848	45,606	42,872
Price undercutting	₹/MT	***	***	***	***
Price undercutting	%	***	***	***	***
Range	Range	0-10	10-20	15-25	0-10

65. It is noted that during the period of investigation, the subject imports were undercutting the prices of the domestic industry.

b) Price suppression/depression

66. In order to determine whether the dumped imports are depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increase which otherwise would have occurred in the normal course, the changes in the costs and prices over the injury period, were compared as below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Cost of Sales (Domestic)	₹/MT	***	***	***	***
Trend	Indexed	100	109	119	105
Selling Price	₹/MT	***	***	***	***
Trend	Indexed	100	114	111	93
Landed Price	₹/MT	***	***	***	***
Trend	Indexed	100	100	95	89

67. The Authority notes from the above that the landed value of the imports was below the selling price of the domestic industry throughout the injury period.

68. During the period of investigation, the landed value of the subject goods remained lower than the cost of sales of the domestic industry and its domestic selling prices. This prevented the domestic industry from keeping its price in tandem with the cost of sales. It is, therefore, noted that the imports have prevented price increase, which otherwise, would have occurred. Thus, the imports have had suppressing effect on the prices of the domestic industry.

G.3.4 Economic parameters of the domestic industry

69. Annexure II to the Anti-Dumping Rules requires that the determination of injury shall involve an objective examination of the consequent impact of dumped imports on domestic producers of the subject goods. The Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share,

productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments. The various injury parameters relating to the domestic industry are discussed herein below.

a) Production, capacity, capacity utilization and sales volumes

70. Capacity, production, sales and capacity utilization of the domestic industry over the injury period were as below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Installed Capacity	MT	***	***	***	***
Trend	Indexed	100	114	128	232
Total Production	MT	***	***	***	***
Trend	Indexed	100	115	125	199
Production-PUC	MT	***	***	***	***
Trend	Indexed	100	118	129	209
Capacity Utilization	%	***	***	***	***
Trend	Indexed	100	100	98	86
Domestic Sales	MT	***	***	***	***
Trend	Indexed	100	109	107	188
Export Sales	MT	***	***	***	***
Trend	Indexed	100	153	210	271
Demand / Consumption	MT	***	***	***	***
Trend	Indexed	100	120	203	411

71. From the above, the Authority notes that:

- a. The domestic industry has increased their capacity throughout the injury investigation period to cater to the increasing demand of India. Capacity utilization of the domestic industry was ***% of the installed capacity during the period of investigation. This implies that around ***% of the installed capacity remained unutilized, despite significant increase in the demand of the subject goods.
- b. The domestic sales of the domestic industry are negligible (around ***%), in comparison to the total demand of the subject goods.
- c. As per the data available on record, other producers have combined capacity of *** MT. The total available capacity in India along with applicant industry is as follows:

Particulars	Capacity	Sales	Imports - Total	Total Demand
Production (MT)				
Applicant (MT)	***	***		
Gobind Glass & Industries Ltd. (MT)	***	***		
Triveni Renewables Private Ltd. (MT)	***	***		
Vishakha Glass Pvt. Ltd. (MT)	***	***		
Gold Plus Float Glass Pvt. Ltd. (MT)	***			
Emerge Glass (MT)	***			
Total (MT)	***	***	***	***

- d. From the above, it is noted that currently Indian producers have around ***% of the Indian demand. Moreover, as submitted by the Indian industries, some of the other producers have delayed the installation of their machineries because of influx of imports from China, post expiry of anti-dumping duties.

b) Market share

72. Market share of the domestic industry and of imports was as shown in the table below:

Market share	Unit	2020-21	2021-22	2022-23	POI
Domestic industry Sales	MT	***	***	***	***
Trend	Indexed	100	109	107	188
Sales of Other Indian Producers	MT	-	-	-	***
Trend	Indexed	-	-	-	100
Total Indian Sales	MT	***	***	***	***
Trend	Indexed	100	109	107	225
Imports from Subject Countries	MT	***	***	***	***
Trend	Indexed	100	355	1,043	2,598
Imports from Other Countries	MT	***	***	***	***
Trend	Indexed	100	71	64	13
Total Imports	MT	***	***	***	***
Trend	Indexed	100	125	249	501
Demand in India	MT	***	***	***	***
Trend	Indexed	100	120	203	411
Market Share					
Domestic industry	%-	***	***	***	***
Trend	Indexed	100	91	53	46

Market share	Unit	2020-21	2021-22	2022-23	POI
Other Producers Industry	%-	***	***	***	***
Trend	Indexed	-	-	-	100
Indian producers	%-	***	***	***	***
Trend	Indexed	100	91	53	55
Subject imports	%-	***	***	***	***
Trend	Indexed	100	292	500	615
Other Country Imports	%-	***	***	***	***
Trend	Indexed	100	60	31	4

73. It is noted that despite having sufficient capacity of approximately ***% of the demand, the share of the domestic industry in the Indian market is only *** %. The imports from the subject countries have continued to dominate the Indian market throughout the injury period with an ***% share during the period of investigation.

c) Inventories

74. Inventory position of the domestic industry over the injury period is given in the table below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Opening Inventory	MT	***	***	***	***
Closing Inventory	MT	***	***	***	***
Average Inventory	MT	***	***	***	***
Trend	Indexed	100	104	289	405

75. It is noted that the average inventories of the domestic industry have increased throughout the injury investigation period. Further, it is seen that the average inventory was highest during the period of investigation.

d) Profitability, cash profits and return on capital employed

76. Profitability, return on investment and cash profits of the domestic industry over the injury period are given in the table below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Cost of sales (domestic)	₹/MT	***	***	***	***
Trend	Indexed	100	109	119	105
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	114	111	93
Profit/ (loss)	₹/MT	***	***	***	***
Trend	Indexed	-100	-56	-236	-269
Profit/ (loss)	₹ Lacs	***	***	***	***

Particulars	Unit	2020-21	2021-22	2022-23	POI
Trend	Indexed	-100	-61	-253	-505
Cash Profit / Loss	₹ Lacs	***	***	***	***
Trend	Indexed	-100	-43	-316	-633
Return on investment	%	***	***	***	***
Trend	Indexed	-100	-83	-269	-453

77. From the above, the Authority notes that:

- a. The selling price of the domestic industry has declined in the POI vis-à-vis year 2021-22 and 2022-23.
- b. During the POI, the cost of the domestic industry declined, however, the decline in selling price was steeper. The applicant has submitted that this has further worsened their position.
- c. The applicant has incurred losses and cash losses and is suffering negative return on investment during the period of investigation.

e) Employment, productivity and wages

78. The Authority has examined the information relating to employment, wages and productivity, as given below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
No. of employees	Nos.	***	***	***	***
Trend	Indexed	100	125	172	177
Salaries & Wages	₹ Lacs	***	***	***	***
Trend	Indexed	100	153	118	115
Salaries & Wages	Rs/Nos	***	***	***	***
Trend	Indexed	100	122	68	65
Productivity per day	MT/Days	***	***	***	***
Trend	Indexed	100	118	129	209
Productivity per employee	MT/Nos	***	***	***	***
Trend	Indexed	100	95	75	118

79. It is noted that the number of employees increased throughout the injury investigation period, as the domestic industry has increased the capacity to cater to the increased demand. It is further noted that the productivity has also increased which shows that there is no negative impact of increase in the number of employees.

80. The salary paid to the employees decreased by around 35% i.e., from 100 indexed points in the base year to 65 indexed points in the period of investigation, which, as submitted by the domestic industry indicates the negative impact of dumping on it.

f) Growth

Particulars	Unit	2020-21	2021-22	2022-23	POI
Demand - MT	%		***	***	***
Production - MT	%	-	***	***	***
Domestic Sales - MT	%		***	***	***
Market share %	%		***	***	***
Domestic sales - Rs/MT	%	-	***	***	***
Profit / Loss - Rs/MT	%	-	***	***	***
Cash Profits - Rs/MT	%	-	***	***	***
Return on capital employed %	%	-	***	***	***

81. From the above, the Authority notes that the demand of the subject goods increased substantially during the injury investigation period. However, the domestic sales and market share have not increased in the same ratio. Profitability, cash flow and return on capital employed were significantly negative in the period of investigation which is reflective of the deterioration of performance of the domestic industry during the period of investigation.

g) Impact on the ability to raise capital investment

82. The applicant has submitted that it has incurred steep losses and is facing negative returns. The Earnings Before Interest, Taxes, Depreciation, and Amortization (EBIDTA) has continuously deteriorated over the injury period and remained negative. The applicant has further submitted that the negative EBIDTA shows that the domestic industry is not earning enough to even meet its present obligations and there is a negative impact on the ability to raise capital investment.

h) Factors affecting prices

83. It is noted that the domestic industry has not been able to increase its prices to a remunerative level during the period of investigation. The imports have forced the domestic industry to sell the goods below cost. Further, the low-priced imports have also resulted in low market share, and underutilized capacity. Thus, the subject imports have affected the prices of the domestic industry.

i) The magnitude of dumping

84. There is significant dumping of the subject goods from the subject countries which has severely impacted the conditions of fair competition in the market.

G.3.5 Overall assessment of injury

85. The provisional examination of the imports of the subject product and the performance of domestic industry shows that:

- (i) Despite the fact that the Indian industry has enough capacity to cater to approximately ***% of the Indian demand, the imports have dominated the market.
- ii) The imports have increased throughout the injury investigation period. However, the increase was steep during the period of investigation.
- iii) The imports are ***% higher than the production of the domestic industry and constitute ***% of the Indian market.
- iv) The imports from the subject countries constitute 98% of imports of the product under consideration in India.
- v) The subject imports are undercutting the prices of the domestic industry. The price undercutting is positive and substantial during the period of investigation.
- vi) The imports have prevented the increase in the selling price of the domestic industry, which otherwise could have occurred.
- vii) The share of the domestic producers in the demand is only ***% which is significantly low when domestic producers can cater to around ***% of the Indian demand.
- viii) The average inventory of the domestic industry is very high during the period of investigation.
- ix) The domestic industry is suffering significant financial losses. The domestic industry is facing losses with cash losses and a negative return on investment during the period of investigation.
- x) The imports have adversely impacted the ability of the domestic industry to raise further capital investments.
- xi) The dumping margin is positive and significant.

86. In view of the foregoing, the Authority provisionally concludes that the domestic industry has suffered material injury.

G3.6 Non-attribution analysis and causal link

87. Having examined the existence of injury, volume and price effect of dumped imports on the prices of the domestic industry, the Authority has examined whether injury to the domestic industry can be attributed to any factor, other than the dumped imports, as listed under the Rules.

a) Volume and value of imports from third countries

88. It is noted that imports from non-subject countries are negligible by the way of volume. The imports from the subject countries constitute around ***% of the imports in India. Therefore, the injury caused cannot be attributed to the third countries.

b) Contraction in demand

89. The Authority notes that the demand for the subject goods has increased throughout the injury investigation period. Therefore, the domestic industry has not suffered injury due to a contraction in demand.

c) Pattern of consumption

90. It is noted that there has been no material change in the pattern of consumption of the product under consideration, which could have caused injury to the domestic industry.

d) Conditions of competition and trade restrictive practices

91. The Authority notes that there is no evidence of conditions of competition or trade restrictive practices that could have been responsible for the claimed injury to the domestic industry.

e) Developments in technology

92. The Authority notes that there has been no change in technology for the production of the subject goods that could have caused injury to the domestic industry.

f) Productivity

93. The Authority notes that the productivity of the domestic industry has increased over the injury period. Therefore, the domestic industry has not suffered injury on this account.

g) Export performance of the domestic industry

94. The injury information examined hereinabove relates only to the performance of the domestic industry in terms of its domestic market. Moreover, the domestic industry has only exported *** MT, which is ***% of their total production. Thus, the injury suffered cannot be attributed to the export performance of the domestic industry.

h) Performance of other products

95. The Authority has considered the data relating only to the performance of the subject goods. Therefore, the performance of other products produced and sold is not a possible cause of injury to the domestic industry.

G3.7 Conclusions on causal link

96. While other known factors listed under the Rules have not caused injury to the domestic industry, the Authority notes that the following parameters provisionally show that injury to the domestic industry is caused by dumped imports.

- i. There is dumping of the subject goods from the subject countries.

- ii. The import volumes have been the highest in the period of investigation. The imports from subject countries account for 98% of the total imports and around ***% of the market share in demand.
- iii. The volumes of imports have also increased in relation to the consumption and production of the domestic industry.
- iv. The subject imports are significantly undercutting the prices of the domestic industry.
- v. The dumped prices have suppressed the prices of the domestic industry, preventing price increase, which otherwise could have happened.
- vi. The domestic industry has severely under-utilized capacities of only ***% of the total installed capacity.
- vii. The domestic sales of the Indian producers have been low, with the domestic industry holding a market share of only ***%.
- viii. The domestic industry has incurred losses and cash losses throughout the injury period. Even the return on investment in the period of investigation has been negative.

97. The Authority, in view of the aforementioned, provisionally concludes that there exists a causal link between the dumping of the subject goods and injury to the domestic industry.

H. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

H.1. Submissions by other interested parties

98. The other interested parties have not made any submissions with regard to the Indian industry's interest.

H.2 Submissions by the domestic industry

99. The domestic industry has made the following submissions with regard to the Indian industry's interest:

- i. The domestic industry has the capacity to cater around *** % the Indian demand.
- ii. It is further noted that apart from the domestic industry, five more producers have set up plants for production of the subject goods with the intention of making India self-sufficient.
- iii. If the current situation continues, the domestic industry will have no option but to permanently shut down its operations and India and it will once again become import dependent.

- iv. In light of the widening trade deficit, it is important to rely more on domestic production capacities. Imposition of duties would allow conservation of the outgoing foreign exchange favoring the balance of payment account.
- v. The impact of the imposition of anti-dumping duty on subject goods will be negligible as compared to the cost of the solar module.
- vi. Since there are already six players in the market and few more are to commence production, this would ensure that there is no monopoly in India and that the users would have enough sources in the domestic market as well.
- vii. The product under consideration can be imported at fair prices from other sources also and, therefore, there would be no adverse impact on users.

H.3 Examination by the Authority

100. The Authority underscores that the primary objective of anti-dumping duties is to rectify the injury inflicted upon the domestic industry by the unjust trade practices of dumping, thereby fostering an environment of open and equitable competition in the Indian market. The imposition of anti-dumping measures is not designed to curtail imports from the subject countries arbitrarily. Rather, it is based on a detailed analysis regarding dumping injury and the causal link between the two and is a mechanism to ensure a level playing. The Authority acknowledges that the presence of anti-dumping duties may influence the price levels of the product in India. However, it is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the imposition of these measures. Far from diminishing competition, the imposition of anti-dumping measures serves to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the subject goods. Thus, anti-dumping duties are not a hindrance but a facilitator of fair-trade practices.
101. The Authority issued initiation notification inviting views from all the interested parties, including importers, consumers and others. The Authority also prescribed a questionnaire for the users/ consumers to provide relevant information about the present investigation. An Economic Interest Questionnaire was also prescribed to allow various stakeholders, including the domestic industry, producers/exporters and importers/users/consumers to furnish pertinent information related to the ongoing investigation including the possible effect of anti-dumping duty on their operations.
102. The Authority sought information on, inter-alia, interchangeability of the product supplied by various suppliers from different countries. ability of the domestic industry to switch sources, effect of anti-dumping duty on the consumers, factors that are likely to accelerate or delay the adjustment to the new situation caused by imposition of anti-dumping duty.
103. The Authority notes that no user of the subject goods has stepped forward to participate before the Authority or furnished a response to the Economic Interest Questionnaire. Furthermore, no party has presented any evidence to indicate the adverse effect of the duties in force. This lack of evidence and participation of the stakeholders underscores

the Authority's position and reinforces the necessity of anti-dumping measures to ensure fair trade practices.

104. The Authority, however, notes that the domestic industry, based on the current market prices, has provided an estimate of the possible impact of the anti-dumping duties on the end consumers in the following table:

Particulars	Reference	UoM	Amount
Price of 540 Wp solar module based on M10 solar cells	A	Rs/Module	***
Subject goods used in 540 Wp solar module based on M10 solar cells	B	Kgs/Module	***
Price of Subject goods - Coated	C	Rs/Kgs	***
Cost of Subject goods build in 540 Wp solar module based on M10 solar cells	$D=C*B$	Rs/MT	***
% cost of subject goods in Module	$E=D/A$	%	***
Additional cost on Module due to 25% anti-dumping duties on subject goods	$F=D*25\%$	Rs/MT	***
Total cost of subject goods in module adding anti-dumping duties	$G=D+F$	Rs/MT	***
% cost of subject goods with in Module	$H=G/A$	%	***
Additional impact per Solar Module due to anti-dumping duties	$I=F/A$	%	2.52%

105. From the above submission the Authority notes that the impact of the anti-dumping duties on the end consumers will be insignificant.
106. The Authority notes that the imposition of anti-dumping duty will not lead to scarcity of the subject goods in India. It is noted that anti-dumping duty does not restrict imports but ensures that imports are available at fair prices. The imposition of duty would, therefore, not affect the availability of the product.
107. The Authority notes that the applicant has submitted data showing substantial hardships faced by the domestic producers of PUC in the period following the POI. Notably, the data reveals an alarming surge in import volumes and a steep decline in import prices, underscoring the aggressive nature of imports that have flooded the Indian market with low-cost products.
108. From the POI's average daily import of approximately *** MT, import volumes have surged heavily, reaching *** MT per day by September 2024—a staggering ***% increase. Concurrently, CIF prices have plummeted, with the price per metric ton decreasing from an average of Rs. *** during the POI to Rs. *** in September 2024, representing a decline of roughly ***%. This downward trajectory continued into October, with prices further falling to an unprecedented Rs. *** per MT, which signals a significant ***% reduction from the POI prices.

109. The Authority further notes that the applicant has requested for reference price-based duties and has reasoned that such form of duties will not only mitigate the injurious effects but also establish a fair competitive landscape, ensuring that duties are effectively targeted to protect the domestic industry from persistent, low-priced imports without burdening fair-priced exporters.
110. The Authority recognizes that the aforementioned economic parameters are indicative of severe injury, warranting the need of robust remedial measures.

I. MAGNITUDE OF INJURY MARGIN

111. The Authority has determined Non-Injurious Price for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The non-injurious price of the product under consideration has been determined by adopting the verified information/data relating to the cost of production for the period of investigation. The non-injurious price has been considered for comparing the landed price from the subject country for calculating the injury margin. For determining the non-injurious price, the best utilisation of the raw materials by the domestic industry over the injury period has been considered. The same treatment has been carried out with the utilities. The best utilisation of production capacity over the injury period has been considered. It is ensured that no extraordinary or non-recurring expenses are charged to the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e. average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the non-injurious price as prescribed in Annexure III of the Rules and being followed.
112. The landed price for the cooperative exporters has been determined on the basis of the data furnished by the exporters. For all the non-cooperative producers/exporters from the subject countries, the Authority has determined the landed price based on the facts available.
113. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is provided in the table below:

Producer	Landed value (USD/MT)	NIP (USD/MT)	Injury margin (USD/MT)	Injury Margin (%)	Injury Margin
					(Range)
China					
Shaanxi Topray Solar Co., Ltd / Shenzhen Topray Solar Co.,	***	***	***	***	20-30

Anhui Flat Solar Glass / Flat Glass Group Co., Ltd Co Flat (Hong Kong) Co., Limited., Ltd.	***	***	***	***	40-50
Anhui CSG New Energy Material Technology Co., Ltd	***	***	***	***	30-40
Dongguan CSG Solar Glass Co., Ltd	***	***	***	***	30-40
Wujiang CSG Glass Co., Ltd	***	***	***	***	30-40
Xinyi group: Guangxi Xinyi Photovoltaic Industry Co., Ltd / Xinyi Solar (Suzhou) Ltd / Xinyi Solar (Hong Kong) Limited	***	***	***	***	50-60
Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd. Kibing Group/ Ningbo Kibing Photovoltaic Technology Co., Ltd	***	***	***	***	20-30
Others	***	***	***	***	60-70
Vietnam	***	***	***	***	
Flat (Vietnam) Co., Ltd/ Flat (Hong Kong) Co., Limited., Ltd.	***	***	***	***	50-60
Others	***	***	***	***	50-60

J. CONCLUSION & RECOMMENDATIONS

114. After examining the submissions made by the interested parties and issues raised therein; and considering the facts available on record, the Authority provisionally concludes that:

- i. The application for initiation of the anti-dumping investigation against imports of Textured Tempered Glass from China PR and Vietnam was filed by Borosil Renewal Limited. The applicant is the major producer of the subject goods and constitutes domestic industry for the purpose of the present investigation
- ii. The product under consideration in the present investigation is 'Textured Toughened (Tempered) Glass with a minimum of 90.5% transmission of thickness

not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated.

- iii. There is no change in the scope of the product under consideration as defined in the initiation notification and since none of the interested parties claimed PCN formulation, hence no PCN methodology has been adopted in the subject investigation.
- iv. Since none of the producer from China PR has filed a request for market economy treatment, China PR has been considered as a non-market economy and the normal value has been determined based on the price payable in India which is based on the cost of production of the domestic industry.
- v. Considering the normal value and export price determined, the dumping margin for the subject goods from the China and Vietnam is positive.
- vi. The demand for the subject goods increased throughout the injury investigation period. However, domestic producers have not got the advantage of this increased demand.
- vii. The imports from the subject countries constitute around 98% of the total imports into the country and were the highest in the period of investigation.
- viii. The subject imports are undercutting the prices of the domestic industry.
- ix. The landed value of the imports is below the selling price as well as the cost of the domestic industry.
- x. The imports have prevented price increase, which otherwise, could have occurred. Thus, the imports have suppressed the prices of the domestic industry.
- xi. As regards the effect of such dumped imports on the economic parameters of the domestic industry, the Authority has reached the following provisional conclusions:
 - a. The domestic industry was forced to sell the subject goods below its cost.
 - b. The domestic industry has suffered from underutilized capacities throughout the injury period and sold a very small share of the demand.
 - c. The imports have dominated the market share throughout the injury period.
 - d. The average inventories of the domestic industry have increased throughout the injury investigation period.
 - e. The domestic industry has suffered from losses, cash losses and negative returns on capital employed.

- xii. The domestic industry has suffered injury as a result of the dumped imports from the subject countries and the injury margin is significant.
- xiii. Non-attributional analysis shows that no other factor appears to have caused injury to the domestic industry and it has suffered material injury as a result of the dumped imports.
- xiv. The anti-dumping duty is in the interest of the public. This is evident from the following:
 - a. The domestic industry has made significant investments to manufacture the subject goods and make India self-reliant.
 - b. The impact of the duties on the downstream industry is only 2.52% and is insignificant.
 - c. Moreover, the subject goods do not constitute a major cost to the downstream industry.
 - d. The imposition of duty would, therefore, not affect the availability of the subject goods. The domestic industry has the capacity to cater to almost 84% of the entire Indian demand.

115. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal link. Having initiated and conducted the investigation into dumping, injury and causal link in terms of the provisions laid down under the Rules, the Authority is of the view that imposition of provisional duty is required to offset dumping and injury, pending completion of the investigation. Therefore, the Authority considers it necessary and recommends the imposition of provisional anti-dumping duty on imports of the subject goods from the subject countries.

116. In terms of provisions contained in Rule 4(d) & Rule 17(1) (b) of the Rules, the Authority recommends imposition of provisional anti-dumping duty equal to the lesser of margin of dumping and the margin of injury, so as to remove the injury to the domestic industry. Taking into account factual matrix of the case, and having regard to information provided, and submissions made by interested parties, it is considered appropriate to recommend benchmark/reference form of anti-dumping duties. The Authority recommends imposition of antidumping duty on the imports of the subject goods described in col.3 of the duty table below originating in or exported from the subject countries from the date of notification to be issued in this regard by the Central Government. The anti-dumping duty is recommended as the difference between the landed value of the subject goods as described in Col.3 of the duty table below and the amount indicated in Col.7 of the duty table appended below, provided the landed value is less than the value indicated in Col.7. If the landed value is more than the value indicated in Col 7, the anti-dumping duty will not be applicable. The landed value of imports for this purpose shall be the assessable value as determined by the customs under the Customs Act, 1962 and applicable level of custom

duties except duties levied under Section 3, 3A, 8B, 9 and 9A of the Customs Tariff Act, 1975.

Duty Table

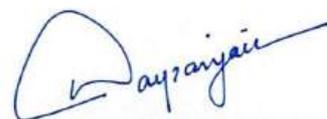
S. No.	Heading	Description	Country of Origin	Country of Export	Producer	Amount	Unit	Currency
1	2	3	4	5	6	7	8	9
1	70071900	Textured Toughened (Tempered) Coated and Uncoated Glass	China PR	China PR	Shaanxi Topray Solar Co., Ltd	677	MT	USD
2	-do-	-do-	China PR	China PR	Anhui Flat Solar Glass Co., Ltd & Flat Glass Group Co., Ltd	677	MT	USD
3	-do-	-do-	China PR	China PR	Anhui CSG New Energy Material Technology Co., Ltd	677	MT	USD
4	-do-	-do-	China PR	China PR	Dongguan CSG Solar Glass Co., Ltd	673	MT	USD
5	-do-	-do-	China PR	China PR	Wujiang CSG Glass Co., Ltd	677	MT	USD
6	-do-	-do-	China PR	China PR	Guangxi Xinyi Photovoltaic Industry Co., Ltd / Xinyi PV Products (Anhui) Holdings Ltd. / Xinyi Solar (Suzhou) Ltd	673	MT	USD

S. No.	Heading	Description	Country of Origin	Country of Export	Producer	Amount	Unit	Currency
7	-do-	-do-	China PR	China PR	Zhangzhou Kibing Photovoltaic New Energy Technology Co., Ltd / Hunan Kibing Solar Technology Co., Ltd. / Ningbo Kibing Photovoltaic Technology Co., Ltd.	674	MT	USD
8	-do-	-do-	China PR	All countries, including China PR	Any Producer other than those mentioned in SN 1 To 7	677	MT	USD
9	-do-	-do-	All countries other than China PR and Vietnam	China PR	Any	677	MT	USD
10	-do-	-do-	Vietnam	Vietnam	Flat (Vietnam) Co., Ltd	565	MT	USD
11	-do-	-do-	Vietnam	All countries including Vietnam	Any Producer other than those mentioned in SN 10	565	MT	USD
12	-do-	-do-	All countries other than Vietnam and China PR	Vietnam	Any	565	MT	USD

K. FURTHER PROCEDURE

117. The procedure as mentioned below would be followed subsequent to notifying the preliminary findings:

- i. The Authority invites comments on these provisional findings from all interested parties within 30 days from the date of these findings.
- ii. The Authority would conduct an oral hearing in terms of rule 6(6) to provide an opportunity to the interested parties to present their views relevant to the subject investigation.
- iii. The date of the oral hearing will be published on the DGTR's website.
- iv. The Authority would conduct further verification to the extent deemed necessary.
- v. The Authority would disclose the essential facts as per the anti-dumping rules before giving its final findings.



(Darpan Jain)
Designated Authority