

F. No. 6/31/2023-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building,
Parliament Street, New Delhi -110001

Dated: 21st March, 2025

FINAL FINDINGS

Case No. OI- 29/2023

Subject: Final findings in the anti-dumping investigation concerning imports of “Pretilachlor in any of its form & its intermediate – 2,6-Diethyl-n-(2-propoxy ethyl) Aniline (also known as PED A)” originating in or exported from China PR.

F. No. 6/31/2023- DGTR: Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter also referred to as the “Act”), and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time, (hereinafter also referred to as the “AD Rules” or the “Anti-dumping Rules” or the “Rules”) thereof;

A. BACKGROUND OF THE CASE.

1. Whereas, M/s India Pesticides Limited (hereinafter referred to as the “applicant”) has filed a duly substantiated application before the Designated Authority (hereinafter referred to as the “Authority”), on behalf of the domestic industry, in accordance with the Act and the Rules for initiation of anti-dumping investigation concerning imports of **“Pretilachlor in any of its form & its intermediate – 2,6-Diethyl-n-(2-propoxy ethyl) Aniline (also known as PED A)”** (hereinafter referred to as the “subject goods”) originating in or exported from China PR (hereinafter referred to as the “subject country”) and has requested for imposition of anti-dumping duty.
2. And whereas, the Authority, on the basis of *prima-facie* evidence submitted by the applicant, issued a public notice vide notification no. 6/31/2023-DGTR dated 29th March 2024, published in Part-I Section-I of the Gazette of India, Extraordinary, initiating the subject investigation in accordance with Section 9A of the Customs Tariff Act read with Rule 5 of the Rules to determine the existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from the said subject country, and to

recommend the appropriate 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 herein below has been followed with regard to the investigation:
 - a. The Authority notified the embassy of the subject country in India about the receipt of the present application before proceeding to initiate the investigation in accordance with Rule 5(5) of the AD Rules.
 - b. The Authority issued a notification dated 29th March 2024, published in the Part-I Section-I of Gazette of India, Extraordinary, initiating an investigation concerning the imports of the subject goods from the subject country.
 - c. In accordance with Rule 6(2), the Authority sent a copy of the initiation notification to the embassy of the subject country in India, the known producers and exporters from the subject country, the known importers/users in India, and the other interested parties, as per the information provided by the applicant. The interested parties were asked to provide relevant information in the form and manner prescribed in the initiation notification and make their submissions known in writing within the time limit prescribed in the initiation notification.
 - d. The Authority provided a copy of the non-confidential version of the application filed by the applicant to the known producers/exporters, known importers/users and to the embassy of the subject country in India in accordance with Rule 6(3) of the Rules.
 - e. The embassy of the subject country in India was sent a copy of the letter and questionnaire sent to the producers/exporters with the request to advise the exporters/producers from their country to submit their responses to the questionnaire within the time limit prescribed by the initiation notification.
 - f. The interested parties were granted an opportunity to present their comments on the issues of confidentiality claimed by the domestic industry within 7 days of the circulation of the non-confidential version of the document filed before the Authority.
 - g. The Authority also issued an economic interest questionnaire (hereafter referred to as "EIQ") to the interested parties seeking inputs on the economic impact of the proposed duties.
 - h. The Authority sent questionnaires to the following known producers/ exporters in the subject country in accordance with Rule 6(4) of the Rules.

- i. Agrosource Company Limited
- ii. China Jiangsu International
- iii. Demeter Cropscience Ltd
- iv. Eastchem Company Ltd
- v. FJ Agrochemicals Co. Ltd.
- vi. Hangzhou Kaiyi Chemical Co. Ltd
- vii. Hangzhou Nutrichem Company Limited
- viii. Hangzhou Qingfeng Agrochemical Co., Ltd
- ix. Iprochem Company limited
- x. Jiangsu Sunshare Group Co. Ltd
- xi. Microchem Global Limited
- xii. Microchem Specialities trade Limited
- xiii. Nantong Weilike Chemical Co., Ltd.
- xiv. Pacific Spot Ltd
- xv. Shandong Binnong technology Co. Ltd.
- xvi. Shandong Qiaochang Modern
- xvii. Shanghai Agrotree Chemical Co. Ltd
- xviii. Shanghai E -Tong Chemical Co. Ltd
- xix. Shenzhou Chemical (Shenzhen) Co., Ltd
- xx. Sinochem Pharmaceutical Co Ltd
- xxi. Sinolite Industrial Co. Limited
- xxii. U Like Trading Pte. Ltd
- xxiii. Willowood Limited
- xxiv. Zhejiang Hengdian Imp. And Exp. Co. Ltd
- xxv. Zhejiang Yousheng Industry Trade Co., Ltd

i. In response to the above notification, the following producers/exporters of the product under consideration from subject country have registered as an interested party.

- i. Shandong Qiaochang Modern International Co., Ltd
- ii. Qiaochang Modern Agriculture Co., Ltd
- iii. QCC ShangHai Co., Ltd.
- iv. Capital Industry Construction Tech. Co. Ltd.
- v. Lion Agrevo (Nantong) Co., Ltd., China PR
- vi. Novatic Chem Co., Ltd., China PR
- vii. Hangzhou Nutrichem Co.,Ltd., China PR
- viii. Inner Mongolia Lange Biotechnology Co., Ltd., China PR
- ix. Shanghai Agrotree Chemical Co., Ltd., China PR
- x. Anhui Futian Agrochemical Co., Ltd., China PR
- xi. Kunshan Rising Chemical Co., Ltd., China PR
- xii. Microchem Specialities Trade Limited, China PR

- j. In response to the initiation notification of the subject investigation, following producers/exporters from the subject country have responded by filing questionnaire response:
- i. Shandong Qiaochang modern International Co., Ltd
 - ii. Qiaochang Modern Agriculture Co., Ltd
 - iii. QCC ShangHai Co., Ltd.
 - iv. Capital Industry Construction Tech. Co. Ltd.
 - v. Lion Agrevo (Nantong) Co., Ltd., China PR
 - vi. Novatic Chem Co., Ltd., China PR
 - vii. Hangzhou Nutrichem Co., Ltd., China PR
 - viii. Inner Mongolia Lange Biotechnology Co., Ltd., China PR
 - ix. Shanghai Agrotree Chemical Co., Ltd., China PR
 - x. Anhui Futian Agrochemical Co., Ltd., China PR
 - xi. Kunshan Rising Chemical Co., Ltd., China PR
 - xii. Microchem Specialities Trade Limited, China PR
- k. The Authority sent 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. Agrow Allied Ventures Private Limited
 - ii. Anu Products Limited
 - iii. Best Agrochem Private Limited
 - iv. Best Agrolife Limited
 - v. Crystal Crop Protection Limited
 - vi. Daga Crop Care Private Limited
 - vii. Heranba Industries Limited
 - viii. Hind Agrow Care Limited
 - ix. HPM Chemicals and Fertilizers Limited
 - x. Ichiban Crop Science Limited
 - xi. Insecticides (India) Limited
 - xii. Indogulf Crop Sciences Limited
 - xiii. Krishi Rasayan Exports Private Limited
 - xiv. Kingtech Bio Chem Private Limited
 - xv. OFB Tech Private Limited
 - xvi. NAACL Industries Limited
 - xvii. Rol Agrichem Private Limited
 - xviii. Parijat Industries (India) Private Limited
 - xix. Shree Ram Agro India
 - xx. Safex Chemicals (India) Limited
 - xxi. Universal Agro Chemical Industries Limited
 - xxii. Sunagro Insecticides Private Limited
 - xxiii. Crystal Crop Protection Limited
 - xxiv. Ross Lifescience Limited
 - xxv. KR Lifesciences Private Limited

- xxvi. JU Agri Sciences Private Limited
- xxvii. Mahamaya Lifesciences Private Limited
- xxviii. Krishi Rasayan Exports Private Limited
- xxix. Willowood Chemicals Limited
- xxx. Tropical Agrosystem Private Limited

- l. The following importers/users have registered themselves as interested parties:
 - i. Crystal Crop Protection Ltd
 - ii. Willowood Chemicals Limited
 - iii. Krishi Rasayan Export Pvt. Ltd.
 - iv. Universal Agro Chemicals Industries
 - v. HPM Chemical & Fertilizers Ltd
- m. The following importers/users have submitted questionnaire responses to the Authority:
 - i. HPM Chemical & Fertilizers Ltd
 - ii. Crystal Crop Protection Limited
 - iii. Universal Agro Chemical Industries Limited
- n. The following producers/exporters association from China PR have registered themselves as an interested party and made written submissions:
 - i. China Crop Protection Industry Association (“CCPIA”), Association
- o. The period of investigation (POI) for the purpose of the present investigation is 1st October 2022 to 30th September 2023 (12 months). The injury investigation period covers the periods 1st April 2020 – 31st March 2021, 1st April 2021 – 31st March 2022, 1st April 2022 – 31st March 2023 and the period of investigation.
- p. The DG System was requested to provide transaction-wise details of the imports of the subject goods for the injury investigation period. The same was received by the Authority and considered at the stage of initiation of the investigation as well as for the final findings.
- q. Interested parties were provided 15 days’ time from the date of circulation of intimation letters, to file their comments on the scope of PUC and product control numbers (PCN) methodology which was further extended till 21st May, 2024 upon request of certain interested parties. Comments and submissions were received from interested parties, which were duly examined by the Authority.
- r. The Authority held a discussion on 10th July, 2024 with all the interested parties to discuss the scope of product under consideration and the product control numbers (PCNs). After receiving inputs from the interested parties, the Authority vide notification dated 06th August, 2024 finalized the scope of the PUC. The Authority granted 30 days’ time to interested parties from 06th August, 2024 to file

questionnaire responses which was further extended till 12th September, 2024 upon the request from certain interested parties.

- s. In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to the interested parties to present their views orally regarding the subject investigation in a public hearing held on 22nd October, 2024. The interested parties who presented their views in the oral hearing were requested to file written submissions of the views expressed orally, followed by rejoinder submissions, if any. The interested parties were further directed to share the non-confidential version of the written submissions with the other interested parties.
- t. The non-injurious price (hereinafter referred to as the “NIP”) has been determined based on the cost of production and reasonable return on capital employed for the subject goods in India, based on the records maintained by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the AD Rules, 1995 so as to ascertain whether anti-dumping duties lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- u. The information submitted by the domestic industry has been examined and verified during on site-verification to the extent deemed necessary and has been relied upon for the present findings.
- v. The examination and verification of the information submitted by the cooperating producers/exporters from the subject country was also carried out to the extent deemed necessary and have been relied upon for the purpose of the present findings.
- w. The Authority made available the non-confidential version of the evidence presented by various interested parties on mutual basis in the manner prescribed through Trade Notice no. 01/2020 dated 10th April, 2020. The information/submissions provided by the interested parties on a confidential basis were examined concerning the sufficiency of such confidentiality claims.
- x. The Authority has considered all the arguments raised and information provided by all the interested parties at this stage, to the extent the same are supported with evidence and considered relevant to the present investigation.
- y. 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 final findings on the basis of the facts available.

- z. In accordance with Rule 16 of Rules *Supra*, the essential facts of the investigation were disclosed to the known interested parties vide disclosure statement dated 05th March, 2025 and comments received thereon, considered relevant by the Authority, have been addressed in these final findings.
- aa. ‘***’ in these findings represents information furnished by an interested party on confidential basis and so considered by the Authority under Rule 7 of AD Rules, 1995.
- bb. The exchange rate adopted by the Authority for the subject investigation is 1 US\$ = Rs. 83.21.

C. **PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE**

- 4. The product under consideration (hereinafter also referred to as the “PUC” or the “subject goods”) as defined at the stage of initiation was as follows:

*“3. The product under consideration in the present petition is **pretilachlor in any of its form and its intermediate “2,6-diethyl-n-(2-propoxy ethyl) aniline” (also known as PEDA).***

4. Pretilachlor is a liquid chemical used to produce herbicides formulation for controlling weeds in rice cultivation. It is colourless and odourless liquid. The basic raw materials required to produce pretilachlor are 2- Propoxyethyl Chloride and 2,6 Diethyl Aniline. PEDA is then processed with Chloro Acetyl Chloride and Soda Ash to produce pretilachlor in technical form.

Unit of measurement

5. The product under consideration is produced and sold in terms of weight expressed in Kgs or MT.

Use

6. PEDA is used to produce pretilachlor technical. Pretilachlor technical is used to produce pretilachlor formulation, which is used as a herbicide.

7. Pretilachlor is a pre-emergence herbicide that suppresses all types of weeds in rice.

Tariff Classification

8. The product under consideration does not have a dedicated classification under the Custom Tariff Act, 1975 and have been classified under following codes -3808 9199, 3808 9390, 3808 9910, 3808 9990, 2921 4290, 2922 1990 and 2922 2990.

The customs classification code is indicative only and is not binding on the scope of the present investigation.”

C.1. Submissions by other interested parties

5. The other interested parties made the following submissions with regard to the scope of the product under consideration and like article:
 - i. PEDA and Pretilachlor Technical cannot be considered a single product under PUC, as they are different products with different characteristics.
 - ii. PEDA and Pretilachlor Technical are chemically and technically two different products warranting separate product control numbers (PCNs). They differ in terms of chemical formula, molecular weight, density, boiling point, and flash point. Furthermore, the production of Pretilachlor Technical from PEDA involves significant value addition, ranging between 10-20%.
 - iii. Contrary to the applicant's submission, the conversion of PEDA into Pretilachlor Technical involves multiple complex chemical reactions, and is not a straightforward process. The machinery, level of investment, HS code, nature of product, major raw material, production process and number of major producers are different for both Pretilachlor Technical and PEDA.
 - iv. The imposition of anti-dumping duty on Pretilachlor Formulation based on an apprehension of potential future imports is unwarranted under the law. Exporters are required to obtain mandatory registration with the Central Insecticides Board & Registration Committee (CIBRC) to be eligible for exporting Pretilachlor Formulation, and as of now, no exporter has been granted such registration. The applicant has withheld the information in the application that the import of Pretilachlor Formulation requires a specific license.
 - v. The Authority has not adopted any PCN methodology in the present case. No clarification has been provided regarding the inclusion of Pretilachlor Formulation within the scope of PUC.
 - vi. If PEDA and Pretilachlor Technical are to be included within the scope of the PUC, then they should be classified under separate PCNs.

C.2. Submissions of the domestic industry

6. The applicant has made the following submissions with regard to the scope of the product under consideration and like article:
 - i. Both, the WTO Anti-dumping Agreement and the CVD Rules do not provide any requirement for defining the product or requirement that the product types within the scope of the product under consideration are to be internally homogeneous.

- ii. PEDA has no independent use, as its entire consumption is dedicated to the production of Pretilachlor Technical.
- iii. The conversion of PEDA to Pretilachlor Technical is a single-step chemical process that does not require significant investment or a large number of machines.
- iv. If the scope of the PUC is restricted to PEDA, any PEDA producer/exporter can easily set up a Pretilachlor Technical production facility to export the product to the Indian market. The applicant has nowhere contended that PEDA and Pretilachlor are interchangeably used.
- v. The facts of the present investigation are similar to the facts of *anti-dumping investigation concerning imports of Ofloxacin and its intermediates originating in or exported from China PR*¹.
- vi. The Authority has in various previous investigations included intermediate and end product within one product under consideration. Some of the investigations are *Ofloxacin*², *Chlorinated Polyvinyl Chloride (CPVC) Resin- whether or not further processed into compound from China PR and Korea RP*³, *Compact Fluorescent Lamps CFL From China PR, Sri Lanka And Vietnam*⁴, *Solar Cells whether or not assembled partially fully in modules or panels or on glass or some other suitable substrates from Malaysia, China PR, Chinese Taipei And USA*⁵, *Caustic Soda from Japan and Qatar*⁶, *Flat Rolled Products Of Stainless Steel from China PR, Korea RP, European Union, Japan, Taiwan, Indonesia, USA, Thailand, South Africa, UAE, Hong Kong, Singapore, Mexico, Vietnam and Malaysia*⁷, *Polytetrafluorethylene (PTFE) from Russia*⁸ and *Aluminium Foil 80 micron and below from China PR, Indonesia, Malaysia and Thailand*⁹.
- vii. When an importer can obtain a CIBRC license for Pretilachlor Technical, it can obtain the license for Pretilachlor Formulation as well. No user has taken license to import Pretilachlor Formulation, as Pretilachlor Technical form is available, and it is commercially prudent to import Pretilachlor Technical as compared to Pretilachlor Formulation.
- viii. The applicant has disclosed within its application that imports of Pretilachlor Formulation require CIBRC license.

1. 6/12/2021-DGTR (<https://www.dgtr.gov.in/anti-dumping-cases/anti-dumping-investigation-concerning-imports-%E2%80%9Cofloxacin-and-its-intermediates%E2%80%9D>)

2. *Ibid.*

3. O.I.03/2019. (<https://www.dgtr.gov.in/anti-dumping-cases/anti-dumping-investigation-concerning-imports-%E2%80%9Cchlorinated-polyvinyl-chloride>)

4. 14/1/2007 DGAD. (<https://www.dgtr.gov.in/anti-dumping-cases/compact-fluorescent-lamps-cfl-china-pr-sri-lanka-and-vietnam>)

5. 14/5/2012-DGAD. (<https://www.dgtr.gov.in/anti-dumping-cases/solar-cells-whether-or-not-assembled-partially-or-fully-modules-or-panels-or>)

6. 14/31/2015-DGAD. (<https://www.dgtr.gov.in/anti-dumping-cases/initiation-antidumping-investigation-against-import-caustic-soda-originating-or>)

7. 6/12/2019-DGTR. (<https://www.dgtr.gov.in/anti-dumping-cases/anti-dumping-investigation-concerning-imports-flat-rolled-products-stainless>)

8. 24/1/98-DGAD. (<https://www.dgtr.gov.in/anti-dumping-cases/polytetrafluoroethylene-ptfe-russia>)

9. 06/21/2020-DGTR. (<https://www.dgtr.gov.in/anti-dumping-cases/anti-dumping-investigation-concerning-imports-aluminium-foil-80-micron-and-below>)

- ix. There is no legally dividing line between Pretilachlor Technical and Pretilachlor Formulation. Pretilachlor Technical is the highest concentration range in which the product can be synthesized in a chemical reaction / process. Pretilachlor Formulation is the concentration / product form in which actual application on farms will be carried out. The concentration for different producers could be different.
- x. In the case of *M/s. Huawei Technologies Co. Ltd. vs. Designated Authority*¹⁰, CESTAT had held that the scope of PUC should be defined in such a way that it avoids circumvention.
- xi. Pretilachlor Technical and Pretilachlor Formulation are not different products but rather different forms of the same product.
- xii. The production of Pretilachlor Formulation from Pretilachlor Technical is an incremental step involving low value addition and addition of solvents.
- xiii. There is no legal basis for the contention that Pretilachlor Formulation cannot be imported into India, and it is not “importable”.
- xiv. The applicant has not misled the Authority and has disclosed as part of its application itself that for imports of Pretilachlor Formulation, users first have to get the source registered in CIBRC.
- xv. The multiples steps identified by interested parties in conversion from PEDA to Pretilachlor Technical includes steps such as “cooling”, “continuation of previous process”, “checking previous process”, “sending sample” and “packing”.

C.3. Examination by the Authority

- 7. The submissions made by the domestic industry and the other interested parties with regards to the product under consideration and like article have been examined as below.
 - i. Pretilachlor is a liquid chemical used to produce herbicides formulation for controlling weed in rice cultivation. It is a colourless and odourless liquid. The basic raw materials required to produce PEDA are 2- Propoxyethyl Chloride and 2,6 Diethyl Aniline. PEDA is then processed with Chloro Acetyl Chloride and Soda Ash to produce Pretilachlor in technical form. Pretilachlor Technical is the highest concentration range in which the product can be synthesized in a chemical reaction. Pretilachlor Formulation is the concentration at which its application is carried out. The concentration requirement for Pretilachlor formulation could be different for different producers. PEDA is used as an intermediate for the manufacture of Pretilachlor Technical. Pretilachlor Technical is converted into Pretilachlor Formulation for use.
 - ii. With regards to inclusion of both Pretilachlor in any form and its intermediate PEDA, in the scope of the product under consideration, it is noted that the Authority deems it appropriate to mention here that the scope of the ‘product concerned’ has direct impact on the objective and purpose of the investigation. A wider scope of

10. 2011 (273) ELT 293 (Tri - Del).

the product under consideration can lead to uncalled for protection, in addition to possible complexities in the conduct of the investigation. At the same time, a narrow scope of the product under consideration may fail to meet the intended objective of addressing injurious dumping in the domestic market. A narrow scope of the product under consideration may not provide requisite remedy to the domestic industry and can result in continued injury to the domestic industry because of adoption of measures by importers/users intended to avoid the measures invoked. In order to ensure that the objective of the investigation is rightfully fulfilled, the Authority has thus carefully considered arguments raised by the various interested parties regarding the scope of the product under consideration.

- iii. It is noted that manufacturing of Pretilachlor Technical from PEDDA is a single step process. PEDDA is reacted with Chloro acetyl chloride (CAC) in the presence of sodium carbonate to produce Pretilachlor Technical. A lot of Pretilachlor Technical manufacturers in India are importing PEDDA and converting the same into Pretilachlor Technical. The investment required to setup a plant for production of PEDDA is significantly higher than that required to setup a plant for conversion of PEDDA to Pretilachlor Technical. With such low investment required, imposition of anti-dumping duty on one product may lead to increased imports of the other. It is also seen that the imports of Pretilachlor Technical have declined but that of PEDDA has increased which shows the demand for both the products are related to each other.
- iv. It is noted that Pretilachlor Technical is commercially manufactured without any substantial processing activities after the stage of manufacture of PEDDA. It is also noted that PEDDA is only used in making Pretilachlor Technical which is diluted to make Pretilachlor Formulation. It is seen that Pretilachlor Technical and Pretilachlor Formulation have the similar physical and chemical characteristics. The market for PEDDA, Pretilachlor Technical and Pretilachlor Formulation is the same, i.e., the agricultural sector.
- v. It is also noted from the submission on record that a lot of Pretilachlor Technical manufacturers in India are importing PEDDA and converting the same into Pretilachlor Technical. In view of this, exclusion of Pretilachlor Technical from the purview of levy of anti-dumping duty is likely to lead to export of intermediate from the subject country, thereby nullifying the very purpose of the entire exercise of anti-dumping investigation and subsequent imposition of anti-dumping duty on imports of pretilachlor.
- vi. It has been contested by the other interested parties that scope of product under consideration cannot include formulation form of Pretilachlor as the formulation form of Pretilachlor is not imported. The Applicant has contended that once anti-dumping duties are imposed on only Pretilachlor Technical, import price of Pretilachlor Formulation will become cheaper than the import price of Pretilachlor

Technical including anti-dumping duty, thereby rendering duties on Pretilachlor Technical ineffective.

- vii. In this regard, it is noted that it is not disputed that all essential technical characteristics of the product are developed in the technical form of the product. However, Pretilachlor in its technical form, has no usage and application. It would not perform its intended function in its technical form. It must be converted into formulation form in order to perform the intended function. Thus, while Pretilachlor Technical form contains the essential technical properties, the Pretilachlor Formulation form performs the eventual function intended to be performed by the product. The technology, plant & equipment, manpower, production skills are involved in production of Pretilachlor Technical. As far as, Pretilachlor formulation is concerned, the same is neither capital, nor manpower nor technology intensive process. It is just an incremental process of technical. If the scope of the product under consideration is restricted to Pretilachlor Technical, it may lead to a situation of imports of Pretilachlor Formulation. Therefore, the purpose of anti-dumping duty will not be served. CESTAT in case of M/s. Huawei Technologies Co. Ltd. vs. Designated Authority had held that the scope of product under consideration should be defined in such a way that it avoids circumvention.
- viii. Based on the submissions made by the applicant and other interested parties, the Authority notes that the entire consumption of imported Pretilachlor Technical has been used in the production of Pretilachlor Formulation. In fact, the product consumed by the end consumers is formulation form of Pretilachlor. The product is ultimately consumed in diluted form. Pretilachlor in technical and formulation are just two forms of the Pretilachlor.
- ix. As regards requirement of a specific license for imports, the authority notes that mere requirement of a license does not imply that the product cannot be imported or may not be imported in future. Licensing requirements and norms are subject to change and have basis independent of trade remedy actions. The Authority does not consider it appropriate to take them into account for the investigation.
- x. The scope of the product under consideration includes PEDA, Pretilachlor Technical and Pretilachlor Formulation. The interested parties have argued that no clarification has been provided as to the inclusion of Pretilachlor Formulation within the product scope. It is noted that initiation notification details the product under consideration as “Pretilachlor in any of its form”, which is inclusive of both Pretilachlor Technical and Pretilachlor Formulation.
- xi. Therefore, in view of the examination hereinabove, the Authority holds that the scope of the product under consideration in the present investigation includes PEDA, Pretilachlor Technical and Pretilachlor Formulation.

8. In view of the above, the Authority holds the product under consideration as below:

"3. The product under consideration in the present petition is pretilachlor in any of its form and its intermediate "2,6-diethyl-n-(2-propoxy ethyl) aniline" (also known as PEDDA).

4. Pretilachlor is a liquid chemical used to produce herbicides formulation for controlling weeds in rice cultivation. It is a colourless and odourless liquid. The basic raw materials required to produce pretilachlor are 2- Propoxyethyl Chloride and 2,6 Diethyl Aniline. PEDDA is then processed with Chloro Acetyl Chloride and Soda Ash to produce pretilachlor in technical form."

9. The Authority notes that the product under consideration imported from the subject country is comparable in terms of physical and chemical characteristics, functions and uses, product specifications, pricing, distribution and marketing, and tariff classification of the goods. The Authority holds that the subject goods produced by the applicant is like article to the product under consideration imported from the subject country within the scope and meaning of Rule 2(d) of the Anti-dumping Rules.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING.

D.1 Submissions by other interested parties.

10. The other interested parties have made the following submissions with regard to the scope of domestic industry and standing.
- i. The applicant lacks standing to be considered a domestic industry. The applicant's share in the production of Pretilachlor Technical is extremely small.
 - ii. The exclusion of Pretilachlor Technical produced by other manufacturers from the standing assessment lacks legal basis and violates the requirements set forth under Rule 5(3) of the Anti-Dumping Rules.
 - iii. Import of PEDDA by producers of the Pretilachlor Technical as an input should not lead to their disqualification as domestic industry.
 - iv. The applicant is itself importing the raw material required to produce the product under consideration.

D.2 Submissions by the domestic industry

11. The applicant has made the following submissions with regards to the scope of the domestic industry and standing.
- i. The applicant is the sole eligible domestic producer under Rule 2(b).
 - ii. There are only two producers of PEDDA in India, namely the applicant and NACL Industries Limited (NACL). NACL imports the product under consideration from China PR.

- iii. There are nine producers of Pretilachlor Technical in India, but they import PEDDA from China which is further processed to manufacture Pretilachlor Technical.
- iv. These producers are importing one form of the product under consideration and converting it into another form of the product under consideration.
- v. The major manufacturing process and investment are required at the stage of PEDDA, it is essential for a producer to produce PEDDA to be considered as eligible domestic producer.
- vi. Since these parties have imported the product under consideration, they cannot be considered as eligible domestic industry.
- vii. There are various formulators who import Pretilachlor Technical from China or buy from the domestic market to produce Pretilachlor Formulation. However, formulating involves only mixing water and some solvents into Pretilachlor Technical. It is not a significant process.
- viii. The authority has followed a similar approach in investigations including Ofloxacin, Chlorinated Polyvinyl Chloride (CPVC) Resin, Compact Fluorescent Lamps CFL, Solar Cells and Flat Rolled Products of Stainless Steel.
- ix. As regards the submission of the other interested parties for determination of standing for each product separately, standing is required to be determined for product under consideration as a whole and not each component of the product.

D.3 Examination by the Authority.

12. Rule 2(b) of the AD 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 ' must be construed as referring to the rest of the producers"

13. The present application has been filed by India Pesticides Limited. The applicant is not related to any importer or exporter of the subject goods in the subject country, nor have they imported subject goods from the subject country during the period of investigation.
14. It has been argued that the applicant has imported input to produce PEDDA after the period of investigation. The Authority notes that Rule 2(b) only allows exclusion of producers that have themselves imported the like article and not raw materials involved in the production of the like article. The Authority also notes that it is the imports made during the period of investigation that is relevant to consider eligibility of the domestic producer in terms of Rule 2(b) as it is these import that become relevant to examine nexus of such imports on the dumping and injury alleged.

15. With regard to determination of separate standing for PEDDA and Pretilachlor, the Authority notes that the standing of the applicant to file an application is required to be seen with reference to the product under consideration and like article. The product under consideration and like article in the present investigation include both Pretilachlor in any of its form and its intermediate “2,6-diethyl-n-(2-propoxy ethyl) aniline” (also known as PEDDA), and therefore the standing of the applicant to file the present application is required to be seen considering total production of PEDDA and Pretilachlor in any form.
16. The producers who are importing PEDDA and manufacturing Pretilachlor Technical from the imported PEDDA are in any case importer of the product under consideration and hence such production cannot be treated as eligible Indian production for determination of eligibility as domestic industry. On similar lines, the producers who are importing Pretilachlor Technical to make Pretilachlor Formulation cannot be treated as eligible Indian production for determination of eligibility as domestic industry. Further, production of those producers who are buying PEDDA from Indian suppliers and selling Pretilachlor in the market is already included in the production of PEDDA and hence it cannot be included to prevent double counting.
17. Having already found that the primary form of the product under consideration is PEDDA, the Authority notes that it is essential for a party to be a producer of PEDDA first. This is because, the information on record shows that conversion of PEDDA to Pretilachlor Technical is not a significant manufacturing process. The Authority considers that companies who do not have the manufacturing facilities for PEDDA cannot be considered as eligible domestic producers.
18. Therefore, the other producers of pretilachlor technical who are importing PEDDA or pretilachlor technical, cannot be considered as eligible domestic industry.
19. In view of the above, the Authority holds that India Pesticides Limited constitutes domestic industry within the meaning of Rule 2(b) of the AD Rules and satisfies the criteria of standing in terms of Rule 5(3).

E. CONFIDENTIALITY

E.1 Submissions by other interested parties.

20. No submissions have been made by the other interested parties with regard to confidentiality.

E.2 Submissions by the domestic industry.

21. The following submissions have been made by the applicant with regard to confidentiality.

- a. The list of adjustments for determination of export price has been claimed confidential.
- b. Channel of distribution has been claimed confidential by the exporters without providing a non-confidential summary.

E.3 Examination by the Authority.

22. The Authority made available the non-confidential version of the information provided by the various parties to all the other interested parties as per Rule 6(7).

23. With regard to confidentiality of the information, Rule 7 of the Rules provides as follows:

“7. 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 interested 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 summarisation 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 authorize its disclosure in a generalized or summary form, it may disregard such information.”

24. The information provided by the interested parties on confidential basis was examined with regards to sufficiency of such claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, the parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis. The Authority also notes that all interested parties have claimed their business-related sensitive information as confidential.

F. MARKET ECONOMY TREATMENT, DETERMINATION OF NORMAL VALUE, EXPORT PRICE, AND DUMPING MARGIN

25. Under Section 9A(1)(c) of the Act, 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

(b) 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):

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.

F.1 Submissions by other interested parties.

26. Following submissions have been made by other interested parties with regards to the normal value, export price and dumping margin:

- i. Normal value determined by the applicant on the basis of cost of production of the applicant with reasonable addition of margins is not appropriate as the applicant only commenced production of PEDDA in mid-2022. The cost of PEDDA of the applicant therefore suffers from new plant start-up issues and other product stabilization issues. Even in case of Pretilachlor Technical, injury data is available only for 3 years.

F.2 Submissions by the domestic industry.

27. Following submissions have been made by the applicant with regards to the normal value, export price and dumping margin:

- i. In absence of market economy treatment claimed by the exporters, the Authority should not determine normal value on the basis of their domestic sales. The normal value should be determined as per Para 7 of Annexure I of the ADD Rules.

F.3 Examination by the Authority.

28. The Authority had sent questionnaire to the known producer/exporters from the subject country, advising them to provide information in the form and manner prescribed by the Authority. The following producers/exporters have co-operated in the investigation by filing the prescribed questionnaire response:
 - a. QCC ShangHai Co. Ltd. (exporter)
 - b. Shandong Qiaochang Modern International Co., Ltd. (exporter)
 - c. Qiaochang Modern Agriculture Co., Ltd. (producer)
 - d. Capital Industry Construction Technology Co., Ltd. (producer and exporter)
 - e. Anhui Futian Agrochemical Co., Ltd. (producer)
 - f. Inner Mongoloa Lange Biotechnology Co., Ltd. (producer)
 - g. Kunshan Rising Chemical Co., Ltd. (exporter)
 - h. Lion Agrevo (Nantong) Co., Ltd. (producer)
 - i. Microchem Specialities Trade Limited (exporter)
 - j. Novatic Chem Co., Ltd. (producer and exporter)
 - k. Hangzhou Nutrichem Co., Ltd. (producer and exporter)
 - l. Shanghai Agrotree Chemical Co., Ltd. (producer and exporter)

F.3.1 Determination of Normal Value

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

"Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the SCM Agreement shall apply in proceedings involving imports of Chinese origin into a WTO Member consistent with the following:

"(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:

(i) 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 WO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;

(ii) 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 nonmarket economy provisions of subparagraph (a) shall no longer apply to that industry or sector. "

30. The applicant has relied upon Article 15(a)(i) of China's the Accession Protocol as well as para 7 of the Annexure I. The applicant claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the manufacture, production and sale of the product under consideration. It was stated by the applicant that in case the responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 of Annexure- I to the Rules.
31. It is noted that while the provision contained in Section 15 (a)(ii) has expired on 11.12.2016, the provision under Article 2.2.1.1 of WTO Anti-dumping Agreement read with the obligation under Section 15(a)(i) of the Accession Protocol require criterion stipulated in paragraph 8 of Annexure I of the Rules to be satisfied through the information/data to be provided in the supplementary questionnaire on claiming market economy treatment.

32. At the stage of initiation, the Authority proceeded as per the information made available by the domestic producers on the cost of production of the subject goods with due addition of SGA and profits. Upon initiation, the Authority advised the producers/exporters in China PR to respond to the notice of the initiation and provide information relevant to the determination of their market economy status. The Authority sent copies of the supplementary questionnaire to all the known producers/ exporters for rebutting the presumption of a non-market economy in accordance with criteria laid down in Para 8(3) of Annexure-I to the Rules and furnish relevant detailed information. The Authority also requested the Government of China PR to advise the producers/exporters in China PR to provide the relevant information.
33. The Authority also notes the existing jurisprudence on constructing normal value in case of a non-market economy contained in the Supreme Court judgement in ***Shenyang Mastsushita S. Battery Co. Ltd. vs M/s Exide Industries ltd.***¹¹, Guwahati High Court in ***M/s Century Plyboards (I) Ltd & Anr.-vs- Union of India & tur.***¹² and CESTAT, Principal Bench, New Delhi in ***Appollo Tyres Ltd, vs Union of India***¹³, ***Kuitun Jinjiang Chemical Industry Co. Ltd. vs Union of India***¹⁴. These judgements provide directions regarding implementation of para 7 of Annexure 1 of the Rules with respect to the choice of an appropriate option, and associated obligations thereof.
34. None of the exporters/producers contested the non-market economy status of China PR. Thus, in view of the above position and in the absence of rebuttal of the non-market economy presumption by any Chinese exporting company, the Authority considers it appropriate to treat China PR as a non-market economy country in the present investigation and proceeds with para 7 of Annexure-I to the Rules for determination of normal value in case of China PR.
35. Para 7 of Annexure I of the Rules reads as under:

“In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in the market economy third country, or the price from such a third country to other countries, including India or where it is not possible, or 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 selection. Accounts shall be taken within time limits,

11. AIR 2005 SC 851.

12. W.P No. 6568/2017.

13. Appeal No. C1768, 600,601,773,769/2005-AD-dated 9/9/2005.

14. Appeal no. 52291 of 2019.

where appropriate, of the investigation made in any similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without any unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.”

36. Para 7 lays down a hierarchy for the determination of normal value and provides that 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. Thus, the Authority notes that the normal value is required to be determined having regard to the various sequential alternatives provided under para 7. There is no evidence of price or constructed value prevailing in a market economy third country brought forward by any interested party. Apart from the subject country in the present investigation, imports into India from other countries are low in volume. Thus, imports into India from the market economy third country could not be considered for determination of normal value.
37. The Authority has therefore constructed the normal value for China PR on the basis of cost of production in India, duly adjusted, including selling, general and administrative expenses and reasonable profits. The constructed normal value so determined for Chinese producers/exporters is mentioned in the dumping margin table.

F.3.2 Determination of export price:

38. **Anhui Futian Agrochemical Co., Ltd.** (hereinafter referred to as “Futian”) was established on 21st May, 2009 as a limited liability company in accordance with Company Law of the People's Republic of China. During the POI, Anhui Futian Agrochemical Co., Ltd., China PR, has sold *** MT of the subject goods to India indirectly through an unrelated exporter/trader namely, **Kunshan Rising Chemical Co., Ltd.** Further, Kunshan Rising Chemical Co., Ltd., has also sold the same subject goods to India indirectly through another related exporter/trader namely, **Microchem Specialities Trade Limited**. It is further noted that during the POI, Microchem Specialities Trade Limited has sold *** MT to unrelated buyers in India, out of which company also sourced *** MT of subject goods from another unrelated producer/supplier namely, Changzhou Nongfeng Co., Ltd., but since this unrelated producer/supplier has not filed its EQR with the Designated Authority, this quantity has not been considered. The producer/exporter has claimed adjustment on account of inland transportation to arrive at export price at ex-factory level. The same has been accepted and the export price so determined is shown in the dumping margin table.
39. **Inner Mongolia Lange Biotechnology Co., Ltd.** (hereinafter referred to as “Lange”) was established on 18th January, 2019, as a limited liability company in accordance with

Company Law of the People's Republic of China. During the POI, Inner Mongolia Lange Biotechnology Co., Ltd., China PR, has sold *** MT of the subject goods to India indirectly through an unrelated exporter/trader namely, **Shanghai Agrotree Chemical Co., Ltd.** The producer/exporter has claimed adjustment on account of inland transportation to arrive at export price at ex-factory level. The same has been accepted and the export price so determined is shown in the dumping margin table.

40. **Lion Agrevo (Nantong) Co., Ltd.** (hereinafter referred to as “Lion Agrevo”) was established on 17th October, 2005 as a limited liability company in accordance with Company Law of the People's Republic of China. During the POI, Lion Agrevo (Nantong) Co., Ltd., China PR, has sold *** MT of the subject goods to India indirectly through a related exporter/trader namely, **Novatic Chem Co., Ltd.**, on ex-work basis. The producer/exporter has claimed no adjustment to arrive at export price at ex-factory level. The same has been accepted and the export price so determined is shown in the dumping margin table.
41. **Hangzhou Nutrichem Co., Ltd.**, (hereinafter referred to as “Nutrichem”) was established on 1st January, 1957 as a limited liability company by shares in accordance with Company Law of the People's Republic of China. During the POI, Hangzhou Nutrichem Co., Ltd. China PR, has sold *** MT subject goods to India directly to unrelated buyers in India. The producer/exporter has claimed no adjustments on account of ocean freight, insurance, inland transportation, port and other related expenses, credit cost and bank charges to arrive at export price at ex-factory level. The same has been accepted and the export price so determined is shown in the dumping margin table.
42. **Capital Industry Construction Technology Co., Ltd., Shandong Qiaochang Modern Agriculture Co., Ltd, Shandong Qiaochang Modern International Co., Ltd and QCC ShangHai Co., Ltd.** to are four related entities who have filed questionnaire response. From their responses, it is noted that two companies Shandong Qiaochang Modern Agriculture Co. and QCC ShangHai Co., Ltd have not exported the subject goods to India and remaining two companies Capital Industry Construction Technology Co., Ltd., and Shandong Qiaochang Modern International Co., Ltd have exported the subject goods to India. It is further noted that Capital Industry Construction Technology Co., Ltd., exported Pretilachlor Technical and Shandong Qiaochang Modern International Co., Ltd exported PEDDA to India which was produced by Capital Industry. The Authority has considered the data submitted by the above entities. 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 accepted after desk verification of information submitted by cooperating producer and exporter.
43. The net export price for all other producers/exporters from China PR has been determined based on facts available in terms of Rule 6(8) of the Rules. The net export price so determined is mentioned in the dumping margin table.

44. The CNV & net export price have been calculated separately for PEDTA and Pretilachlor Technical for fair comparison and then weighted average CNV & net export price has been determined which is mentioned below in the dumping margin table.

Dumping Margin Table

SN	Producer	Normal Value (US\$/MT)	Ex-Factory export price (US\$/MT)	Dumping Margin (US\$/MT)	Dumping Margin (%)	Dumping Margin Range (%)
1.	Anhui Futian Agrochemical Co., Ltd.	***	***	***	***	40-50
2.	Inner Mongolia Lange Biotechnology Co., Ltd.	***	***	***	***	50-60
3.	Lion Agrevo (Nantong) Co., Ltd.	***	***	***	***	55-65
4.	Hangzhou Nutrichem Co., Ltd.	***	***	***	***	45-55
5.	Capital Industry Construction Technology Co., Ltd., / Shandong Qiaochang Modern Agriculture Co., Ltd, / Shandong Qiaochang Modern International Co., Ltd / QCC ShangHai Co., Ltd.	***	***	***	***	45-55
6.	Any other producer	***	***	***	***	60-70

G. ASSESSMENT OF INJURY AND CAUSAL LINK

G.1 Submissions by other interested parties

45. The following submissions have been made by the other interested parties with regard to injury and causal link.
- i. The applicant has presented injury data after cumulating all products within PUC which is highly misleading and have serious adequacy issues considering how injury concerning a recently started product like PEDTA and Pretilachlor Technical be clubbed with fairly stabilized other product like pretilachlor formulation.

- ii. Except for Pretilachlor Formulation, injury data is not available for all 4 years covered in the injury period, thus, data is not sufficient to conduct any trend analysis.
- iii. By excluding Pretilachlor Technical producers, the data of such producers is not reflected in the injury claimed by the applicant.
- iv. The period 2021-22 onwards should be considered as abnormal period considering the impact of COVID-19 pandemic, government interventions and stimulus measures, logistical challenges and cost increases and raw material and energy price volatility.
- v. The applicant has experienced an increase in sales by 7 times, despite a decline in demand by 20%.
- vi. The applicant has claimed highest level of injury during the POI while the imports has been lowest during the POI.
- vii. Total imports have declined by 34% and therefore, no volume injury can be attributed to imports from the subject country.
- viii. Subject imports in relation to Indian production have declined during the POI compared to the base year 2020-21.
- ix. In relation to demand, subject imports have also declined during the POI as compared to the base year 2020-21.
- x. The applicant has been consistently increasing its installed capacity year by year, despite the low-capacity utilization during the previous year. If the applicant had not increased its capacity, the utilization would have improved and reached an optimum level.
- xi. The domestic sales volume has increased from 100 to 1465 during the POI as compared to the base year.
- xii. The applicant has suffered losses because of the unnecessary increase in installed capacity over the years without a corresponding increase in the demand.
- xiii. Injury claimed in Pretilachlor Formulation requires further explanation as the applicant has been able to maintain healthy employment and wage levels for Pretilachlor Formulation even when they were increasing their losses year after year. Inventory for Pretilachlor Formulation during POI was also lower than base year.
- xiv. With regards Pretilachlor Technical, imports have declined in the POI post commencement of PEDDA production by applicant. The applicant made robust profit in this product during 2022-23 and there have been losses during the 2021-22 and POI, which shows that the industry is not yet stabilised and it can swing back to profits like in 2022-23 on its own and the situation cannot be termed as that of material injury.
- xv. The productivity per day of the petitioner has increased from 100 during the base year 2020-21 to 667 during the POI.
- xvi. The applicant has failed to established causal link between alleged dumped imports of the subject goods from the subject country and alleged injury having been suffered by the domestic industry from such imports.

- xvii. The applicant deliberately fails to address a number of crucial issues which had an impact on the domestic industry independently from the imports originating in the country concerned including internal problems, depressed market conditions globally, fluctuations in the price of raw materials, decrease in demand, high channel inventory, impact of the pandemic COVID-19, Russia Ukraine War, shutdown of the plant, and excessive capacity addition.
- xviii. The inclusion of Pretilachlor Formulation in the scope of the product under consideration (PUC) appears to be arbitrary and aimed at fulfilling the 4-year injury data requirement rather than addressing any actual injury. Injury data is incomplete for PEDAs and Pretilachlor Technical, making any trend analysis unreliable.
- xix. The applicant's claims of unutilized investments are not supported, as injury data clearly shows that the establishment of production capacity was unaffected.
- xx. The applicant's claims regarding the cyclical nature of imports are irrelevant as the injury periods and the period of investigation (POI) already account for any cyclicality.
- xxi. High levels of imports before the applicant began production have no relevance to the POI and cannot be used to support injury claims.
- xxii. Decline in imports is in line with declining product demand and is not indicative of injury caused by imports.
- xxiii. The price difference between import price and the applicant's costs may be due to startup or stabilization costs rather than dumping.
- xxiv. The respondents oppose the claim that exporters from the subject country resorted to aggressive pricing post-PEDA operations commencement by the applicant. The increase in PEDAs imports is attributed to rising production of Pretilachlor Technical in India, leading to a decline in imports of Pretilachlor Technical.
- xxv. The applicant incorrectly claims that imports increased prior to operations commencement. The increase in Q4 2020-21 was due to COVID-related uncertainties in raw material availability. Except for Q4 2020-21, import trends aligned with the product's cyclic demand, as shown in the table provided.
- xxvi. The applicant's internal feasibility report is not a reliable source for performance comparison, as it is based on optimistic assumptions that do not reflect the real-world challenges of the injury period, including input price volatility and supply chain disruptions.

G.2 Submissions by the domestic industry

- 46. The following submissions have been made by the applicant with regard to injury and causal link.
 - i. The applicant has set up Pretilachlor Technical plant in 4 phases.
 - ii. The applicant had set up its *** MT PEDAs plant with the same commencing production from May 2022. The applicant had also planned a second plant for PEDAs with *** MT capacity. However, the same has been put on hold because of

- the present unviability of operating the plant due to dumped imports from the subject country.
- iii. When the applicant's second phase of Pretilachlor Technical plant was to start commercial production in around the period April 2021, the period January 2021 to March 2021 saw a significant increase in the imports.
 - iv. When the applicant commenced production at its PEDDA plant in May 2022, the period April 2022 to June 2022 saw an abnormal increase in the import volumes of PEDDA.
 - v. The peak demand for PEDDA is in January to March and in the peak demand for the product the imports were taking place in large volume and the applicant's production was suffering.
 - vi. The last quarter of the period of investigation has seen large volume of imports of PEDDA, and therefore, imports of Pretilachlor Technical have declined.
 - vii. The demand of PEDDA declined in 2021-22, increased sharply in 2022-23 and then declined thereafter in the period of investigation. The decline in period of investigation is attributable to the "surplus imports" in the domestic market in 2022-23. If the excess imports are addressed and the period 2020-21 is excluded because of fear of uncertainties in the domestic market, the demand for PEDDA shows a consistent increase.
 - viii. Imports are below the cost of sales of applicant. Applicant was forced to sell below the cost of production due to dumping.
 - ix. Landed price has been consistently below the cost of sales of applicant. The dumped imports have depressed the prices of the applicant.
 - x. The price undercutting is positive.
 - xi. Applicant had to shut down its PEDDA plant for more than *** days and its pretilachlor technical plant for around *** days.
 - xii. Applicant had setup sufficient capacities to cater the demands met by dumped imports for PEDDA and Pretilachlor Technical.
 - xiii. Production of applicant increased till 2022-2023 and thereafter declined. The increase in production was because of new plant being set up with its production being used for captive transfer purposes.
 - xiv. Even though the domestic sales increased over injury period, it was only because the applicant sold at losses.
 - xv. Applicant has been able to sell only around 60% of its production in POI and holds significant inventory.
 - xvi. Dumping of product had led to significant accumulation of inventories towards the end of 2022-23. Applicant had to suspend production in POI due to product remaining unsold.
 - xvii. Loss per unit of sales has increased in POI from the immediately preceding year to. Even at optimum operations, applicant would have suffered losses and negative ROCE.
 - xviii. Total loss of the applicant has also increased in the period of investigation. Cash losses are also very high.

- xix. While the investment made by applicant in two plants are at Rs *** cr., total loss till POI is Rs. *** cr.
- xx. Suspension of production has affected employment, wages and productivity.
- xxi. Dumped imports have forced the applicant to sell below the cost of production. Despite demand for PEDA, applicant has to sell at negative contribution because of low-priced imports.
- xxii. Negative cash flow prevented applicant to recover the cost of production. Cash losses have also increased due to dumping.
- xxiii. Authority may compare actual performance of the applicant for the period of its operation with projected performance when investment was made.
- xxiv. The delta between raw material price and landed price of PEDA and the delta between the raw material cost and the landed price of pretilachlor technical declined when the applicant commenced commercial production.
- xxv. The dumping of the product has impacted on the entire chain of operations of the applicant.
- xxvi. As regards the contention that import volume reported in Proforma IV A and Proforma IV B is different, the volume of imports reported in proforma IVA is consolidated at Pretilachlor technical level. However, the volume reported in proforma IV B is at actual level because product type wise comparison has been made.
- xxvii. As regards the contention that injury is due to capacity expansion, the pretilachlor technical plant of the applicant has been set up in four phases with a combined capacity of *** MT. When the imports have taken place below the variable cost of the applicant, establishment of the capacity cannot be said the cause of the injury to the domestic industry.
- xxviii. As regards separate injury analysis for PEDA, pretilachlor technical and pretilachlor formulation, reference is provided to the Authority's finding in *Industrial Laser Machines* from China PR wherein three different types of machines were brought under one scope of the product under consideration and conducted injury analysis for the product as a whole.

G.3 Examination by the Authority.

- 47. The Authority has taken note of the arguments and counter arguments of the interested parties on injury. The injury analysis made by the Authority hereunder *ipso facto* addresses the various submissions made by the interested parties. However, the specific submissions made by the interested parties are addressed by the Authority as below.
- 48. The product under consideration is used as an herbicide and the product has demand at the time plantation is stated for kharif season. The primary demand for the product is only when the cultivation is done.
- 49. The interested parties have contended that a separate injury analysis must be conducted for PEDA, Pretilachlor Technical and Pretilachlor Formulation. The Authority notes that,

having already examined in the scope of PUC that all the three product types are different forms of the same base product, eventually used as formulation, it would not be appropriate to examine injury for all the three types of products separately. There is no requirement under any law or in jurisprudence to examine injury analysis separately for the different forms of products separately under one PUC. However, for the purpose of injury analysis, the Authority has examined the price effect taking into account Pretilachlor Technical and PEDDA separately. The economic parameters of the domestic industry have been examined for the product under consideration as a whole.

50. It has been contended by the interested parties that the applicant has consistently increased capacities which has led to the injury suffered. The applicant has submitted that the pretilachlor technical plant has been set up in four phases with a combined capacity of ***MT as per below.
 - a. First plant of *** MT in October 2020
 - b. Second phase of *** MT in April 2021
 - c. Third phase of *** MT in June 2022
 - d. Final phase of *** MT completed in January 2023

51. Further, the applicant has submitted that the commercial production at PEDDA plant of capacity *** MT which began in May 2022. The Authority also notes that the applicant has suffered cash losses and loss before interest and tax. The Authority also notes that the applicant was suffering losses even before interest, depreciation and taxes and the cash losses and loss before interest are highest in the period of investigation. Therefore, it is difficult to attribute the alleged injury to capacity expansion.

52. The applicant has provided segregated information for PEDDA, pretilachlor technical and pretilachlor formulation form of the product. All three forms of the product have been sold in the domestic market. The Authority has considered aggregated data of PEDDA, pretilachlor technical and pretilachlor formulation to examine the economic parameters of the domestic industry. Conversion factors to bring all forms of PUC to the level of Pretilachlor Technical, for all the years of the injury investigation period are as below-

Particulars	2020-21	2021-22	2022-23	POI
Pretilachlor Technical	***	***	***	***
PEDDA to Pretilachlor Technical	***	***	***	***
Formulation to Pretilachlor Technical	***	***	***	***

G.3.1 Assessment of Demand/Apparent Consumption.

53. The Authority has defined, for the purpose of the present investigation, demand, or apparent consumption of the subject goods in India as the sum of imports of pretilachlor technical (since there are no imports of pretilachlor formulation) and PEDDA into India, domestic sales of PEDDA, Pretilachlor Technical and Pretilachlor Formulation of the

applicant, and the production of PEDA by other producers in India. Formulation is only prepared from either the Pretilachlor Technical produced in India or from imported Pretilachlor Technical. Therefore, production and sale of Pretilachlor Formulation by other domestic producers has not been included in the demand assessment, as the same would lead to double accounting. However, production of PEDA by other producers has been included to quantify demand.

54. The table below shows the demand in India.

SN	Particulars	Unit	2020-21	2021-22	2022-23	POI
1.	Imports from subject country					
	PEDA (equivalent to technical)	MT	5,030	3,009	5,598	4,252
	<i>Trend</i>	Index	100	60	111	85
	Pretilachlor technical (actual)	MT	5,316	3,110	2,563	982
	<i>Trend</i>	Index	100	59	48	18
	Total imports	MT	10,346	6,119	8,161	5,234
	<i>Trend</i>	Index	100	59	79	51
2.	Imports from other countries	MT	-	-	-	-
3.	Sales of Domestic Industry					
	Pretilachlor technical (actual)	MT	***	***	***	***
	PEDA (equivalent to technical)	MT	***	***	***	***
	Pretilachlor formulation (equivalent to technical)	MT	***	***	***	***
	Total sales of applicant	MT	***	***	***	***
	<i>Trend</i>	Index	100	799	803	2,334
4.	<i>Sales of other producer</i>	MT	***	***	***	***
5.	Demand	MT	***	***	***	***
	<i>Trend</i>	Index	100	67	85	63

55. It is seen that the demand for PUC declined from 2020-21 to 2021-22, increased in 2022-23 and thereafter significantly decreased in the POI. The Authority notes that the demand for PUC has seen a fluctuating trend eventually declining in the POI.

H.3.2 Volume and price effect of dumped imports on domestic industry.

56. With regard to the volume of dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or in relation to production or consumption in India. For the purpose of the injury analysis, the Authority has relied upon the transaction-wise data from DG Systems. With regard to the effect of the dumped imports on prices, it is required to be analysed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject country has been examined with reference to price undercutting and price suppression/depression, if any. For the purpose of this analysis the cost of sales and the net sales realization (NSR) of the domestic industry have been compared with the landed price of the subject imports.

a. Imports in absolute and relative terms:

57. The import volumes of the subject goods (for pretilachlor technical and PEDDA equivalent of pretilachlor technical) and share of the same in relation to production and consumption in India (for pretilachlor technical and PEDDA equivalent of pretilachlor technical) during the injury investigation period are as follows:

SN	Particulars	Unit	2020-21	2021-22	2022-23	POI
1.	Imports from subject country	MT	10,346	6,119	8,161	5,234
	Subject imports in relation to					
2.	Total imports	%	100	100	100	100
3.	Indian production	%	***	***	***	***
	<i>Trend</i>	Index	100	16	16	11
4.	Indian demand	%	***	***	***	***
	<i>Trend</i>	Index	100	89	93	80

58. It is seen that the subject imports in absolute terms declined in 2021-22, thereafter increased in 2022-23 and again declined in the period of investigation.

59. Imports in relative terms have also declined. However, the decline in imports in relation to production is also attributable to the fact that the applicant has commenced commercial production in the base year of the injury period. As the applicant's production increased, the imports declined in relation to production.

b. Price undercutting.

60. In order to determine whether the imports are undercutting the prices of the domestic industry in the market, price undercutting has been worked out by comparing the landed price of the subject imports with the selling price of the domestic industry during the investigation period.
61. The Authority has compared landed price of imports with the selling price of the domestic industry for PEDA and pretilachlor technical. Thereafter, a weighted average price undercutting has been determined after considering associated import volumes.

S. N	Particulars	Unit	PEDA	Pretilachlor Technical	Overall PUC
1.	Imports from subject country	MT	3,300	982	4,282
2.	Net selling price	Rs/MT	***	***	***
3.	Landed price	Rs/MT	4,36,638	4,23,343	4,33,589
4.	Price undercutting	Rs/MT	***	***	***
5.	Price undercutting	%	***	***	***
6.	Price undercutting	Range	5-15%	(0-10) %	0-10%

62. It is seen that during the period of investigation, the subject goods originating in the subject country were imported into the Indian market at prices lower than the selling prices of the domestic industry. It is, thus, noted that imports of subject goods were undercutting the prices of the domestic industry in the market, and margin of undercutting was positive.

c. Price Suppression/Depression

63. For the purpose of analysing price suppression and depression in the domestic market, the Authority has compared the cost of sales and selling price of the applicant separately for Pretilachlor Technical and PEDA which is shown in the tables below.

Table for PEDA

SN	Particulars	Units	2020-21	2021-22	2022-23	POI
1	Cost of Sales	Rs/MT	-	-	***	***
2	Change	Rs/MT	-	-	***	***
3	<i>Trend</i>	Index	-	-	100	69
4	Selling Price	Rs/MT	-	-	***	***
5	Change	Rs/MT	-	-	***	***
6	<i>Trend</i>	Index	-	-	100	101

64. It is seen in the table above that over the injury period, the cost of sales of the applicant has declined but the selling price has marginally increased. However, it is noted that selling price has been consistently below the cost of sales over the entire injury period.

Table for Pretilachlor Technical

SN	Particulars	Units	2020-21	2021-22	2022-23	POI
1	Cost of Sales	Rs/MT	-	***	***	***
2	Change	Rs/MT	-	***	***	***
3	<i>Trend</i>	Index	-	100	99	108
4	Selling Price	Rs/MT	-	***	***	***
5	Change	Rs/MT	-	***	***	***
6	<i>Trend</i>	Index	-	100	129	80

65. It is seen in the table above that over the injury period, the cost of sales of the applicant for Pretilachlor Technical has increased but the selling price has declined and domestic industry has sold the Pretilachlor Technical at losses during POI.

G.3.3 Economic parameters of the domestic industry.

66. Annexure II to the Rules provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased 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 and the ability to raise capital investments. Accordingly, various injury parameters relating to the domestic industry are discussed herein below.

67. The performance of the applicant in the period of investigation has been compared with its performance in the base year.

a. Capacity, production, capacity utilization and sales.

68. The Authority has considered the capacity, production, capacity utilization, and sales volume of the domestic industry over the injury period. The table below shows factual position.

SN	Particulars	Units	2020-21	2021-22	2022-23	POI
1.	Installed Capacity (equivalent to pretilachlor technical)	MT	***	***	***	***
	<i>Trend</i>	Index	100	1,140	5,093	6,038

2.	Production (equivalent to pretilachlor technical)	MT	***	***	***	***
	<i>Trend</i>	Index	100	378	1,819	1,655
3.	Capacity Utilisation (equivalent to pretilachlor technical)	%	***	***	***	***
	<i>Trend</i>	Index	100	63	32	26
4.	Domestic sales (equivalent to pretilachlor technical)	MT	***	***	***	***
	<i>Trend</i>	Index	100	799	803	2,334

69. It is seen that:

- a. The applicant was earlier producing pretilachlor formulation by sourcing pretilachlor technical from China PR. The applicant has set up pretilachlor technical plant and then PEDDA plant.
- b. The applicant has installed pretilachlor plant in 4 phases with first phase of *** MT in October 2020, second phase of *** MT in April 2021, third phase of *** MT in June 2022 and final phase completed in January 2023. The applicant began commercial production of PEDDA from May 2022.
- c. The capacity of the applicant has consistently increased over the injury period.
- d. The production of the applicant has increased in 2021-22, further increased in 2022-23 and thereafter declined in POI.
- e. The current capacity utilization of the applicant is at a significantly low level.
- f. It has been contended by the applicant that it was forced to shut down its PEDDA and Pretilachlor Technical plant for more than *** days and *** days respectively in the period of investigation alone.

b. Market share in the demand.

70. The market share of the subject imports and the applicant over the entire injury period have been analysed and were as follows:

S.N	Market share of	Units	2020-21	2021-22	2022-23	POI
1.	Subject Country	%	***	***	***	***
	<i>Trend</i>	Index	100	89	93	80
2.	Domestic industry	%	***	***	***	***
	<i>Trend</i>	Index	100	1,199	950	3,676
3.	Other producers	%	***	***	***	***
	<i>Trend</i>	Index	100	450	266	394

71. It is seen that the market share of the applicant has increased over the injury period and that of the subject country imports has declined. The Authority however notes that the imports in past were excessive and have declined in POI. It is also seen that the

applicant's market share over the entire injury period is significantly below the demand that the applicant is capable of catering to.

c. Profitability, cash profits, and return on capital employed

72. The profit, cash profits, profit before interest (PBIT), and return on investment of the domestic industry over the injury period have been analysed and were as follows:

S.N	Particulars	Units	2020-21	2021-22	2022-23	POI
1.	Profit/ (loss)	₹ /MT	***	***	***	***
	<i>Trend</i>	Index	100	774	1,087	2,313
2.	Profit/ (loss)	₹ Lacs	***	***	***	***
	<i>Trend</i>	Index	100	6,186	8,728	53,972
3.	Cash Profit	₹ Lacs	***	***	***	***
	<i>Trend</i>	Index	100	-2,740	-2,608	-23,139
4.	Profit before interest and tax	₹ Lacs	***	***	***	***
	<i>Trend</i>	Index	100	-13,536	-19,016	-1,20,666
5.	Return on investment	%	***	***	***	***
	<i>Trend</i>	Index	100	-5,271	-1,903	-10,046

73. It is seen that:

- The applicant has suffered financial losses over the entire injury period.
- The financial loss, cash loss, and loss before interest increased in 2021-22. The financial loss and loss before interest has further increased in 2022-23.
- The financial loss, cash loss and loss before interest have intensified over the entire injury period.
- The applicant is operating with negative return on capital employed.
- The applicant has suffered cumulative loss of Rs *** cr. over the entire injury period. while the investment in the product is Rs *** cr.

d. Inventory

74. The data relating to the inventory position of the domestic industry over the injury period have been analysed and were as follows:

SN	Particulars	Units	2020-21	2021-22	2022-23	POI
1	Opening inventory	MT	***	***	***	***
	<i>Trend</i>	Index	***	***	***	***
2	Closing inventory	MT	***	***	***	***
	<i>Trend</i>	Index	***	***	***	***
3	Average inventory	MT	***	***	***	***
	<i>Trend</i>	Index	100	205	1,318	808

75. It is seen that the level of inventories with the domestic industry increased over the injury period till 2022-23. While inventory has declined in the period of investigation, it was

because the suspension of the production in the period of investigation. The applicant has been forced to shut down its PEDA and pretilachlor technical plant for more than *** days and *** days in the period of investigation alone.

e. Employment, Wages, and Productivity

76. The position with regard to employment, wages, and productivity of the domestic industry is as follows:

SN	Particulars	Units	2020-21	2021-22	2022-23	POI
1.	Number of employees	Nos.	***	***	***	***
	<i>Trend</i>	Index	100	104	176	224
2.	Wages	Rs. Lacs	***	***	***	***
	<i>Trend</i>	Index	100	376	765	1,207
3.	Productivity per employee	MT	***	***	***	***
	<i>Trend</i>	Index	100	378	1,819	1,655
4.	Productivity per day	MT	***	***	***	***
	<i>Trend</i>	Index	100	363	1,034	737

77. It is seen that:

- a. The number of employees of the applicant have increased over the injury period as the applicant has expanded its capacity. The setting of capacity by the applicant has led to creation of employment.
- b. The wages paid by the applicant have increased over the injury period.
- c. The productivity per employee of the applicant has increased over the injury period.
- d. The productivity per day of the applicant has increased over the injury period till 2022-23 and thereafter declined in the period of investigation.

f. Growth

78. The information regarding growth is given below:

SN	Particulars	UoM	Y/Y	2021-22	2022-23	POI
1.	Production	MT	%	613%	129%	-4%
2.	Sales	MT	%	699%	0.48%	191%
3.	Profit/(Loss) per unit	Per MT	%	-674%	-40%	-113%
4.	Profit before tax	Rs. Lacs	%	-6086%	-41%	-518%
5.	Cash profit	Rs. Lacs	%	-2740%	5%	-819%
6.	Profit before interest and tax	Rs. Lacs	%	-13536%	-41%	-537%
7.	Return on investment (ROI)	%	%	-5271%	65%	-452%
8.	Inventory	MT	%	105%	544%	-39%

79. It is seen that the applicant has recorded significant negative adverse growth in all price parameters in the period of investigation.

g. Magnitude of dumping

80. The magnitude of dumping is an indicator of the extent to which the imports are being dumping into India. The investigation has shown that the dumping margin is positive and significant during the period of investigation.

h. Ability to raise capital investment

81. The Authority notes that due to the significant and continuous losses suffered, the ability of the domestic industry to raise capital investment has been impaired. The applicant has stated that it has put expansion plant of PEDDA on hold.

i. Factors affecting domestic prices.

82. The Authority notes that the import price for both the product types is materially below the cost of sales of the applicant. The applicant has been unable to align its prices in line with the cost of sales. The applicant has suffered continuous losses over the entire injury period. Therefore, the imports from the subject country have affected the prices of the applicant.

H. CAUSAL LINK AND OTHER FACTORS

83. The Authority examined whether other factors listed under the anti-dumping Rules could have caused injury to the domestic industry. The Authority examined known factors other than the dumped imports and ascertained whether these at the same time have been injuring the domestic industry, so that the injury caused by other, if any, is not attributable to the dumped imports. Factors which are relevant in this respect include, *inter alia*, the volume of subject goods not sold at dumped prices, contraction in demand or changes in the pattern of consumption, trade restrictive practices, changes in technology, the export performance of the applicant and the productivity of the domestic industry.

a. Volume and price of imports from third countries.

84. It is seen that there are no imports of the product under consideration from other countries. Therefore, imports from other countries are not a cause of material injury suffered by the applicant.

b. Contraction in demand.

85. It is seen that there is fluctuation in demand during the injury investigation period and contraction in the period of investigation. Given that there is a shelf life of 3 years for the PUC, it is difficult to attribute contraction to a particular year alone. Even if contraction in demand is presumed for the POI, the demand still remains significantly higher than the sales of domestic industry and despite having good capacities, the share of domestic industry is at best marginal. It therefore does not emerge as a contributing factor for the injury.

c. Changes in pattern of consumption.

86. There are no changes in the pattern of consumption for the product under consideration over the injury period that could have caused injury to the applicant.

d. Conditions of competition and trade restrictive practices.

87. The investigation has not shown any change in the conditions of competition or any restrictive trade practices.

e. Development in technology.

88. No evidence has been brought forward to show that there are no significant changes in technology.

f. Export performance of the domestic industry.

89. The information pertaining to domestic operations of the applicant has been considered.

g. Performance of other products

90. The domestic industry has provided the injury data for the product under consideration and the same has been adopted by the Authority for the purpose of the injury analysis. The performance of other products produced and sold by the domestic industry has not been considered.

H.1 Conclusion on Injury and Causal Link

91. Analysis of the performance of the domestic industry over the injury period shows material injury to the domestic industry. The causal link between dumped imports and the injury to the domestic industry is established on the following grounds:

- i. The volume of subject imports in absolute terms declined in 2021-22, thereafter increased in 2022-23 and again declined in the period of investigation. Imports in relative terms have also declined. However, the decline in imports in relation to production is also attributable to the fact that the domestic industry has commenced commercial production in the base year of the injury period. As the domestic industry's production increased, the imports declined in relation to production.
- ii. Imports of subject goods are undercutting the prices of the domestic industry in the market, and the margin of undercutting is positive and significant in the period of investigation.
- iii. The imports are depressing the prices of the domestic industry in the domestic market.
- iv. The domestic industry's production has increased in 2021-22, further increased in 2022-23 and thereafter declined in period of investigation. The current capacity utilization of the applicant is at a significantly low level.
- v. The market share over the entire injury period is significantly below the demand that the domestic industry is capable of catering to.

- vi. The financial loss, cash loss and loss before interest of the domestic industry have intensified over the entire injury period. The domestic industry is operating with negative return on capital employed.
- vii. The level of inventories with the domestic industry increased over the injury period till 2022-23. Level of inventories have declined in the period of investigation because of suspension of production by the domestic industry.

92. The above analysis indicates that the domestic industry is suffering material injury due to increased dumped imports of the product under consideration into India from the subject country. There exists a causal relation between the increase in dumped imports of the subject goods originating in or exported from the subject country and the material injury suffered by the domestic industry.

I. MAGNITUDE OF INJURY MARGIN

93. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the product under consideration is to be determined by adopting the information/data relating to the cost of production provided by the domestic industry for the POI. The NIP has been considered for comparing the landed price from the subject country for calculating injury margin. For determining the NIP, the best utilisation of the raw materials and utilities has been considered over the injury period. Best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from 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 NIP as prescribed in Annexure III to the Rules.

94. The NIP and landed price have been calculated separately for PEDDA and Pretilachlor Technical for fair comparison and then weighted average has been determined which is mentioned below in the injury margin table

95. Based on the landed price and the NIP determined as above, the injury margin as is determined as per table below.

Injury Margin Table

S. No.	Producer	NIP (US\$/MT)	Landed (US\$/MT)	Injury Margin (US\$/MT)	Injury Margin (%)	Injury Margin Range (%)
1.	Anhui Futian Agrochemical Co., Ltd.	***	***	***	***	20-30

2.	Inner Mongolia Lange Biotechnology Co., Ltd.	***	***	***	***	25-35
3.	Lion Agrevo (Nantong) Co., Ltd.	***	***	***	***	20-30
4.	Hangzhou Nutrichem Co., Ltd.	***	***	***	***	35-45
5.	Capital Industry Construction Technology Co., Ltd., / Shandong Qiaochang Modern Agriculture Co., Ltd, / Shandong Qiaochang Modern International Co., Ltd / QCC ShangHai Co., Ltd.,	***	***	***	***	25-35
6.	Any other	***	***	***	***	35-45

J. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

J.1 Submissions of other interested parties

96. The following submissions have been made by other interested parties with regards to public interest:
- a. If anti-dumping duties are imposed, the cost of essential herbicide would likely increase, which would lead to higher production cost for farmers, which could reduce their profit margins and make rice cultivation less economically viable.
 - b. Higher prices for agricultural inputs like herbicides could contribute to overall inflation, particularly affecting the prices of staple foods such as rice.
 - c. From the perspective of public interest and consumer welfare, the imposition of such duties could lead to higher prices for rice and other related products, disproportionately affecting low-income households.
 - d. If any ADD is imposed on the product under consideration, then the landed cost of the PEDDA will increase as there is only one manufacturer for this product in India.
 - e. The ADD as sought may lead to an increase in the cost of imported product (PEDDA) by 30-40% which will have a similar cascading impact on the cost of downstream products.
 - f. There are other substitutes available for the product and if anti-dumping duties are imposed, the consumers will shift to other products.

J.2 Submissions of the domestic industry

97. The following submissions have been made by the domestic industry with regards to public interest:
- a. The impact of imposition of anti-dumping duty on the users is insignificant. The other interested parties have not provided any evidence to support their statement that the imposition of anti-dumping duty will increase the cost of eventual end product.
 - b. While the import price of PEDDA has declined from Rs 571 per KG in April 2021 to Rs 408 per KG in the period of investigation, the prices of pretilachlor formulation have increased. The prices of pretilachlor formulation have remained at almost the same level irrespective of the prices of pretilachlor technical. This shows there is no relation between the prices of these products.
 - c. Consumption of the product is low for a farmer. Farmers typically mix approximately 1 litre of Pretilachlor formulation with 100 liters of water, which is then sprayed over an area of 1 acre. Therefore, the consumption of Pretilachlor formulation per liter is only 1%. The price per bottle is around Rs 350. This implies that the cost per acre is only Rs 350 for a farmer.
 - d. The impact of anti-dumping duty on farmers who are using formulation per acre of land per season is a mere Rs 21.
 - e. Procuring from the domestic industry is in the interest of the consumers as while the producers in the subject country will operate with the objective of maximization of revenue, the applicant being established in the same national territory will keep the consumer's interest in mind.
 - f. The imposition of anti-dumping measures in the present case shall be in national interest.
 - g. The imposition of anti-dumping duty will ensure that the dumped imports are at fair prices, which will be in the interest of the domestic industry.
 - h. There are large number of producers of pretilachlor technical in India. The applicant and these producers can cater to the entire demand for pretilachlor technical in the country.
 - i. The applicant had initially planned to set up 2 plants for PEDDA but because of dumping in the country, the applicant has put its 2nd plant on hold. If the applicant sets up its 2nd plant, it will be able to cater to the entire demand of PEDDA in the country.
 - j. The imposition of the anti-dumping measures would be in the interest of consumers. It is in the consumer's interest to have a competitive Indian industry capable of competing with the fair priced imports and supplying the product to the consumers which will then have easy access to the after sales services.
 - k. It is in the interest of the public at large to have a strong, competitive domestic production of the product. This will not be possible if the domestic industry suffers/ is materially injured due to dumped imports. Therefore, imposition of anti-dumping measures is essential.

J.3 Examination by the Authority

98. The Authority considered whether imposition of the anti-dumping duty will be against public interest. This determination is based on consideration of information on records and interests of various parties, including domestic industry, importers, and consumers of the product.
99. The Authority issued gazette notification inviting views from all the interested parties, including importers, consumers and other interested parties. The Authority also prescribed a questionnaire for the users to provide the relevant information with regard to the present investigation, including possible effect of the anti-dumping duty on their operation. The Authority sought information on, inter-alia, interchangeability of the product supplied by the various suppliers from different countries, ability to switch sources, the effect of the anti-dumping duty on the consumers, the factors that are likely to accelerate or delay the adjustment to the new situation caused by the imposition of the anti-dumping duty.
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 recommendation, if any, of anti-dumping measures is not designed to curtail imports from the subject country 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 field. It is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the presence of such measures. Far from diminishing competition, the anti-dumping measures serve to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the product under consideration. 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 including any possible effects of anti-dumping duty on their operations. Information was sought on, inter-alia, interchangeability of the product supplied by various suppliers, 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.
102. The following users registered themselves as an interested party in the present investigation.
- i. Crystal Crop Protection Limited
 - ii. HPM Chemicals and Fertilizers Limited
 - iii. Krisihi Rasayan Export Pvt. Ltd.
 - iv. Universal Agro Chemical Industries
 - v. Willowood Chemicals Limited

103. The Authority has examined the submissions made by all the interested parties. The Authority notes that of the registered interested users, only HPM Chemicals and Fertilizers Limited has filed an economic interest questionnaire. However, the opposing interested party has not provided any verifiable information on the likely impact of anti-dumping duty on the downstream industry and end customers.
104. The domestic industry has submitted with the Authority, quantifiable information on the impact of duty on the end-consumer. It is noted that Pretilachlor Formulation is sold in the Indian market at various concentrations which are bought by farmers. As per the information on record, it is noted that the impact on the users on account of imposition of anti-dumping duty would not be significant.
105. The Authority notes that there exists a demand-supply gap in the present investigation as far as PEDDA is concerned. The Authority notes that with regards to Pretilachlor Technical, the applicant along with the other producers have sufficient capacity to cater the entire domestic demand. For PEDDA, the applicant has already set up a capacity for *** MT in the country. The applicant had additionally planned 2nd plant of *** MT which was put on hold due to dumping of the product from the subject country. While the existing capacity with the domestic industry itself is largely unutilized, the enhanced capacities are further likely to bridge the gap of demand supply gap in the domestic market.
106. It is also noted in this regard that existence of demand-supply gap does not justify dumping in any situation. The same has been held by the CESTAT in *DSM Idimetsu Ltd. V. DA*¹⁵ as well as by the Gujarat High Court in *NOCIL Limited v. Government of India*¹⁶. The Gujarat High Court held as follows in this regard:
- “Where gap of demand and supply exists, the imports are inevitable but that is not a justification for imports coming into India at unfair and dumped prices. In view of the information made available by the petitioner to the authority, it is clearly found that there is continuous dumping, in the present case and, therefore, the demand and supply gap is not the basis for allowing such import.”*
107. The Authority further notes that imposition of anti-dumping duty does not restrict imports. Imports will continue to happen at fair prices. Anti-dumping duty ensures that the imports are entering the Indian market at fair prices and a level playing field is maintained between the foreign exporters and the domestic industry.

K. POST-DISCLOSURE COMMENTS

15. 2000(119) ELT 308 (TRI-DEL).

16. AIR 2019 GUJ 498.

K.1 Submissions by other interested parties

108. The following comments to disclosure statement have been made by the other interested parties.
- i. The anti-dumping duties should address actual dumping and injury, not hypothetical future imports. Furthermore, no evidence suggests that Pretilachlor Formulation imports would cause injury to the domestic industry.
 - ii. The standing of the domestic industry is questionable, as the petitioner's market share is small compared to other major producers such as HPM Chemical & Fertilizers Ltd.
 - iii. The producers using imported PEDDA should not be excluded from the standing assessment since PEDDA is a raw material rather than a final product.
 - iv. The interested parties oppose the use of the "surrogate country" methodology for China PR, arguing that its classification as a Non-Market Economy (NME) is inconsistent with WTO provisions. They cite the expiration of Article 15 of China's WTO Accession Protocol on 11th December, 2016 and the WTO Appellate Body ruling in the Fastener case, asserting that China PR should be accorded market economy status. They request that normal value be determined using actual domestic sales or cost data.
 - v. The interested parties contend that the unit cost of Pretilachlor should be lower than that of PEDDA, as PEDDA is its key intermediate. However, the Authority has computed NIP at approximately USD 6,500/MT for PEDDA and USD 7,000/MT for Pretilachlor Technical, which they argue is incorrect. They request the Authority to revisit the NIP computation.
 - vi. The interested parties challenge the application of a 22% Return on Capital Employed (ROCE) in the NIP determination, stating that this figure was established in 1987 when interest rates and corporate tax rates were significantly higher than at present. They argue that continuing to apply this outdated standard inflates injury margins and is inconsistent with economic reality. They cite the CESTAT ruling in *Bridge Stone Tyre Manufacturing & Others vs. Designated Authority (2011)* to support their request for reconsideration of the 22% ROCE.
 - vii. The imposition of anti-dumping duties is argued to be against public interest, as Pretilachlor is a critical herbicide for rice cultivation. The interested parties contend that imposing duties would increase production costs for farmers, reduce crop yields, and contribute to inflation. They also argue that such measures may harm agricultural productivity, affect employment in the sector, and lead to retaliatory trade actions. In light of these concerns, they urge the Authority to carefully assess the broader economic impact before recommending duties.
 - viii. No anti-dumping duty should be imposed on PEDDA, as it is an essential raw material for the production of Pretilachlor Technical and herbicide formulations used by Indian farmers.
 - ix. Imposing ADD on PEDDA will lead to a monopoly situation, as the petitioner is the sole domestic producer of PEDDA. The interested parties submit that excluding other Pretilachlor Technical producers from the domestic industry assessment has resulted in an inflated injury margin, which could translate into an ADD in the range of 20-45%, having severe economic consequences.

- x. The other interested parties have raised questions regarding rationale for treating PEDAs and Pretilachlor as like articles, as the interested parties contend that they are neither technically nor commercially substitutable. They cite previous findings by the Authority which required two-way substitutability to be established for products to be considered like articles and request the Authority to adopt a consistent approach.
- xi. The Authority's methodology for combining injury data from Pretilachlor Technical, PEDAs, and Pretilachlor Formulations has been challenged, with interested parties arguing that conversion costs from PEDAs to Pretilachlor Technical should be accounted for in the landed value comparison. They request further transparency on the methodology used for determining price undercutting and injury margins.
- xii. The timing of production commencement for the petitioner's products has been raised as a concern, with claims that PEDAs and Pretilachlor Technical were only recently produced, whereas the applicant has primarily been engaged in formulation production.
- xiii. The interested parties have requested the Authority to confirm whether data on Pretilachlor Formulation was included in the injury assessment, and to clarify the methodology used to combine cost and selling price data for the entire PUC.

K.2 Submissions by the domestic industry

109. The following comments to disclosure statement have been made by the domestic industry.
- i. The domestic industry refutes claims that the demand for Pretilachlor and PEDAs has declined. Instead, it submits that fluctuations in demand are a direct consequence of excessive imports from China PR, which have disrupted the market.
 - ii. The data demonstrates that imports in previous years were significantly high, impacting domestic production and distorting demand figures.
 - iii. The applicant has suffered consistent financial losses, cash losses, and negative returns on capital employed over the entire injury period.
 - iv. The domestic industry has been forced to shut down production multiple times due to the influx of low-priced imports. During the period of investigation, the PEDAs plant was shut down for over *** days, and the Pretilachlor Technical plant was shut down for over *** days, not due to technical or supply constraints but solely due to dumping. The Authority is requested to factor in these shutdowns when assessing injury rather than normalizing them.
 - v. Dumping has impacted the entire chain of operations for the domestic industry. The applicant is unable to compete with other producers who have access to dumped PEDAs from China PR, leading to an increase in production costs and an inability to recover costs.
 - vi. The low-priced imports have created an uneven playing field, preventing the domestic industry from expanding its operations.
 - vii. The domestic industry strongly urges the Authority to recommend the imposition of anti-dumping duties for a period of five years. A shorter duration would not allow the

industry sufficient time to recover from the injury and stabilize production. The industry asserts that duties will not eliminate imports but will only ensure fair competition.

K.3 Examination by the Authority

110. The Authority has examined the post-disclosure submissions made by the interested parties. It is observed that the majority of these submissions are reiterations of arguments and contentions that have already been examined and are therefore, addressed to the extent deemed necessary in the relevant paragraphs of these final findings. For the sake of brevity, the Authority has refrained from repeating responses to such issues in this post-disclosure examination. However, any new issues raised for the first time in the post-disclosure submissions, as well as those previously addressed but deemed necessary to examine further are addressed hereunder.
111. With regard to the submission that there is no evidence to suggest that Pretilachlor Formulation imports would cause injury to the domestic industry, the rationale for inclusion of pretilachlor formulation has already been examined above. There is sufficient justification for inclusion of pretilachlor formulation in the scope of the present investigation.
112. On the submission that the producers using imported PEDDA should not be excluded from the standing assessment since PEDDA is a raw material the Authority notes that this issue has already been examined in the section related to PUC. Having already found that there is sufficient justification for inclusion of PEDDA inside the scope of the product under consideration, the producers who are importing PEDDA are importer of one form of the product and hence cannot be treated as eligible Indian production. This is in line with the consistent practice of the Authority.
113. With respect to the submission of the other interested parties regarding the use of the “surrogate country” methodology for China PR, arguing that its classification as a Non-Market Economy (NME) is inconsistent with WTO provisions, it is noted that none of the producers/exporters contested the non-market economy status of China PR in any of their questionnaire responses or filed any supplementary questionnaire. Consequently, the Authority considered it appropriate to treat China PR as a non-market economy country in the present investigation.
114. On the contention regarding the impact of anti-dumping duty on consumers, the Authority notes that none of the other interested parties have submitted verifiable quantified information on the impact of anti-dumping duty on end consumers. Based on the submission, the Authority notes that Pretilachlor Formulation sold in the Indian market comes with various concentration, and the impact of anti-dumping duty as per the information on record, which is given below shows that the impact is quite low. The table further infers that the price increase is only Rs 21 or Rs 16 per bottle depending on the

concentration considering that one bottle of Pretilachlor is used in 1 acre of land. Therefore, the impact of anti-dumping duty per acre of land per season is Rs 21.

SN	Particulars	JU (Pret 50%)	Hifit Plus (Pret 37%)
1.	Price of downstream product Rs per litre (One litre bottle)	710	350
2.	Price of Pretilachlor Technical Rs per Kg	423	423
3.	Concentration of Pretilachlor Technical in downstream product	50%	37%
4.	If price increases by 10% due to ADD	42	42
5.	Impact of ADD per bottle (based on concentration)	21	16
6.	Impact in % due to ADD on price of downstream product (Rs per litre)	3%	5%

115. With regard to the submission of other interested parties that conversion costs from PEDDA to Pretilachlor Technical should be accounted for in the landed value comparison as the injury data for Pretilachlor Technical, PEDDA, and Pretilachlor Formulation has been combined, it is noted that the Authority has analysed the injury data for each form of product by bringing it to the level of Pretilachlor Technical. Further, for the sake of examining price injury parameters, the Authority has determined the dumping margin, injury margin and price undercutting separately for PEDDA and Pretilachlor Technical for fair comparison and then weighted average has been determined. The import price of PEDDA and Pretilachlor technical has been compared with the cost and price of PEDDA and Pretilachlor of the domestic industry.
116. The interested parties have made various submissions on the calculation of non-injurious price. With regard to the submission for consideration of return of 22%, the Authority notes that it has consistently allowed 22% return on capital employed. There is no justification to deviate from this practice and thus the same has been adopted in the present investigation as well. Further, with regard to the calculation of cost of production, the Authority has examined the complete cost of production of the applicant as per the records maintained. The Authority has satisfied itself that such records are in accordance with the generally accepted accounting principles and reasonably reflect the costs associated with the production and sale of the product under consideration

L. CONCLUSION

117. Based on the submissions made, information provided, and facts available before the Authority as recorded above and on the basis of the above analysis of dumping and consequent injury to the domestic industry, the Authority concludes the following:

- i. The scope of the product under consideration is “Pretilachlor in any of its form and its intermediate “2,6-diethyl-n-(2-propoxy ethyl) aniline” (also known as PEDDA)” originating in or exported from China PR.
- ii. The subject goods do not have a dedicated classification under the Customs Tariff Act, 1975 and its imports are reported under 3808 9199, 3808 9390, 3808 9910, 3808 9990, 2921 4290, 2922 1990 and 2922 2990.
- iii. The application has been filed by M/s India Pesticides Limited. The applicant constitutes domestic industry, under Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5(3).
- iv. The subject goods exported from China PR and the article manufactured by the domestic industry are ‘like article’ to each other in terms of Rule 2(d) of the AD Rules, 1995.
- v. The volume of subject imports in absolute terms declined in 2021-22, thereafter increased in 2022-23 and again declined in the period of investigation. Imports in relative terms have also declined.
- vi. Imports of subject goods are undercutting the prices of the domestic industry in the market, and the margin of undercutting is positive and significant in the period of investigation.
- vii. The imports are depressing the prices of the domestic industry in the domestic market.
- viii. The production of the domestic industry has increased in 2021-22, further increased in 2022-23 and thereafter declined in POI.
- ix. The current capacity utilization of the domestic industry is at a significantly low level.
- x. The market share over the entire injury period is significantly below the demand that the domestic industry is capable of catering to.
- xi. The financial loss, cash loss and loss before interest of the domestic industry have intensified over the entire injury period. The domestic industry is operating with negative return on capital employed.
- xii. The level of inventories with the domestic industry increased over the injury period till 2022-23. Level of inventories have declined in the period of investigation because of suspension of production by the domestic industry.
- xiii. The number of employees and wages have increased over the injury period. The productivity per employee and productivity per day have increased till 2022-23 and thereafter declined in the period of investigation.
- xiv. The domestic industry has recorded significant negative adverse growth in all price parameters in the period of investigation.
- xv. The domestic industry’s ability to raise capital investment has been impaired.
- xvi. No other factor appears to have caused injury to the domestic industry. It is noted that domestic industry has suffered material injury as a result of the dumped imports of the subject goods from subject country.
- xvii. The impact on the users on account of imposition of anti-dumping duty would not be significant

M. RECOMMENDATIONS

118. The Authority notes that the investigation was initiated and notified to all the interested parties and adequate opportunity was given to them to provide information on the aspect of injury, causal link, and impact of measures. Having initiated and conducted the investigation in terms of the provisions of anti-dumping investigations as laid down under the Anti-dumping Duty Rules, the Authority has reached a conclusion that the anti-dumping duty is required to be imposed on the subject goods from the subject country. Accordingly, the Authority recommends imposition of anti-dumping duties on imports of the product under consideration.
119. Further, having regard to the conclusion reached with regard to imports of the product under consideration under HS Codes 3808 9199, 3808 9390, 3808 9910, 3808 9990, 2921 4290, 2922 1990 and 2922 2990, the Authority recommends collection of anti-dumping duties on imports of the product under consideration, falling under these codes.
120. Having regards to the lesser duty rule followed, the Authority recommends imposition of anti-dumping duty equal to the lesser of the margin of dumping and the margin of injury so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of definitive anti-dumping duty on the imports of subject goods originating in or exported from the subject country, equal to the amount mentioned in Col. 7 of the duty table appended below, to be issued in this regard by the Central Government for a period of 5 years from the date of notification to be issued in this regard.

DUTY TABLE

S. No.	Heading/ sub-heading	Description of goods	Country of origin	Countr y of export	Producer	Amount	Unit of measur ement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	2921 4290, 2922 1990, 2922 2990, 3808 9199, 3808 9390, 3808 9910, 3808 9990*	Pretilachlor in any of its form and its intermediate “2,6-diethyl- n-(2-propoxy ethyl) aniline” (also known as PEDA)	China PR	Any country includi ng China PR	Anhui Futian Agrochem ical Co., Ltd.	1,305.6	MT	USD

S. No.	Heading/ sub-heading	Description of goods	Country of origin	Countr y of export	Producer	Amount	Unit of measur ement	Currency
2.	-do-	-do-	China PR	Any country includi ng China PR	Inner Mongolia Lange Biotechnol ogy Co., Ltd.	1,556.9	MT	USD
3.	-do-	-do-	China PR	Any country includi ng China PR	Lion Agrevo (Nantong) Co., Ltd.	1,246.9	MT	USD
4.	-do-	-do-	China PR	Any country includi ng China PR	Hangzhou Nutrichem Co., Ltd.	1,976.2	MT	USD
5.	-do-	-do-	China PR	Any country includi ng China PR	Capital Industry Constructi on Technolog y Co., Ltd., / Shandong Qiaochang Modern Agricultur e Co., Ltd, / Shandong Qiaochang Modern Internation al Co., Ltd / QCC ShangHai Co., Ltd.,	1,591.2	MT	USD

S. No.	Heading/ sub-heading	Description of goods	Country of origin	Countr y of export	Producer	Amount	Unit of measurem ent	Currency
6.	-do-	-do-	China PR	Any country includi ng China PR	Any other producer other than SN 1, 2, 3, 4 & 5	2,017.9	MT	USD
7.	-do-	-do-	Any country other than China PR	China PR	Any	2017.9	MT	USD

**Note-Customs classification is only indicative, and the determination of anti-dumping duty shall be made as per the description of the Product under consideration.*

121. The landed value of imports for the purpose of this notification shall be assessable value as determined by the Customs under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties under Sections 3, 8B, 9, 9A of the said Act.

N. FURTHER PROCEDURE

122. An appeal against the order of the Authority arising out of this final finding shall lie before the Customs Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Customs Tariff Act.

(Darpan Jain)
Designated Authority