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**F. No. 6/20/2023-DGTR**

**Government of India**

**Ministry of Commerce & Industry**

**Department of Commerce**

**Directorate General of Trade Remedies**

**4th Floor, Jeevan Tara Building,**

**5, Parliament Street, New Delhi -110001**

Date: 10 December 2024

**FINAL FINDINGS**

**CASE NO.- AD(OI) – 19/2023**

**Subject: Anti-dumping investigation concerning imports of “Trichloro Isocyanuric Acid” originating in or exported from China PR and Japan.**

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 Rules) thereof, the Authority issued the preliminary findings dated 1<sup>st</sup> May 2024 in the present investigation. The present final findings is being issued in continuance of the preliminary findings.

**A. PROCEDURE**

1. The procedure described below has been followed post-issuance of preliminary findings with regard to the subject investigation:
  - a. Pursuant to the initiation of the investigation, and after providing due opportunity to the interested parties to provide relevant information and defend their interests, and on the basis of information and evidence on record, having regard to the Anti-Dumping Act and the Rules, the Authority issued preliminary findings dated 1<sup>st</sup> May 2024, provisionally concluding that the product under consideration has been exported from the subject countries at a price below their normal value, thus, resulting in dumping of the subject goods, the domestic industry has suffered material injury due to such dumping and injury to the domestic industry has been caused by such dumped imports. The Authority recommended the imposition of provisional anti-dumping duty on imports of the subject goods from the subject countries.

- b. The Authority notified the interested parties about the following procedure that was to be followed subsequent to issuance of preliminary findings.
  - i. Comments were invited by all interested parties on the preliminary findings within 30 days of publication of such findings.
  - ii. It was notified that an oral hearing will be conducted in terms of Rule 6(6) of the Anti-Dumping Rules.
  - iii. Further verification deemed necessary will be conducted.
  - iv. Essential facts would be disclosed prior to the issuance of the final findings.
- c. A copy of the preliminary findings was sent to the Central Government for its consideration of the same for imposition of provisional anti-dumping duty.
- d. A number of interested parties filed responses/comments to the preliminary findings, which have been adequately considered for the purpose of the final determination.
- e. However, certain parties filed responses / comments to the preliminary findings, without earlier having registered with the Authority as an interested party within the prescribed deadline. In view of the failure to register as interested parties within the specified deadline, the Authority has disregarded the submissions filed by the following parties.
  - i. Acuro Organics Limited
  - ii. Classic Chemicals
  - iii. Multichem Specialities Private Limited
  - iv. Naisa Chemco International
  - v. Padma Polymers
  - vi. Pawar Chemical
  - vii. Phoenix Overseas
  - viii. Shree Vaidhyanath Chemicals
  - ix. The Naisa Chemicals
- f. In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to the interested parties to present their views orally in a public hearing held on 28<sup>th</sup> August 2024. The 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. Further, pursuant to the change in the Designated Authority, a fresh oral hearing was held on 9<sup>th</sup> September 2024.
- g. The Authority circulated the disclosure statement containing all essential facts under consideration for making the final recommendations to the Central Government to all interested parties on 22 November 2024. The Authority has examined all the post-disclosure comments made by the interested parties in these final findings to the extent deemed relevant. Any submission which was merely a reproduction of the previous submission and which had been adequately examined by the Authority has not been repeated for the sake of brevity.
- h. The submissions made by the interested parties during the course of this investigation, to the extent supported with evidence and considered relevant to the present

investigation, have been appropriately considered by the Authority, in these final findings.

- i. It is expressly clarified that the preliminary findings form an integral part of this final findings. These final findings should be read along with the preliminary findings issued earlier. The procedure followed, arguments raised by the interested parties, examined explicitly or implicitly dealt in the preliminary findings and determination earlier made in the preliminary findings which have not been disputed by interested parties are not being repeated in these final findings. The preliminary findings should be deemed to be incorporated in the present final findings to the extent the same is not inconsistent with the present final findings.
- j. The Authority satisfied itself with the accuracy of the information supplied by the interested parties which forms the basis of these final findings to the extent possible and verified the data/documents submitted by the interested parties to the extent considered relevant and necessary.
- k. The Authority sought further information from the interested parties to the extent deemed necessary. The verification of the data provided by the interested parties was conducted to the extent considered necessary for the purpose of the present investigation. The Authority has considered the verified data of the of the other interested parties in its analysis in the present case.
- l. On-the-spot verification was carried out at the premises of the domestic industry, both at the factory and office, where various claims made by the domestic industry were verified and supporting information, to the extent considered relevant, was collected.

#### **B. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE**

2. At the stage of initiation, the product under consideration was defined as "Trichloro Isocyanuric Acid", also referred to as TCCA.

*"3. The product under consideration ('PUC') in the present petition is "Trichloro Isocyanuric Acid", also referred to as TCCA. TCCA is a chemical compound commonly used as a disinfectant, bleaching agent and water treatment chemical. It is a white crystalline powder with a strong chlorine odour. TCCA is a powerful oxidizing agent and is widely used in swimming pools, as well as for industrial water treatment and sanitation."*

*TCCA is a disinfectant, algicide, and bactericide mainly for swimming pools and dyestuffs. It is also used as a bleaching agent in the textile industry. It is widely used in civil sanitation for pools and spas, preventing and curing diseases in animal husbandry & fisheries, fruit & vegetable preservation, wastewater treatment, as an algicide for*

*recycled water in industry and air conditioning, in anti-shrink treatment for woollens, for treating seeds and in organic chemical synthesis.*

*The product under consideration is classified under Chapter 29, under tariff codes 2933 6910 and 2933 6990. The customs classification is only indicative and is not binding on the scope of the present investigation.”*

### **B.1. Views of other interested parties**

3. The submissions of the other interested parties with regard to the product under consideration and like article post the issuance of preliminary findings are as follows:
  - i. TCCA in the form of tablets should be excluded from the scope of product under consideration because it has distinct properties, uses and application and the domestic industry does not produce this form. The domestic industry does not have ability and infrastructure to produce or convert TCCA in tablet form. TCCA in powder, granular or tablet form are distinct products due to the following reasons:
    - a. The size of the particles is different and dissolve in water at different rates.
    - b. The manufacturing process is different.
    - c. The manufacturing equipment required is different.
    - d. The end use is different. Powder is used for rapid dissolution and instant chlorine release, granular is used for controlled release of chlorine and tablet is used for slow release.
  - ii. Contrary to the claim of the petitioner, the cost of conversion of granular to tablet involves significant cost.
  - iii. The granular form produced by the domestic industry does not compete with imports of powder or tablet and it cannot be injured by the same. In TechNova Imaging Systems Pvt. Ltd. v. Union of India & Ors., the Hon'ble CESTAT held that products which are not produced by the domestic industry must be excluded from the scope of the product under consideration in an anti-dumping investigation. Imposition of duty on tablet, that is not produced by domestic industry, would be detrimental to users.
  - iv. The domestic industry does not produce TCCA granules within the 05-08 mesh range which has slow solubility, which is crucial for its applications. Varied mesh sizes can lead to uneven dispersion of TCCA in the water, posing significant health risks to users.
  - v. The quality of imported product is better than the domestic product. The applicant lacks the technology required to produce good quality product which has led to self-inflicted market disadvantages.
  - vi. The quality of the product exported by the applicant to USA is better than the product sold domestically, as evident from the testimonies of the buyers.

vii. Discussions with regard to scope of product under consideration require significant deliberations, and critical product exclusions cannot be decided at the same time as deciding PCN methodology.

## **B.2. Views of the domestic industry**

4. The submissions of the domestic industry with regard to the product under consideration and like articles post issuance of the preliminary findings are as below:

- i. Despite adequate time provided, the interested parties have made submissions on the product scope 228 days after the deadline allowed.
- ii. Since the Authority has already finalised the product scope and PCN methodology after considering submissions of all interested parties, the request for product exclusion at a belated stage should not be accepted.
- iii. The different forms of TCCA can be used interchangeably. The Authority has noted that the subject goods are imported only in granules and tablet form, and there is no consistent difference in prices of the two.
- iv. Majority of the imports are in the form of granules or powder, which makes it evident that the demand for tablet form is negligible.
- v. The interested parties have not shown any difference in technical properties of the different forms of product under consideration. They have only cited differences in manufacturing process, equipment required and physical appearance, which does not imply that the products are not like articles.
- vi. The statements regarding differences in the application of different forms of TCCA are from the importers and not by any users. No user has claimed that the three forms of TCCA cannot be used interchangeably. In fact, Chinese exporters have advertised the product on their website showing that powder, granular and tabular form have same characteristics and uses.
- vii. As per the Rules, the domestic industry is not required to produce an identical article, it is only required to produce article with characteristics closely related to the imported product.
- viii. The interested parties have not provided any evidence to show that there is a significant cost for converting granular into tablet form. The Authority has already concluded that no raw material is added at the stage of conversion and the only cost incurred is on account of electricity and labour. Further, there is no consistent price difference between tablet and granular.
- ix. The domestic industry can produce TCCA of all mesh sizes. It was producing mesh size 05-08 and later introduced 08-30 mesh size range, which was widely accepted.
- x. The mesh size of the product has no impact on the solubility or functionality of the subject goods. The domestic industry has provided the details with regard to chlorine content,

moisture content, PH value, and solubility in water, of the product produced by it compared with that imported from China from an independent laboratory.

- xi. The emails shared by interested parties do not show that the domestic industry is incapable to offer product of the required mesh size and quality. The email itself shows that the domestic industry offers product of different mesh sizes.
- xii. The importers have failed to provide any evidence to show that the domestic product has poor quality, despite direction from the Authority to do so. The fact that the domestic industry has exported to USA shows that it is not supplying low quality products.
- xiii. The goods produced by the domestic industry are certified by Environmental Protection Agency of United States, which is one of the most stringent standards.

### **B.3. Examination by the Authority**

- 5. The opportunity to explain and comment on the scope of the product under consideration and PCN was provided to all interested parties through notice of initiation. Comments with regard to product under consideration and PCN were filed by only Qindao Profeliz Biological Technology Co., Ltd., Shandong Lantian Disinfection Technology Co., Ltd. and Hong Kong Sean International Limited. Thereafter, an opportunity was provided to the interested parties on 9<sup>th</sup> November 2023 to explain their submissions. The interested parties elaborated their submissions with regard to both the scope of the product under consideration and the PCN methodology. The interested parties were further afforded an opportunity to provide relevant supporting evidence. After taking into account the submissions made by various interested parties, and having regard to the legal position in this regard, the Authority decided that there was no need for modification of the product scope, or adoption of a PCN methodology in the present case. The same was notified on the website of DGTR on 3<sup>rd</sup> January 2024.
- 6. However, thereafter, submissions have been filed by Prinita Chem, Acurso Organics Limited and Keshav Biochem Private Limited. The Authority notes that the said parties did not file any submission for the exclusion of any product type within the time period provided to the interested parties. However, post finalization of the scope of the product under consideration and PCN methodology, and much after the lapse of time limits, the importers filed submissions requesting the exclusion of tablets, and highlighting differences in mesh size. The Authority notes that the submissions filed by the importers were belated and post-finalizing the scope of the product under consideration and have not been accepted by the Authority in light of Rule 6(8) of the Anti-Dumping Rules.

**"(8) In a case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the designated Authority may record its findings on the basis of the facts**

*available to it and make such recommendations to the Central Government as it deems fit under such circumstances.”*

7. Some of the interested parties have contended that finalization of the PUC or like article issues requires deliberation, consideration of technical and commercial evidence, and contemporaneous oral and written exchange of detailed submissions. Therefore, critical product exclusions cannot be decided at the same stage of deciding the PCN methodology. The Authority, however, notes that it had notified the deadline for making submissions with regard to product scope in the Initiation Notification itself. In case the parties required additional time to make submissions with regard to product scope, they could have sought extension of time for the same. In the past as well, the Authority has allowed extension of time where warranted. However, no such request for additional time was received by the Authority. Having failed to exercise their rights within the prescribed time, the interested parties cannot later contend that the deadline prescribed was not appropriate for furnishing comments.
8. In any case, the interested parties have not provided any evidence to demonstrate that the different forms of the product cannot be used interchangeably. The arguments of the interested parties rest on differences in physical appearance, dissolution rate, manufacturing process, equipment and application. However, it is noted that 96% of the imports are in the form of granules, with only 3% of imports being in the form of tablets. Therefore, it is noted that the product is majorly being used in the form of granules only, which is also the form in which domestic industry has produced the product. As regards differences between different forms, the interested parties have not provided any test report demonstrating a difference in dissolution rate. Further, even as per the differences cited by the importers, the production process is common upto the stage of production of solid mass of TCCA, and thereafter, only the incremental process of converting to tablets, powder and granules is different. The difference in equipment also pertains to the same stage. Therefore, the difference in manufacturing process cannot be considered significant, and rather, only pertains to the process relevant for converting the product to the concerned form. Lastly, while the importers have claimed differences in applications, the domestic industry has provided evidence in the form of screenshots of websites of foreign producers, which shows that the applications for all forms are common.
9. The interested parties have also claimed that the domestic industry does not produce granules in different mesh sizes, which has been disputed by the domestic industry. The domestic industry has also provided test report from an independent laboratory comparing the granules by the domestic industry Chinese producers of 5-8 mesh, and that produced by the domestic industry imported from China of 8-22 mesh. It is noted that the products were found comparable in all parameters, that is, form, odour, whiteness, active chlorine content, moisture content, pH value, and solubility. Further, the product produced by the domestic

industry is also comparable in these parameters to the specifications advertised by the foreign producers on their website.

10. Lastly, with regard to quality of the product, the importers have provided testimonies from certain users, claiming that the goods supplied by the domestic industry are of poor quality. The domestic industry has pointed out that it has not supplied the product to the said users at all, and instead, has provided testimonies from its own users, which have appreciated the quality of TCCA supplied by it. The Authority notes that the domestic industry has not only supplied the subject goods in the domestic market, but also to the U.S. market. The goods supplied by the domestic industry are registered under the U.S. Environmental Protection Agency. Therefore, there is no basis to consider that the goods supplied by the domestic industry are not of the requisite quality. Further, during 2021-22, when the market share of the subject imports declined, the domestic industry was able to supply a much higher volume, showing that the goods supplied by the domestic industry are comparable to the imported goods. Therefore, the Authority does not find merit in the contention that the domestic industry has not supplied the requisite quality of the product.

11. Accordingly, the scope of the product under consideration is determined as follows.

*3. The product under consideration ('PUC') in the present petition is "Trichloro Isocyanuric Acid", also referred to as TCCA. TCCA is a chemical compound commonly used as a disinfectant, bleaching agent and water treatment chemical. TCCA is a powerful oxidizing agent and is widely used in swimming pools, as well as for industrial water treatment and sanitation. It can be produced in powder, tablet and granular form.*

*TCCA is a disinfectant, algicide, and bactericide mainly for swimming pools and dyestuffs. It is also used as a bleaching agent in the textile industry. It is widely used in civil sanitation for pools and spas, preventing and curing diseases in animal husbandry & fisheries, fruit & vegetable preservation, wastewater treatment, as an algicide for recycled water in industry and air conditioning, in anti-shrink treatment for woollens, for treating seeds and in organic chemical synthesis.*

*The product under consideration is classified under Chapter 29, under tariff codes 2933 6910 and 2933 6990. The customs classification is only indicative and is not binding on the scope of the present investigation.*

12. Further, in view of the foregoing, the product produced by the domestic industry is like article to the goods imported from the subject country. The product produced by the domestic industry and imported from the subject country are comparable in terms of physical & chemical properties, functions & uses, product specifications, pricing, distribution &

marketing and tariff classification of the goods. The imported goods and the goods produced by the domestic industry are used interchangeably. In view of the same, the product manufactured by the domestic industry is considered as like article to the product imported into India.

### **C. SCOPE OF THE DOMESTIC INDUSTRY & STANDING**

#### **C.1. Views of other interested parties**

13. The interested parties have submitted as under with regard to the scope of domestic industry and standing.
  - i. The applicant has imported TCCA during 2022 and 2024.
  - ii. In an investigation regarding imports of Naphthalene, the Gujarat High Court determined that Bodal Chemicals did not fulfil the standing requirements to be a domestic industry. The applicant does not satisfy the standing requirements as per Rule 2(b) because it has provided misleading and incomplete information, since it has tried to exclude captive production.

#### **C.2. Views of the domestic industry**

14. In response to the submissions of the other interested parties, the domestic industry has submitted as follows:
  - i. Contrary to the claim of interested parties, the domestic industry has not imported product under consideration from subject countries during the entire injury period.
  - ii. The conclusions drawn in naphthalene case were case-specific and hold no relevance in the present case.

#### **C.3. Examination by the Authority**

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

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

16. The Authority, in the preliminary findings, has provisionally concluded that the applicant constitutes domestic industry in terms of Rule 2(b). Thereafter, one of the importers has

contended that the domestic industry has imported the subject goods, and that it has not included captive production, relying on the naphthalene case. The Authority has examined the DG System Import data and did not find any import made by the applicant in the period of investigation. Further, the Authority has verified that the applicant has not consumed the product captively.

17. In view of the foregoing and the determination made by the Authority in the preliminary findings, the Authority concludes that the applicant constitutes domestic industry as defined under Rule 2(b) of the Anti-Dumping Rules and the application satisfies the requirement of standing in terms of Rule 5(3) of the Anti-Dumping Rules.

#### **D. CONFIDENTIALITY**

##### **D.1. Views of other interested parties**

18. Post preliminary determination, the other interested parties have claimed that the applicant has not provided any detailed breakdown of cost of production under the non-confidential data.

##### **D.2. Views of the domestic industry**

19. The domestic industry has not made any submissions with regard to the confidentiality claimed by the other interested parties.

##### **D.3. Examination by the Authority**

20. 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).
21. With regard to confidentiality of information, Rule 7 of Anti-dumping Rules provides as follows:

*“Confidential information: (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule(2) of rule 12, sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.*

*(2) The designated authority may require the parties providing information on a confidential basis to furnish a non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible to summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.*

*(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorise its disclosure in a generalized or summary form, it may disregard such information."*

22. The information provided by the interested parties on a confidential basis was examined with regard to the 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 a confidential basis were directed to provide a sufficient non-confidential version of the information filed on a confidential basis. The Authority also notes that all interested parties have claimed their business-related sensitive information as confidential.
23. In particular, the interested parties have sought breakdown of cost of production of the domestic industry. However, since the information is business sensitive in nature, the Authority has accepted the confidentiality claimed in this regard.

## **E. MISCELLANEOUS**

### **E.1 Views of other interested parties**

24. The miscellaneous submissions made by the other interested parties post issuance of preliminary determination are summarized below.
  - i. The application contains procedural and substantive deficiencies such as flaw in the injury period and failure to provide adequate information.
  - ii. There were no special circumstances to issue preliminary findings in the present case. The preliminary findings are in violation of Rule 12 Anti-dumping Rules, Article 7 of the WTO Anti-Dumping Agreement, principles of natural justice and fairness, due process of law and violation of legal rights. Rule 12 of Anti-dumping Rules states that Preliminary findings should be issued in 'appropriate cases.' The Authority has failed to undertake a meticulous examination of the necessity of provisional measures.

- iii. Provisional measures should be recommended only when such measures are necessary to prevent injury being caused during the investigation, which was not examined by the Authority.
- iv. The Authority has failed to conduct a hearing prior to the preliminary findings which violates the due process of law and undermines the legitimacy of preliminary findings with regard to end user interests.
- v. The Authority has not considered the submissions made by other parties.
- vi. The Authority has failed to include the name of KHPL in the list of responding importers. KHPL has actively participated in the subject investigation by furnishing its response in a time bound manner.
- vii. As per the Trade Notice No. 11/2018, the Authority has the discretion to consider any delayed submissions if it is in the larger interest of the investigation. The submissions made by Acuro should be considered, since they significantly impact the findings in terms of scope of the subject goods and impact of the duties on public interest. The Authority has shown flexibility in the past by considering delayed submissions which were crucial for a fair and just determination.
- viii. Acuro has not done any act, which will cause any delay or disruptions in the investigation or give any unfair advantage to itself or any disadvantage to other interested parties.
- ix. Contrary to claim of the domestic industry, the counsel for Acuro submitted authorization before the Authority on 30<sup>th</sup> May 2024.
- x. The case pertaining to US – Oil Country Tubular Goods cited by the applicant is not relevant as the importer is not furnishing information with regard to dumping margin, but only public interest and product under consideration.
- xi. There is a mismatch in the import data submitted by the petitioner and import data recorded by the Authority. The Authority has failed to thoroughly examine the import data relied upon by the petitioner and properly scrutinize the methodology employed.
- xii. Imposition of duties without any substantial proof will negatively affect the trade relations with China and Japan and can result in retaliatory measures. It can also result in India being viewed as non-compliant to WTO agreements and can expose India to disputes in WTO forums. Imposition of duty can affect economy of the country, trade relations and integrity of its trade defence system.
- xiii. The anti-dumping duty should be on ad valorem basis to enhance transparency, simplify administrative processes and ensure a fair and equitable trading environment for all interested parties.

## **E.2 Views of the domestic industry**

- 25. In response to the submissions filed by the other interested parties, the domestic industry has responded as below.

- i. The interested parties have not highlighted any procedural and substantive deficiency in the application. The investigation was initiated by Authority only after being satisfied of accuracy and adequacy of the information provided.
- ii. There is no legal requirement of existence of special circumstances as a pre-requisite for imposition of preliminary measures. In fact, other investigating authorities are either mandatorily required to or as a practice, record preliminary findings in all cases.
- iii. From the preliminary findings, it is evident that the Authority has considered submissions of all parties. In case the interested parties have made confidential submissions without sharing any non-confidential version, such submissions must be disregarded.
- iv. There is no legal requirement that an oral hearing must be conducted before preliminary findings are issued.
- v. The domestic industry has not received any non-confidential response from KHPL. Such a response should not be accepted, unless circulated to all parties.
- vi. Acurso Organics has participated after a delay of 206 days from the deadline for participation, without providing any justification. As per WTO Dispute Settlement Body, an investigating authority can disregard the submissions made by the party that are beyond the prescribed time limit. Acurso Organics did not even take the permission of the Authority before participating in the oral hearing.
- vii. While Acurso Organics was represented by a counsel at the oral hearing, no authorization was filed in favour of the counsel.
- viii. There is bound to be a difference in the import volume based on the information available with the applicant, and the DG Systems data considered by the Authority, owing to the difference in the source of information used.
- ix. The investigation has been initiated and conducted by duly complying with all WTO requirements, and thus, the remedy should be considered as WTO-compliant.
- x. Imposition of ad-valorem duty would render the duty imposed ineffective since import prices have declined steeply.

### **E.3 Examination by the Authority**

- 26. The present investigation was initiated based on the data/information provided by the applicants. It is noted that, the Authority, only after satisfaction that petition contained sufficient evidence to justify initiation of the investigation decided to initiate the present investigation. Further, subsequent to initiation, information has been sought from the applicant to the extent deemed necessary and the same has been provided by the applicant.
- 27. The interested parties have claimed that there were no special circumstances warranting issuance of preliminary findings, and that no oral hearing was conducted prior thereto. The Authority notes that the law does not require existence of special circumstances or that a hearing be conducted, for issuance of preliminary findings. As per the provisions of Rule 12,

the Authority may record preliminary findings in appropriate cases. In the present case, while issuing the preliminary findings, the Authority has examined dumping, extent of injury and causal link. The preliminary findings contained a detailed examination of these accounts. The Authority noted that the domestic industry suffered significant injury during the period of investigation and injury at such significant level may lead to unviability of the plant. It is imperative that domestic producers should be provided a level playing field and remedy from unfair trade practice of dumping. It is noted that the applicant had requested interim duty in its application and had given reasons for the same. The contents of the preliminary findings in themselves provide sufficient justification for invoking interim measures. The measures were recommended as found necessary to prevent injury being caused during the investigation. Accordingly, the Authority recommended the imposition of provisional duties.

28. While the interested parties have claimed that their submissions were not examined, they have not highlighted any submission which was not examined by the Authority before the issuance of the preliminary findings. In any case, all submissions, to the extent relevant, have been examined in recording the essential facts in the present final findings.
29. With regard to participation by Keshav Hichem Private Limited (KHPL), the Authority notes that the importer furnished a response to the questionnaire, and circulated a non-confidential version of the same to all interested parties. The submissions made by the importer have been considered by the Authority herein.
30. With regard to participation by Acuro Organics, the Authority notes that the importer has participated after the expiry of almost 7 months from the deadline. In view of the significant delay in participation, the Authority finds that the importer did not exercise its rights in a timely manner. In view of the same, the Authority considers that Acuro Organics is precluded from participating in the investigation, by virtue of delayed submissions. In any case, there are no submissions made by the Acuro Organics, which have not been addressed in the examination of the Authority, by virtue of similar submissions having been made by other interested parties.
31. The interested parties have highlighted that there is a difference in the import volumes provided by the domestic industry in its application and that considered by the Authority in the preliminary findings. The Authority notes that the domestic industry had provided information as available to it, while the Authority has relied upon data from DG Systems. However, the underlying conclusions of increase in imports, inadequate increase in prices having regard to increase in cost, and positive price undercutting, remain the same.
32. The interested parties have contended that duty should be imposed on ad valorem basis, and not fixed quantum basis. The Authority shall determine the appropriate form of duty after it

has concluded dumping, injury and causal link. The form of the anti-dumping measures shall be decided by the Authority taking into consideration the facts and circumstances of the case.

## **F. NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN**

### **F.1. Views of other interested parties**

33. The other interested parties have argued as follows with regard to determination of normal value, export price and dumping margin, post issuance of preliminary findings:
  - i. China should be granted a market economy status.
  - ii. The applicant has not provided any evidence of normal price of TCCA in China and Japan.
  - iii. The dumping margin should be calculated quarterly basis to capture variations such as increase in export price during peak season and decrease during the off season.
  - iv. The low prices offered by foreign producers reflects that they have efficient production methods and cannot be termed as unfair practices.
  - v. TCCA is a commodity product and the prices are subject to fluctuations due to supply-demand imbalances, global market dynamics and prices of coal and natural gas. A small dip in prices in the period of investigation is a result of market forces, and not of dumping.
  - vi. The Authority has incorrectly determined that Heibei misrepresented the date of invoice in its export data to India. The initial, incorrect invoices were mistakenly provided for verification. The clerical error was corrected in Appendix 3B of the Questionnaire Response and all relevant documents to show authenticity of the transactions have been provided.
  - vii. The Authority did not take any clarification on misrepresented data by Heibei before issuing the preliminary findings, which is in violation of 9A(6) of the Customs Tariff Act and Article 6 of the Anti-Dumping Agreement.
  - viii. The export price calculated does not account for the related party transactions of the applicant to its US offices.

### **F.2. Views of the domestic industry**

34. The submissions of domestic industry with regard to determination of normal value, export price and dumping margin, post issuance of preliminary findings, are summarized as follows:
  - i. As per the Accession Protocol and practice of Authority, China should be treated as a non-market economy. Market economy treatment can be allowed only when the same is claimed and appropriateness thereof is demonstrated.
  - ii. The domestic industry has provided such information, as was available to it, relating to normal value in China and Japan.

- iii. It is evident from the significantly high dumping margin determined by the Authority that the exporters are trying to destroy competition in India.
- iv. If low selling price was construed to imply the efficiency of production methods, dumping would never exist in any investigation.
- v. The domestic industry supports calculation of margins on quarterly basis and has already provided its data on a monthly basis in the application itself.
- vi. There is no evidence to substantiate the claim of interested parties that the global market dynamics, demand-supply imbalances and prices of coal and natural gas have caused price fluctuations of the subject goods. The demand has increased, with supply remaining relatively same. There have been no market disruptions identified in the supply of the subject goods from the few regions that have the capacity to produce it, including India. Further, fluctuations in prices of natural gas and coal have not been demonstrated to impact the prices of the subject goods.
- vii. The response filed by Hebei Xingfei was correctly rejected, in view of the findings issued in the anti-dumping investigation concerning imports of Para-Tertiary Butyl Phenol, wherein the date of invoice was considered as the date of sale for exports.
- viii. If Heibei is allowed to claim that the invoices provided earlier was erroneous, then there is no credibility of any other information provided by that exporter and there is no way for the Authority to verify if it is now correct.
- ix. The domestic industry has not supplied the subject goods to its related party in US during the period of investigation.

### **F.3. Examination by the Authority**

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

- “i) The comparable price, in the ordinary course of trade, for the like article, when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6), or*
- ii) when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either:*
- (a)comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or*
- the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);*

*(b)Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transshipped 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.”*

36. At the stage of initiation, the Authority proceeded with the presumption of treating China PR as a non-market economy country. Upon initiation, the Authority advised the producers/exporters in China PR to respond to the notice of initiation and provide information on whether their data/information could be adopted for normal value determination. None of the foreign producers have claimed market economy treatment in the present case. Accordingly, the normal value has been determined in accordance with the provisions of para (7) of Annexure-I of the Anti-Dumping Rules. The same is appropriate, having regard to the provisions of Article 2.2.1.1 of the Anti-Dumping Agreement read with an obligation under 15(a)(i) of the Accession Protocol.
37. The interested parties have contended that the domestic industry has not provided adequate information with regard to normal value. However, the interested parties have not provided any alternative information which may be relied upon. In the case of China, the Authority has relied on price payable in India, in the absence of any information with regard to selling price or constructed value or export price in an appropriate market economy third country. In the case of Japan, in the absence of participation by any producer, the Authority has determined the normal value based on facts available.
38. The producers Shandong Daming Science & Technology Co., Ltd. and Shandong Lantian Disinfection Technology Co., Ltd have requested for determination of margins on a quarterly basis. The authority sought information relevant to the present investigation as per para (25) of the Initiation Notification dated 30<sup>th</sup> September 2023. However, no such request for quarterly analysis was received within the stipulated time. Further, the producer filed its exporter questionnaire response on 18<sup>th</sup> January, 2024 and no such request for quarterly analysis was made. It is pertinent to note that the exporter itself provided its claim on 30<sup>th</sup> January, 2024 for the export price only on yearly basis and not quarterly. The request for monthly analysis was made after the issuance of preliminary findings. At this stage, consideration of the request would imply again seeking information from interested parties, verifying the same and thereafter evaluating whether margins should be calculated on a monthly/quarterly basis. In view of the delayed request for margins on a quarterly basis, the Authority has not found it appropriate to consider the request at this stage.
39. With regard to the response by Hebei Xingfei Chemical Co., Ltd. (“Hebei”), the producer has claimed that it provided an incorrect invoice originally, which was prepared by an

inexperienced employee, and lacked banking information. Thereafter, the sales manager corrected and revised the invoices. The producer has provided the revised invoices, with invoice date falling within the period of investigation. The Authority examined all documentary evidence submitted by the producer, Hebei, and its exporter, Hydrotech Investment Corporation Limited (“Hydrotech”). Hebei has reported two invoices, 22HT411H01 and 22HT415H01, during the period of investigation. The Invoice No. 22HT411H01 initially provided was issued on 10<sup>th</sup> March 2022. Hebei later provided the same invoice, bearing the date as 2<sup>nd</sup> April 2022. However, it is noted that Hydrotech issued its invoice in respect of such sale on 31<sup>st</sup> March 2022. It is impossible that the exporter has sold the goods, before it even purchased the same from the producer. Further, the Customs Declaration filed before the Chinese Customs bears the date of invoice as 10<sup>th</sup> March 2022. Therefore, it is evident that the revised invoice being supplied by the producer, Hebei, is not the correct invoice, but has been created only for the purpose of the present investigation and to mislead the Authority. Similarly, the Customs Declaration filed for invoice 22HT415H01 bears the date of 31<sup>st</sup> March 2022, as against the date of 15<sup>th</sup> April 2022, as mentioned in the revised invoice provided by Hebei.

40. The Authority notes that if an interested party is allowed to claim that the invoices provided were incorrect, the information provided by the party cannot be considered reliable in any case. The invoices provided by Hebei originally also bore its stamp. If the producer is permitted to claim that the original invoice was incorrect, that casts doubt on the veracity of all documentation. In view of the above discussion, the Authority finds that the revised invoices supplied by Hebei, claiming the same to be correct invoices, cannot be considered to be reliable in any manner. Therefore, the Authority concludes that an individual duty cannot be allowed to Hebei in the present investigation.
41. Lastly, interested parties have claimed that the prices of the subject goods are affected by efficient production methods, global market dynamics, demand-supply imbalances and prices of coal and natural gas. The Authority notes that dumping is required to be determined in the manner provided under the provisions of Customs Tariff Act, Anti-Dumping Rules and in particular, Annexure-I of the Anti-Dumping Rules. The same have been complied with, and no infirmity in the manner of determination of normal value or export price has been highlighted by any party. It is possible that the prices were impacted by the factors cited by the interested parties. However, the Authority notes that reasons for dumping are entirely irrelevant under the law. Only existence and degree of dumping is relevant in an antidumping proceeding and the reasons leading to such dumping are not material.
42. Since no submissions have been made with regard to the manner of determination of normal value and export price for other cooperative producers from China, and non-cooperative

producers from China and Japan in the preliminary findings, the normal value and export price is considered on the same basis for the final determination.

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

**Dumping Margin Table**

Producer	Normal Value (USD/MT)	Export Price (USD/MT)	Dumping Margin (USD/MT)	Dumping Margin (%)	Dumping Margin (Range)
<b>China</b>					
Shandong Goldenstar Water Environment Technology Co., Ltd	***	***	***	***	60-70
Puyang Cleanway Chemicals Limited	***	***	***	***	50-60
Shandong Daming Science and Technology Co. Ltd	***	***	***	***	50-60
Shandong Lantian Disinfection Technology Co	***	***	***	***	70-80
Any Other	***	***	***	***	80-90
<b>Japan</b>					
Any Other	***	***	***	***	10-20

## **G. ASSESSMENT OF INJURY AND CAUSAL LINK**

### **G.1. Views of other interested parties**

44. The other interested parties have made the following submissions post preliminary findings concerning injury, causal link and determination of non-injurious price.

- The applicant has not established that there is material injury caused by dumped imports. The increase in imports has not caused injury to the domestic industry.
- Subject imports have moved in tandem with the demand in the country, while the domestic sales of the domestic industry have shown significant and continuous growth.
- The significant decline in the demand for TCCA is because of its restricted use in commercial spaces and public pools due to Covid lockdown. The subject imports decreased significantly due to disruptions in export capabilities of China during Covid-

19, which is similar to the trend of demand in India. The imports increased with the increase in demand.

- iv. The price of the product under consideration and the landed price increased throughout the injury period which shows that there was no price undercutting by the import product. The purchase enquiries made by Prinita Chem show that the selling price of the applicant is more than or equal to the import price.
- v. A mere price difference between imported and domestic product does not constitute dumping. The pricing of the applicant is in line with the global rates of the subject goods.
- vi. The Authority should determine price undercutting for the entire injury period to assess its effect on profitability.
- vii. The fact that landed value of imports was below the selling price of the domestic industry throughout the injury period is an assessment of price undercutting, and not price suppression / depression.
- viii. The landed price of TCCA did not decrease at the same rate as cost of raw materials.
- ix. The cost of sales experienced fluctuations with an overall increase, whereas the selling price and landed prices witnessed significant growth. The petitioner witnessed a significant rise in its profits, with only marginal increase in the cost of sales. Thus, there was no price depression or suppression by the imports.
- x. The economic performance of the petitioner has witnessed a robust growth in all parameters.
- xi. The comparison should not be based on 2020-21 since it was an abnormal period effected due to various factors like Covid-19, soaring raw material prices, floods in China etc. In this period, domestic industry witnessed unusually high profits and when the situation stabilised, the performance of the domestic industry declined but it showed an overall increase trend. The base year should be of 2019-20 to provide an accurate assessment.
- xii. The production, domestic sales and capacity utilization of the petitioner have increased significantly. However, the export sales have declined significantly, which might be the reason of injury to the domestic industry.
- xiii. The sales of domestic industry increased significantly because of reduced competition from imports during the same period, allowing the domestic industry to increase its market share. The domestic sales of domestic industry decreased after pandemic once the market conditions stabilised.
- xiv. The applicant was able to sell goods in 2021-22, only because of shipment delays from China.
- xv. The reliance by Authority on absolute market share figures without considering growth trends is flawed and misleading because it disregards fundamental principles of a dynamic market. The market share of the applicant has increased despite competition from imports.
- xvi. The imports lost market share during 2021-22 and the period of investigation, compared to the base year.

- xvii. The inventory level has remained stable because of which petitioner was able to maintain adequate stock levels despite significant increase in sales and production. The increase in inventory levels in the year 2020-21 and 2021-22 was due to the temporary market disruptions due to Covid pandemic.
- xviii. The per unit loss declined during the period of investigation and the return on investment improved as well.
- xix. Despite higher selling price showing increase of 44% as compared to cost of sales which have shown an increase of 11%, the actual profits did not increase proportionally.
- xx. The cash flow figure remained positive throughout the injury period and significantly increased in 2021-22. Only the return on investment has shown a decline.
- xxi. The 70% increase in cost of raw material as claimed by the petitioner is inaccurate and lacks evidence.
- xxii. The selling price is below cost of sale due to strategic pricing or internal inefficiencies, and not because of subject imports.
- xxiii. There was no injury attributable to parameters regarding employment, productivity and wages.
- xxiv. The examination of growth identical to volume and price effect analysis of domestic industry is flawed.
- xxv. There is no adverse impact on the ability of the petitioner to raise capital investments.
- xxvi. Post POI data submitted by the applicant should not be considered.
- xxvii. An analysis of economic parameters and lack of price and volume effect demonstrates that there is no sufficient basis to find a causal link. The Authority must examine the other factors resulting in reduced profits and injury.
- xxviii. The decline in the demand during the injury period shows that independent market forces was affecting the growth of the domestic industry.
- xxix. The Authority must examine and verify the cost structure of the applicant to ensure fair assessment of the alleged injury, as erroneous cost information impair the ability of other parties to defend their interests.
- xxx. The increase in costs is associated with non-production costs like commissions, discounts, rebates, freight etc.
- xxxi. The acquisition of Trion Chemicals Private Limited by the petitioner during the injury period led to revaluation of certain assets.
- xxxii. The significant increase in the depreciation cost, interest and net fixed assets of the applicant, without increase in capacity, must be separately examined by the Authority.
- xxxiii. There are multiple inefficiencies with the domestic industry including location of the production facility, obsolete technology, significant depreciation and interest, and low quality product, leading to higher product cost.
- xxxiv. The financial statements of Trion Chemicals shows that it was suffering significant losses, and was not capable of running the industry, due to old machinery.

- xxxv. The domestic industry has suffered injury due to internal problems, depressed market conditions globally, fluctuations in raw material prices, impact of Covid pandemic, Russia- Ukraine War and shutdown of the plant, which have caused injury to the petitioner.
- xxxvi. Covid-19 pandemic led to near-complete shutdown of swimming pools and water treatment facilities which are the primary consumers of product under consideration.
- xxxvii. As per the financial statement of Quarter 2 of 2022-23, the TCCA plant of the petitioner was facing internal challenges, including technical issues and ownership transition.
- xxxviii. The petitioner has admitted that it has not been able to achieve high-capacity utilisation traditionally in its earnings.
- xxxix. As per financial statements of the applicant, the decline in profits in 2022-23 was because of economic recession.
- xl. The financial statements of the applicant show that the company was earning profits, despite claiming injury from imports and did not cite imports of TCCA as a reason for profit decline. TCCA contributed 10% of the total revenue.
- xli. As per the financial statements of Quarter 3 of the 2022-23, the petitioner was unable to export to U.S. due to container issues, which is why it is forced to sell in the Indian market.
- xlii. The applicant has not been able to export to USA due to the poor quality of its product.
- xliii. The priority of the petitioner is to cater to the export demand for premium quality of TCCA especially in the U.S. market over the domestic demand of lower quality product. It is actively expanding its production capacity to meet the growing demand in U.S. market.
- xliv. The product imported from China is of poor quality, indicating different market segment.
- xlv. The return on capital employed of 22% and non-injurious price are highly inflated which gives undue advantage and protection to the domestic industry. The Authority must adopt the return on capital employed earned by the industry when there was no allegation of dumping.

## **G.2. Views of the domestic industry**

- 45. The following submissions have been made by the domestic industry with regard to the injury and causal link post issuance of preliminary findings:
  - i. The decrease in subject imports during 2020-21 and 2021-22 is only due to lack of demand caused by Covid-19. Thereafter, the subject imports have witnessed significant increase in absolute and relative terms, and were highest during the period of investigation.
  - ii. The increase in volume of imports has directly impacted the capacity utilisation of domestic industry.
  - iii. The volume of imports has continued to increase post period of investigation as well.

- iv. The increase in subject imports has outpaced the increase in demand, especially during the period of investigation.
- v. The subject imports constitute almost entire market share in India.
- vi. The imports were significantly undercutting the costs and prices of the domestic industry during the period of investigation, and have continued the same during the subsequent period.
- vii. The prices of subject imports were even below the variable cost of the domestic industry during the period of investigation and the gap only increased in 2023-24.
- viii. The imports have suppressed the prices of the domestic industry.
- ix. No evidence has been provided to show that the prices of the domestic industry are not in line with global rates, and it has already been established that the exporters have resorted to dumping.
- x. During 2023-24, the domestic industry was forced to reduce its prices, pursuant to a decline in landed price.
- xi. During 2021-22, the domestic industry was able to capture the increase in demand. However, during the period of investigation, the imports captured the increased demand and increased their market share.
- xii. The production and capacity utilization of domestic industry was low despite it having enough capacity to cater to almost the entire demand.
- xiii. The domestic industry deployed only \*\*\*% of its capacity in this period. The situation only worsened in post period of investigation.
- xiv. The domestic industry has the capability to enhance its capacity by \*\*\* MT in future, in case the demand increases.
- xv. The domestic sales of the domestic industry are negligible compared to its capacity.
- xvi. The domestic sales and market share of the domestic industry have increased only till 2021-22 and have declined thereafter.
- xvii. The market share of domestic industry was negligible, while the imports accounted for almost the entirety of the demand.
- xviii. Due to subject imports, the domestic industry was forced to export at losses and restrict production to dispose of its inventory.
- xix. The average inventory of domestic industry is equal to the sales made during the entire period of investigation and the inventory holding period was significant during the period of investigation and the subsequent period.
- xx. In each month of period of investigation, the inventories held were significantly higher than the sales made by domestic industry during the month.
- xxi. During the period of investigation, the domestic industry incurred losses, cash losses and reported a negative return which has aggravated in the post period of investigation.
- xxii. Even if period of investigation is compared to the base year, the total losses incurred by domestic industry increased by \*\*\*%.

- xxiii. The domestic industry has faced negative EBIDTA which shows that its ability to raise capital has been affected.
- xxiv. The domestic industry was forced to shut down its plant during and subsequent to the period of investigation due to dumping, which cannot be attributed to Covid-19.
- xxv. Contrary to claim of the interested parties, the domestic industry has not witnessed any robust growth in any parameter.
- xxvi. The domestic industry has not claimed injury on account of level of employment and wages.
- xxvii. Injury analysis must consider each year of the injury period and cannot be simply an end points comparison. Comparison of data of only one period defeats the purpose of seeking information of 4 years and is in violation of the WTO Agreement.
- xxviii. There has been no material change in expenses related to the product over the injury period. The cost of production of the domestic industry can be verified in detail.
- xxix. The direct selling overheads are negligible in the total cost of production, and thus, do not have a material impact on the same.
- xxx. The interested parties have claimed that the cost of production of the domestic industry is inflated based on certain evidence, which has been claimed confidential. As a result, the domestic industry is precluded from commenting on the same.
- xxxi. Fluctuations in fixed assets reported in Proforma IV A are because of allocation between domestic and export sales. There is no change in total assets for the product.
- xxxii. The impact of revaluation of assets has been excluded from the capital employed.
- xxxiii. If any period is affected by other factors, effect of such factors can be segregated. However, such period cannot be ignored.
- xxxiv. The injury information submitted by the domestic industry relates to its domestic operations only and the decline in exports has not caused injury to the domestic industry.
- xxxv. Injury has been suffered by domestic industry during 2022-23, which was not impacted by Covid-19. Impact of Covid-19 pandemic cannot be cited in perpetuity as a ground for avoiding anti-dumping duty.
- xxxvi. There is no impact of the Russian-Ukraine war on the market for subject goods since both the countries are not the subject countries, have not supplied any major raw material and are not a major export market for domestic industry.
- xxxvii. The interested parties have failed to identify any internal inefficiencies of the domestic industry which could have caused injury.
- xxxviii. Considering the nature of the subject goods, the location of plant has no relevance, and the domestic industry has sourced raw material from Ahmedabad itself. Thus, injury to the domestic industry is not attributable to its location.
- xxxix. The interested parties have relied on closure of plant relating to dyestuffs to claim obsolescence of technology, which is not relevant to the present case.
- xl. The statements made in the earning conference calls do not pertain to period of investigation and are related to historic data.

- xli. With regard the reference to the statement in the financial statements concerning reduced exports due to container issues, the same does not explain the decline in sales in the domestic market.
- xlii. The financial statements published by domestic industry contain information of company as whole, and not like article, and are thus, cannot be relied upon.
- xliii. The Authority is required to consider injury caused to domestic injury as it exists and is not required to conduct non-attribution analysis for factors inherent to the domestic industry.
- xliv. The Tribunal has held previously that unless parties can demonstrate the need for a return at a different level, a return of 22% shall be allowed as reasonable.

### **G.3. Examination by the Authority**

- 46. The Authority has examined the arguments and counterarguments of the interested parties with regard to injury to the domestic industry made post-issuance of the preliminary findings. The analysis made by the Authority hereunder addresses the various submissions made by the interested parties. Further, the Authority had earlier examined injury to the domestic industry in the preliminary findings. The same has not been examined in the present final findings to the extent it has already been examined in the preliminary findings.
- 47. Certain interested parties have also contended that for injury analysis, the period of investigation should be compared with the base year, and not with the preceding year. The Authority notes that an objective injury analysis cannot be based on a comparison of merely two periods. The injury analysis should take into account each year forming part of the injury period. In the absence of such an analysis, the very point of seeking information for 4 years gets defeated. The WTO Panel, in European Communities – Anti-Dumping Duties on Malleable Cast Iron Tube or Pipe Fittings from Brazil has also noted the same, concluding that the injury analysis must take into account the actual trends for each period.

*“Thus, a meaningful investigation must also take into account the actual intervening trends in each of the injury factors and indices -- rather than just a comparison of "end-points". There must a streamlined, genuine and undistorted picture drawn from the facts before the investigating authority. Only on the basis of such a thorough and dynamic evaluation of data capturing the current state of the industry in the determination would a reviewing panel be able to assess whether the conclusions drawn from the examination are those of an unbiased and objective authority.”*

In view of the same, the Authority has examined the trend of injury, considering each period. However, due consideration has been given to the factors affecting each period in conducting the injury analysis.

48. The domestic industry has also submitted information for the period 2023-24 and April to June 2024. The information provided by the domestic industry shows that the imports have increased, and have caused further injury to the domestic industry. The domestic industry was also forced to shut down its plant for much of the period. However, the information for such period does not lead the Authority to arrive at a different conclusion with respect to any parameter than that based on the injury period, and the domestic industry has not justified the need for consideration of the information for the period falling beyond the injury period. Accordingly, the Authority has not examined such information.
49. Some of the interested parties have claimed that the financial statements of the domestic industry show that it has earned profits, negating the claim of injury suffered. The Authority notes that, under the provisions of (vi) of Annexure-II of the Anti-Dumping Rules, injury to the domestic industry is required to be seen with respect to the like article, and not the performance of the company as a whole. Therefore, reference to the financial statements is not appropriate, since the domestic industry is a multi-product company.
50. The interested parties have claimed that the cost structure of the applicant should be verified and it may be inflated. The Authority has verified the information provided by the domestic industry in detail, in accordance with the provisions of Rule 8 of the Anti-Dumping Rules. Only such verified information has been relied upon for the present examination.

#### **H. Cumulative assessment of injury**

51. In the preliminary findings, the Authority noted that:
  - a. The subject goods are being dumped into India from the subject countries. The margin of dumping from each of the subject countries is more than the *de minimis* limits prescribed under the Rules.
  - b. The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
  - c. Cumulative assessment of the effects of import is appropriate as the imports from the subject countries not only directly compete with the like articles offered by each of them but also the like articles offered by the domestic industry in the Indian market.
52. In view of the above, the Authority considered that it is appropriate to assess the effect of dumped imports of the subject goods from China PR and Japan on the domestic industry. No submissions have been made by any interested party to displace the conclusions arrived at in the preliminary findings.

#### **I. Volume effect of the dumped imports**

**a) Assessment of demand / apparent consumption**

53. As noted in para 56-57 of the preliminary findings, the demand for the subject goods declined in 2020-21 but increased gradually thereafter. The interested parties, including the domestic industry, have highlighted that the demand for the subject goods was impacted by Covid-19. However, it is noted that the demand has recovered during the period of investigation, and is higher than the previous periods.

**b) Import Volumes from the subject countries**

54. With regard to the volume of the dumped imports, the Authority noted in the preliminary findings that the volume of imports has increased in absolute terms as well as in relation to production and consumption. In particular, the imports increased by 236% during the period of investigation, after declining in 2020-21. Some of the interested parties have contended that the increase in imports was a result of increase in demand, post recovery from Covid-19. However, it is noted that, post recovery from Covid, the demand increased by 194% compared to the previous year. By contrast, the imports have increased at a higher rate of 236%. Therefore, the increase in imports is not solely attributable to the increase in demand.

<b>Particulars</b>	<b>Unit</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>POI</b>
Subject imports	MT	4,414	1,742	1,917	6,433
China	MT	4,211	1,710	1,705	6,203
Japan	MT	203	33	212	230
Other Countries	MT	-	42	21	100
Total imports	MT	4,414	1,784	1,938	6,533
Sales	MT	***	***	***	***
Trend	Indexed	100	40	1343	1173
Production	MT	***	***	***	***
Trend	Indexed	100	401	344	257
Demand	MT	***	***	***	***
Trend	Indexed	100	40	53	155
Subject import in relation to:					
Total imports	%	100%	98%	99%	98%
Production	%	***	***	***	***
Trend	Indexed	100	10	13	57
Consumption	%	***	***	***	***
Trend	Indexed	100	98	82	94

## **I.1. Price effect of the dumped imports**

### **a) Price undercutting**

55. In the preliminary findings, the Authority noted that the price undercutting is positive and significant during the period of investigation.

Particulars	Unit	POI
Net selling price	₹/MT	***
Landed Price	₹/MT	1,55,707
Price undercutting	₹/MT	***
Price undercutting	%	***%
Range	Range	30-40%

56. Some of the interested parties have claimed that price undercutting should be examined over the entire injury period, in the background of the profitability of the domestic industry. The Authority notes that the imports have been priced below the selling price of the domestic industry throughout the injury period. As a result, the market share of the domestic industry has remained low, while the imports have accounted for the majority of the market in each period. The domestic industry has also suffered increased losses, when the price undercutting increased during the period of investigation, implying a greater strain on the prices of the domestic industry.

Particulars	Unit	2019-20	2020-21	2021-22	POI
Selling Price	₹/MT	***	***	***	***
Trend	Indexed	100	98	130	144
Landed Price	₹/MT	1,17,929	1,05,265	1,66,360	1,55,707
Trend	Indexed	100	89	141	132
Price undercutting	₹/MT	***	***	***	***
Trend	Indexed	100	137	80	197
Price undercutting	%	***	***	***	***
Range	Range	20-30%	30-40%	10-20%	30-40%

### **b) Price suppression/depression**

57. In the preliminary findings, the Authority found that the landed value of the imports was below the selling price of the domestic industry throughout the injury period. As a result, the imports prevented price increases, which otherwise would have occurred, since the domestic industry was not able to increase its prices in line with the increase in cost. The Authority

had also noted that the landed price of the domestic industry did not increase in line with the raw material cost.

Particulars	Unit	2019-20	2020-21	2021-22	POI
Cost of Sales	₹/MT	***	***	***	***
Trend	Indexed	100	89	74	111
Selling Price	₹/MT	***	***	***	***
Trend	Indexed	100	98	130	144
Landed Price	₹/MT	1,17,929	1,05,265	1,66,360	1,55,707
Trend	Indexed	100	89	141	132
Raw material cost	₹/MT	***	***	***	***
Trend	Indexed	100	70	74	125

58. In this regard, certain interested parties have contended that landed price being below the selling price is a parameter of price undercutting and not price suppression or depression. In this regard, the Authority notes that the price suppression or depression is required to be examined with reference to selling price and cost of sales. However, the trends of landed price and comparison of landed price and selling price help understand the impact of the imports on the selling price of the domestic industry. This is relevant since the Authority is required to not merely conclude existence of price suppression/depression, but whether imports have caused price suppression / depression. In the present case, the comparison of landed price, cost of sales and selling price demonstrate that the imports prevented price increases, which otherwise would have occurred.

59. The table below shows year-on-year change in the cost of sales and selling price of the applicant and the landed price of imports.

Particulars	Y/Y	2019-20	2020-21	2021-22	POI
Cost of Sales	₹/MT		(***)	(***)	***
Indexed	%		(11)	(17)	49
Selling Price	₹/MT		(***)	***	***
Indexed	%		(2)	32	11
Landed Price	₹/MT		(12664)	61095	(10653)

60. It is seen that in 2019-20, the domestic industry was in losses. In 2020-21, the cost of sales declined by around Rs \*\*\* per MT. The applicant's selling price declined by only Rs \*\*\* per MT in this period. In the subsequent period, the cost of sales declined by Rs \*\*\* per MT but the selling price increased by Rs \*\*\*. The domestic industry recovered from losses and

made profits in 2021-22. This was the period when the import prices also went up and the share of imports in the market declined.

61. In the period of investigation, the cost of sales of the domestic industry has increased by Rs \*\*\* per MT but the selling price has increased only by Rs \*\*\* per MT. The increase in selling price is not in line with the increase in the cost of sales. This is because, in this period, the import volume shot up and despite increase in the cost of sales, the import price declined.

## **I.2. Economic parameters of the domestic industry**

### **a) Production, capacity, capacity utilization and sales volumes**

62. In the preliminary findings, the Authority noted that the domestic industry had been able to deploy only \*\*\*% of its capacity. The domestic industry faced underutilized capacities, and was forced to shut down its plant for a significant part of the period of investigation. The domestic industry was able to sell only a small share of its production and capacity in the domestic market. Further, the domestic industry was forced to export the subject goods at losses.

Particulars	Unit	2019-20	2020-21	2021-22	POI
Installed Capacity	MT	***	***	***	***
Trend	Indexed	100	100	100	100
Production	MT	***	***	***	***
Trend	Indexed	100	401	344	257
Capacity Utilization	%	***	***	***	***
Trend	Indexed	100	401	345	257
Domestic Sales	MT	***	***	***	***
Trend	Indexed	100	39	1345	1172
Export Sales	MT	720	680	1,420	600
Trend	Indexed	100	94	197	83

63. Some of the interested parties have claimed that the domestic sales of the domestic industry increased due to reduction in imports due to Covid-19, and declined once market situation stabilized. The Authority notes that there is no reason for the domestic sales of the domestic industry to decline in a situation where the demand has recovered during the period of investigation. Such decline in sales cannot be considered as “stabilization” of the market. The decline in domestic sales, despite increasing demand, shows that the imports have prevented the domestic industry from catering to a larger share of the market.

64. The Authority also notes that the capacity in the country is significant, and comparable to the demand. The domestic industry could have operated at a reasonably high-capacity utilization, if not for the imports catering to the higher market share during the period of investigation.

**b) Market share**

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

Market share	Unit	2019-20	2020-21	2021-22	POI
Domestic industry	%	***	***	***	***
Trend	Indexed	100	100	1700	500
Subject imports	%	***	***	***	***
Trend	Indexed	100	98	83	94
Other Imports	%	0%	2%	1%	1%
Trend	Indexed	-	100	50	50

66. In the preliminary findings, the Authority noted that despite being the sole producer of the subject goods in India and having the capacity equivalent to approx. \*\*\*% of the demand, the share of the domestic industry in the Indian market is only \*\*\*%. The imports from the subject countries have continued to dominate the Indian market throughout the injury period with a 93% share during the period of investigation.

67. The interested parties have claimed that the Authority should not rely only on absolute figures of market share. The Authority notes that in a situation where the market share of the domestic industry is extremely low, it is important to consider the absolute information, to understand the impact of the imports on the market share of the domestic industry. The Authority further notes that not only is the market share of the domestic industry low, but has also registered a decline during the period of investigation, after increasing till the preceding year.

68. Some of the interested parties have highlighted that the domestic industry was able to sell goods in 2021-22, only because of shipment delays from China. The Authority notes that such fact does not negate the conclusion that the domestic industry has suffered a decline in market share and is holding a very low share in the market. On the contrary, it shows that the domestic industry is in a position to cater to a higher market share, in the absence of dumping.

**c) Inventories**

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

Particulars	Unit	2019-20	2020-21	2021-22	POI
Opening Inventory	MT	***	***	***	***
Closing Inventory	MT	***	***	***	***
Average Inventory	MT	***	***	***	***
Trend	Indexed	100	154	182	99

70. It is noted that the average inventories of the domestic industry have continuously increased till 2021-22 and have decreased only during the period of investigation. However, the domestic industry has nevertheless, not been able to dispose of its production in the domestic market. Further, it is seen that the average inventory holding period of the domestic industry is \*\*\* days.

**d) Profitability, cash profits and return on capital employed**

71. With regard to the profitability of the domestic industry, the Authority noted in the preliminary findings that the profitability of the domestic industry deteriorated during the period of investigation. The domestic industry faced losses, cash losses and negative return on investment during the period of investigation. No submission or evidence has been adduced by the interested parties to displace the observations made in the preliminary findings. Certain interested parties have cited other factors impacting profitability of the domestic industry. The same have been examined hereinbelow, while examining causal link.

Particulars	Unit	2019-20	2020-21	2021-22	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	89	74	111
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	98	130	144
Profit/ (loss)	₹/MT	(***)	(***)	***	(***)
Trend	Indexed	(100)	(75)	11	(59)
Profit/ (loss)	₹ Lacs	(***)	(***)	***	(***)
Trend	Indexed	(100)	(29)	142	(691)
Cash Profit	₹ Lacs	(***)	(***)	***	(***)
Trend	Indexed	(100)	(25)	450	(574)
Return of investment	%	(***)	(***)	***	(***)
Trend	Indexed	(100)	(72)	32	(90)

72. The interested parties have also claimed that the cost of sales of the domestic industry have increased due to increases in commission, discounts, rebates, etc. The Authority notes that on a per unit basis, the cost of sales of the domestic industry have increased by \*\*\*% compared to the base year. Such costs on account of commission, discounts, rebates, etc. account for only \*\*\*% of the total costs of the domestic industry, and are thus, not significant. Therefore, the increase in cost of sales cannot be attributed to the commission, discounts, rebates, etc. incurred by the domestic industry. In fact, the domestic industry has emphasized that there has been a steep increase in the raw material costs.

73. With regard to revaluation of fixed assets, the effect thereof was segregated and excluded from the net fixed assets considered by the Authority.

74. The interested parties based on Proforma IV, have also cited the difference between the increase in depreciation, interest cost and capital employed, despite there being no increase in capacity. The domestic industry has explained that the same is on account of allocation between domestic and export sales, and there is no material increase in total costs. The table below shows the total depreciation, interest cost and capital employed by the domestic industry for both domestic and export markets.

Particulars	Unit	2019-20	2020-21	2021-22	2022-23
Depreciation	₹ lacs	***	***	***	***
Trend	Indexed	100	105	108	108
Interest cost	₹ lacs	***	***	***	***
Trend	Indexed	100	100	182	136
Capital employed	₹ lacs	***	***	***	***
Trend	Indexed	100	99	99	81

75. The Authority notes that the depreciation costs have increased by \*\*\*%. Such increase has been found consistent with the accounting records of the domestic industry, and the accounting policies followed. In any case, the increase in depreciation is not significant enough to be the cause of the losses of the domestic industry. The depreciation cost has increased by ₹ \*\*\* lacs over the injury period, while the losses of the domestic industry have increased by ₹ \*\*\* lacs. While there is a steeper increase in interest costs, such costs are negligible in relation to the total cost, at only \*\*\*%.

76. The Authority also notes that the profitability of the domestic industry has deteriorated steeply in the period of investigation, compared to the preceding year. However, while the depreciation cost has remained the same, the interest cost has actually declined compared to the previous year.

**e) Employment, productivity and wages**

77. In the preliminary findings, the Authority noted that the domestic industry has not claimed injury on this account. The interested parties have emphasized that the number of employees, wages and productivity of the domestic industry have increased. Since the Authority has not concluded injury with regard to this parameter, the parameter does not require re-examination.

Particulars	Unit	2019-20	2020-21	2021-22	POI
No. of employees	Nos.	***	***	***	***
Trend	Indexed	100	126	132	134
Salaries & Wages	₹ Lacs	***	***	***	***
Trend	Indexed	100	115	151	147
Productivity per day	MT/Days	***	***	***	***
Trend	Indexed	100	400	300	300
Productivity per employee	MT/Nos	***	***	***	***
Trend	Indexed	100	320	260	180

**f) Growth**

78. No submissions have been made by the interested parties to displace the conclusions reached with regard to growth of the domestic industry in the preliminary findings. Accordingly, the Authority confirms the contents of para 81 of the preliminary findings.

**g) Impact on the ability to raise capital investment**

79. While interested parties have claimed that the imports have not impacted the ability of the domestic industry to raise capital investment, they have not provided any basis of such claim. Accordingly, the Authority confirms the contents of para 82 of the preliminary findings.

**h) Factors affecting prices**

80. As noted in the preliminary findings, the domestic industry has not been able to increase its prices to a profitable level during the period of investigation, and has sold the goods at losses. Further, the low-priced imports have also resulted in low market share, and underutilized capacity which ultimately forced the applicant to close its operations. Thus, the subject imports have affected the prices of the domestic industry.

**i) The magnitude of dumping**

81. There is significant dumping of the subject goods from the subject countries which has destroyed the conditions of fair competition in the market.

### **I.3. Overall assessment of injury**

82. In view of the above, the Authority finds that the observations in the preliminary findings, concerning injury, continue to hold. The examination of the imports of the subject product and the performance of domestic industry clearly shows that:
  - i. Despite the fact that the domestic industry has enough capacity to cater to the approx. \*\*\*% entire Indian demand, the imports have dominated the market.
  - ii. The imports reduced in 2020-21 and 2021-22 but increased by 236% thereafter and were the highest during the period of investigation.
  - iii. The imports are \*\*\*% higher than the production of the domestic industry and constitute \*\*\*% of the Indian market.
  - iv. The imports from the subject countries constitute almost the entirety of the imports of the product under consideration in India.
  - v. The subject imports are undercutting the prices of the domestic industry. The price undercutting was positive and significant during the period of investigation.
  - vi. The imports have prevented the increase in the selling price of the domestic industry, which otherwise should have occurred.
  - vii. Despite the increase in the prices of the raw materials during the period of investigation, the exporters have not increased the landed price of the imports.
  - viii. Despite having a capacity of \*\*\* MT, the deployed capacity of the domestic industry was only \*\*\* MT.
  - ix. Despite this the domestic industry has been able to utilize only \*\*\*% of its capacity during the period of investigation.
  - x. The domestic industry was forced to shut down its plant on 12<sup>th</sup> January 2023 and has been unable to restart it during the period of investigation.
  - xi. The share of the domestic industry in the demand is only \*\*\*% and it has sold only \*\*\*% of its production in the domestic market.
  - xii. The average inventory holding period of the domestic industry is very high during the period of investigation.
  - xiii. The domestic industry is suffering significant financial losses. The domestic industry has faced losses with cash losses and a negative return on investment during the period of investigation.
  - xiv. The imports have adversely impacted the ability of the domestic industry to raise further capital investments.
  - xv. The imports are affecting the prices of the domestic industry.
  - xvi. The dumping margin is positive and significant.

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

#### **I.4. Non-attribution analysis and causal link**

84. The interested parties have contended that the decline in demand has impacted the performance of the domestic industry. The Authority notes that the demand has increased significantly during the period of investigation, and was highest compared to each year of the injury period. Thus, contraction in demand is not a factor causing injury to the domestic industry.
85. The interested parties have also heavily emphasized the impact of Covid-19 on the performance of the domestic industry. In this regard, the Authority notes that Covid-19 had a significant impact in 2020-21, due to which demand for the product declined by 60%. This was because of complete shutdown of swimming pools and water treatment facilities which are the primary consumers of product under consideration, as highlighted by the interested parties. During this period, the imports also declined. However, in 2021-22, while the demand increased, the increase in imports was not commensurate. The performance of the domestic industry improved during this period. During the period of investigation, the demand has again increased significantly, but the increase in imports is steeper. In such a situation, it cannot be considered that there is continuing impact of Covid-19 on the performance of the domestic industry.
86. While the interested parties have claimed obsolescence of technology, internal inefficiencies and location of plant have caused injury to the domestic industry, no evidence of the same has been provided. In claiming that the domestic industry has used obsolete technology, the parties have relied on closure of plant relating dyes and dyestuffs, which does not indicate that the plant of the subject goods is using obsolete technology. As regards inefficiencies, the Authority notes that the domestic industry has submitted that it has actually been able to reduce its conversion cost. Compared to the base year, while the raw material cost increased by \*\*\*%, the cost of sales increased by only \*\*\*%, as the conversion cost declined by \*\*\*%. As regards the location of the plant, the interested parties have not explained or demonstrated the impact of the same on the performance of the domestic industry.
87. With regard to the contention that the domestic industry acquired an obsolete plant from Trion Chemicals, which was in significant losses the Authority notes that it is not the case of the domestic industry that dumping has commenced during the period of investigation only. The domestic industry has emphasized that despite being in operations since 2017, the domestic industry has not been able to break even due to imports. The Authority notes that

throughout the period, the imports have commanded almost the entirety of the demand in the country. During 2021-22, when the market share of imports declined, the domestic industry has been able to improve its performance to a profitable level. In view of the same, it cannot be considered that the domestic industry has suffered due to the use of obsolete technology.

88. Likewise, the interested parties have claimed that the domestic industry has suffered due to the Russia-Ukraine war or global market dynamics. However, the impact of such factors on the domestic market of the country has not been shown. The Authority notes that the demand in the country was not impacted by the aforesaid factors. Further, while the cost of production increased, the landed price of imports declined. The landed price was below the selling price of the domestic industry. Therefore, the injury to the domestic industry is on account of the presence of dumped imports in the market, and not the Russia-Ukraine war, or market dynamics of other countries.
89. As regards the fluctuations in raw material prices, the same has also been observed by the Authority. However, in the absence of dumping, an increase in raw material prices would normally lead to an increase in the price of the downstream product as well. In the present case, the imports have prevented such price increases.
90. The interested parties have alleged that the domestic industry has suffered injury on account of poor quality of its product. The Authority has not found any evidence that the goods provided by the domestic industry are of a poor quality. The information and evidence on record shows that the domestic industry is supplying goods of the requisite quality, and comparable to the imported product, as noted in detail hereinabove. Further, while certain interested parties have claimed that the goods supplied by the domestic industry are of poor quality, other parties have claimed that the Chinese products are of poor quality, indicating different market segment. However, there is no evidence on record to indicate that the goods imported from China do not compete with the Indian goods. On the contrary, the performance of the domestic industry improved, in direct response to decline in market share of imports. This trend reversed during the period of investigation, when the volume and market share of imports increased, adversely impacting performance of the domestic industry in both volume and profitability parameters.
91. Lastly, certain interested parties have claimed that the domestic industry suffered injury due to its inability to export, while others have alleged that the domestic industry is focused on the export market, at the cost of the domestic market. The Authority notes that the domestic industry has significantly underutilized capacities. Thus, the domestic industry had sufficient capacity to cater to a much larger share of the domestic market. Therefore, it cannot be considered that the domestic industry prioritized the export market. As regards the alleged inability to export, the same does not explain the decline in market share or sales of the

domestic industry in the domestic market. Had the domestic industry lost volume only because of export sales, its capacity utilization would have declined, but not its domestic sales or market share. Further, the parameters of cost of production, selling price, profits, cash profits, return on investment, etc. have been examined for the domestic operations only. The Authority, thus, finds that the domestic industry has not suffered injury in the domestic market on account of its export operations.

### **Conclusions on causal link**

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

- i. There is dumping of the subject goods from the subject countries.
- ii. The import volume was the highest in the period of investigation. The imports declined in the previous two years only because of decline in demand due to Covid.
- iii. Imports were undercutting the prices of the domestic industry. Resultantly, imports have increased over the injury period.
- iv. There was significant increase in the import price in 2021-22. Resultantly, the domestic industry was able to increase its prices in this period, despite decline in cost of sales. However, thereafter, there was significant increase in the cost of sales of the domestic industry in the POI. However, the import prices did not increase. Resultantly, the domestic industry suffered price suppression. The domestic industry was prevented from increasing its prices in proportion to the increase in the cost. Resultantly, the domestic industry suffered significantly high losses in the POI.
- v. The volume of imports increased in relation to the consumption and production of the domestic industry in the POI and is \*\*\*% in relation to the Indian production.
- vi. The subject imports are significantly undercutting the prices of the domestic industry. Resultantly, the domestic industry was unable to sell the material in the market, resulting in significant under utilisation of production capacities.
- vii. The cheaper prices have created a strain on the prices of the domestic industry, preventing price increases, which otherwise would have occurred. This resulted in financial losses, cash losses and negative return on investment.
- viii. Even when the prices of raw materials increased in the period of investigation, the prices of the imports did not increase.
- ix. The domestic industry has severely under-utilized capacities, with only \*\*\*% of the installed capacity being utilized.
- x. The domestic sales are low, with the domestic industry holding a market share of only \*\*\*%.
- xi. The domestic industry was forced to shut down its operations to cut down its losses and avoid excessive inventory.

- xii. The domestic industry has incurred losses and cash losses throughout the injury period except in 2021-22 when the landed price increased. Even the return on investment in the period of investigation was negative.
- 93. The Authority, thus, concludes that there exists a causal link between the dumping of the subject goods and injury to the domestic industry.

#### **J. MAGNITUDE OF INJURY MARGIN**

- 94. The Authority has determined Non-Injurious Price for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The non-injurious price of the product under consideration has been determined by adopting the verified information/data relating to the cost of production for the period of investigation. The non-injurious price has been considered for comparing the landed price from the subject country for calculating the injury margin. For determining the non-injurious price, the best utilisation of the raw materials by the domestic industry over the injury period has been considered. The same treatment has been carried out with the utilities. The best utilisation of production capacity over the injury period has been considered. It is ensured that no extraordinary or non-recurring expenses are charged to the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e. average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the non-injurious price as prescribed in Annexure III of the Rules and being followed.
- 95. The landed price for the cooperative exporters has been determined on the basis of the data furnished by the exporters. For all the non-cooperative producers/exporters from the subject countries, the Authority has determined the landed price based on the facts available.
- 96. As regards the contention that a 22% return on capital employed is unwarranted, the Authority notes that it is a consistent practice of the Authority to determine the non-injurious price of the domestic industry based on reasonable return on capital employed, which is 22%, barring when there is evidence on record that 22% should not be considered and some other figure is more appropriate.
- 97. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is provided in the table below:

Producer	NIP (USD/MT)	Landed Price (USD/MT)	Injury Margin (USD/MT)	Injury Margin (%)	Injury Margin (Range)
<b>China</b>					
Shandong Goldenstar Water Environment Technology Co., Ltd	***	***	***	***	40-50
Puyang Cleanway Chemicals Limited	***	***	***	***	40-50
Shandong Daming Science and Technology Co. Ltd	***	***	***	***	40-50
Shandong Lantian Disinfection Technology Co	***	***	***	***	50-60
All Others	***	***	***	***	50-60
<b>Japan</b>					
Any	***	***	***	***	10-20

## **K. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES**

### **K.1. Submissions by other interested parties**

98. Post issuance of preliminary findings, the interested parties have submitted as under with regard to public interest:

- The imposition of anti-dumping duties on imports would not serve the public and could have detrimental effects on consumers, businesses and public utilities, by causing supply shortages, leading to higher prices and potential disruptions in essential services.
- The public health sector would also be at risk, as restricted supply of TCCA can compromise the quality and safety of drinking water, swimming pools and other sanitation services.
- The imposition of duty is aimed to reduce competition and create a monopolistic control, with only sub-standard products available in India.
- The Authority has overlooked that even a minimal price increase can significantly burden consumers for essential goods like disinfectants.
- The reliance by Authority on self-serving economic interest questionnaires, without conducting a proper investigation is a violation of due process of law.
- The Authority has considered the non-cooperation of domestic users as evidence that duty will not have a detrimental effect. The non-cooperation can be because of lack of resources and expertise, and unawareness of the impact in the future.
- The decision to protect a single industry at the expense of broader welfare is an abuse of regulatory duties and mandate.

- viii. The Authority has characterized the product under consideration as a mere disinfectant, thereby ignoring its critical role in water treatment and industrial processes.
- ix. The petitioner is the sole producer of the subject goods in India and is unable to meet the demand in India.
- x. The applicant is importing cyanuric acid from China, and doing minimal value addition in India. Therefore, it is not satisfying the Make in India initiative of the Government.
- xi. The claims that the domestic industry can expand the capacity in future relies on uncertain future demand and has not considered potential costs associated with capacity expansion, which can further lead to price increase.
- xii. Mere theoretical availability of substitutes does not nullify the real-world effects of the alleged duty imposed. The applicant has not provided evidence with regard to prices from these alternative sources.
- xiii. Even if duties are imposed, the market would adapt by shifting imports from other countries, rendering the measure ineffective. Moreover, smuggling concerns and the lack of comprehensive pricing data across countries further complicate the matter.
- xiv. The increase in market share of the domestic industry shows that a competitive market exists even in the absence of anti-dumping duties.
- xv. The product produced by the domestic industry has several health hazards due to lack of guaranteed size and slow solubility and uneven dispersion of chlorine which can lead to pathogen and chemical exposure.
- xvi. The method for calculating impact on the downstream industry is flawed since it assumed that TCCA is added in water only once.
- xvii. Considering that TCCA is to be added to pools daily, the impact of duties on pools would be between Rs. 8760 to Rs. 131400.
- xviii. In the event of imposition of duties on TCCA, the users would shift to other products, SDIC 60%, Bleaching, Liquid Chlorine, Calcium Hypo Chlorite.

## **K.2. Submissions by the domestic industry**

- 99. The domestic industry has made the following submissions with regard to the Indian industry's interest post issuance of the preliminary determination:
  - i. The Authority has duly conducted a public interest analysis and all the arguments of the interested party have already been addressed in the preliminary findings.
  - ii. The user industry has not opposed the imposition of duties or filed a response to the Economic Interest Questionnaire. Only importers that are trading the subject goods have opposed the imposition of duty, to maximise their own profits.
  - iii. Non-participation by the user industry in the investigation cannot be construed to imply that they did not have the resources and expertise to participate.
  - iv. The domestic industry has been unable to stabilise its operations, despite being in operation since 2017.

- v. The applicant is the sole producer of the subject goods. In case the duties are not imposed, the industry will have to shut down its operations permanently. In such a situation, the country will completely rely on imports and India will not become Atmanirbhar.
- vi. There is no evidence to support the claim that a minimal price increase would significantly burden consumers.
- vii. In the past, the Authority has provided remedy to an industry with a single producer. This is necessary in the present case since continuation of dumping would force the domestic industry to shut down its operations.
- viii. Contrary to the claim of the interested parties, the Authority has not characterised the subject goods as a mere disinfectant.
- ix. The importers have failed to provide any evidence to show that the domestic product is of poor quality, despite direction from the Authority to do so. The fact that the domestic industry has exported to USA shows that it is not supplying low-quality products.
- x. The goods produced by the domestic industry are certified by the Environmental Protection Agency of United States, which is one of the most stringent standards.
- xi. The interested parties are making contradictory statements about the quality of the domestic industry being poor and then stating that the applicant wants to focus on exports by exporting premium quality.
- xii. The domestic industry has sufficient capacity to cater to the domestic demand, and can increase its capacity to cater to future demand.
- xiii. The contention of the interested parties that increasing capacity will lead to higher prices is not tenable, as higher supply leads to a reduction in prices.
- xiv. Dodhiya Chem Tex Private Limited is planning to enter the market in the near future which will eliminate the possibility of the creation of monopoly in the market.
- xv. While certain interested parties claim that there are no alternate import sources of supply of product, other parties have stated that the market would shift to imports from other countries, showing an inter-se contradiction.
- xvi. Even after the imposition of duty, the subject goods can be imported at fair prices.
- xvii. The impact on the downstream industry is negligible since the subject goods are not a major input or raw material for the downstream industry and accordingly, is not a major cost.
- xviii. The impact calculation provided by domestic industry is, in fact, overstated because it does not consider other significant costs of running and operating a swimming pool.
- xix. The interested parties have not provided any calculation for the impact of duties on the downstream industry or established that the downstream industry will be significantly impacted by the duties.
- xx. Imposition of duties will also help in increasing forex exchange savings and help the domestic industry to flourish in the market.
- xxi. Imposition of duties will not impact the net realisation of an exporter since duty is imposed over and beyond the net realisation of an exporter.

- xxii. The product can also be imported at fair prices from other countries including USA, Spain and a plant has been recently set up in Bangladesh.
- xxiii. While the interested parties have relied on testimonies from such users, the domestic industry has not supplied the product to such users, or the importer concerned. The testimony of the users to whom the domestic industry actually supplied the product shows that its products are of good quality.

### **K.3. Examination by the Authority**

- 100. The Authority notes that the primary objective of anti-dumping duties is to rectify the injury inflicted upon the domestic industry by the unfair trade practices of dumping, thereby fostering an environment of open and equitable competition in the Indian market. This is not merely a regulatory measure, but a matter of national interest. The imposition of anti-dumping measures is not designed to curtail imports from the subject countries arbitrarily. Rather, it is a mechanism to ensure a level playing field. The Authority acknowledges that the persistence of anti-dumping duties may influence the price levels of the product in India. However, it is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the imposition of these measures. Far from diminishing competition, the imposition of anti-dumping measures serves to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the subject goods. Thus, anti-dumping duties are not a hindrance but a facilitator of fair-trade practices.
- 101. The Authority issued the initiation notification, inviting views from all interested parties including importers, users and consumers. An Economic Interest Questionnaire was also prescribed to allow various stakeholders, including the domestic industry, producers/exporters and importers/users/consumers to provide relevant information concerning the present investigation, including the possible effect of anti-dumping duty on their operations.
- 102. The Authority notes that no user of the subject goods has stepped forward to participate before the Authority or furnished a response to the Economic Interest Questionnaire. Furthermore, no party has presented any evidence to indicate the adverse effect of the duties in force. This lack of evidence and silence of the stakeholders underscores the Authority's position and reinforces the necessity of anti-dumping measures to ensure fair trade practices.
- 103. The interested parties have contended that the non-participation by users may be on account of lack of awareness, expertise or resources. The Authority notes that initiation of the investigation was notified in the Gazette of India. Further, the importers have participated in the present case. One of the importers has also provided testimonies from users such as Surya

Fitness Culture, Lucky Pool, Water Stone Pool, and Rahul Water Works. The importers, therefore, could have informed the users and advised them to participate in the investigation. Therefore, lack of awareness or expertise cannot be considered grounds for non-participation. As regards resources, at the very least, the users could have themselves made submissions and provided the relevant information.

104. In this regard, the Authority notes that it is well settled that if an interested party does not cooperate and thus relevant information is being withheld from the authorities, this situation could lead to a result which is less favourable to the party than if the party did cooperate. Therefore, the non-cooperation of users cannot be construed in a manner so as to assume a favourable position to them. The Authority would consider the facts on record, as placed before it, and such a consideration may result in a situation less favourable for the users.
105. The Authority notes that prior to the establishment of the plant by the domestic industry, India was completely import dependent. The domestic industry has heavily invested in the plant to manufacture the subject goods and make India self-reliant. According to the domestic industry, if the dumping from the subject countries continues, the domestic industry will have no option but to permanently shut down its operations.
106. The domestic industry has highlighted that the users will not be adversely impacted by the duties because of the low impact of the duties on the end product. It is noted that the impact of the duties is quite minuscule. Moreover, the domestic industry has stated that since the subject goods are merely used as a disinfectant to clean the water, it is not a major cost to it either. The Authority notes that TCCA is used as a disinfectant and for water treatment. Thus, it is not a major input or raw material for the downstream industry.
107. The Authority notes that certain interested parties have claimed that the impact calculated by the domestic industry is understated on account of considering that TCCA is added multiple times in a swimming pool. The domestic industry on the other hand has contended that the impact is overstated as the other costs that would be incurred in running the establishment, barring water and TCCA, have not been considered. The Authority notes that swimming pools are majorly run by hotels, schools and sports centres. For such establishments, the costs involved in running a pool are only a small part of the overall costs involved in running the establishment. The Authority notes that while TCCA may be added more than once, the impact of duties per addition is less than 0.25%, when considering the impact on the cost of water added. Further, even if the total cost of TCCA consumed in a year is about Rs. 1 lakh as claimed by the other parties, the same cannot be considered significant in view of the overall cost and revenue structures, of the establishments that use such TCCA.

108. TCCA is not a raw material for any of its users. It is used in small dosages for water treatment. This gets further established by the fact that the entire demand for this product in the country is in the region of Rs. 100-125 crores per annum. This volume of the product gets consumed by a large number of establishments. Annual consumption by value for individual establishment is thus quite low. Possible increase in the price of the product would not lead to a significant increase in the costs incurred by the consumers.
109. The Authority further notes that the imposition of anti-dumping duty will not lead to scarcity of the subject goods in India. It is noted that anti-dumping duty does not restrict imports but ensures that imports are available at fair prices. The imposition of duty would, therefore, not affect the availability of the product. Therefore, the capacity of the domestic industry is more than the demand in India, thereby ensuring that there remains sufficient supply in the country. Further, the domestic industry has stated that it has the infrastructure to increase its capacity, in case there is an increase in the Indian demand.
110. Further, the Authority notes that although the subject imports constitute almost 100% of the imports into the country, the technology to manufacture the product is available in the USA and Spain as well. Further, the domestic industry has claimed that a plant for production of the product has been recently set up in Bangladesh. Thus, the goods can be imported from Bangladesh, USA and Spain, in case of imposition of duties. Further, the domestic industry has submitted that Dodhiya Chem Tex Private Limited is planning to set up a plant for the production of the subject goods. This would ensure healthy competition in the Indian market.
111. Some of the interested parties have contended that the aforesaid availability of the product is only theoretical, and the imposition of duty would lead to a demand-supply gap and creation of monopoly. First and foremost, the Authority notes that the imposition of duty does not prevent importation of the subject goods, but merely ensures a price correction. In any case, should there be a situation of scarcity of product or monopolization of the market, the interested parties are free to approach the Authority seeking a mid-term review, or the competent authority concerning anti-competitive practices. However, the same cannot become grounds for denying the duty. In any case, the domestic industry has already undertaken part of the investment required to increase capacities.
112. Contrary to the arguments of the interested parties, it cannot be considered that a competitive market exists for the product, in the absence of duties. The Authority has found significant dumping of the subject goods into India. The performance of the domestic industry has suffered as a result of such dumping.

113. With regard to the value addition in India, it is noted that raw material cost constitutes approx. \*\*\*% of the total cost of the product. In view of the same, the value addition in India cannot be considered insignificant in any manner.
114. Lastly, with regard to quality of the product produced by the domestic industry, the Designated Authority has noted that the users to which the domestic industry has supplied the goods have appreciated its quality. Further, the domestic industry is supplying the product to developed economies, such as USA. The goods produced by the domestic industry are also certified by the US EPA. Therefore, there are no grounds to conclude that the quality of the goods supplied by the domestic industry is inferior.

## **L. POST DISCLOSURE COMMENTS**

115. The Authority circulated the disclosure statement containing all essential facts under consideration for making the final recommendations to the Central Government to all interested parties on 22<sup>nd</sup> November 2024. The Authority has examined all the post-disclosure comments made by the interested parties in these final findings to the extend deemed relevant. Any submission which was merely a reproduction of the previous submission, and which had been adequately examined by the Authority has not been repeated for the sake of brevity.

### **L.1 Submissions by other interested parties**

116. The following post disclosure submissions have been made by the other interested parties:
  - i. Contrary to the observations of the Authority, the Customs declaration filed in China does not bear the invoice date, but the Sales Contract dates. The dates in China customs declaration, bill of lading and accounting dates for the two invoices are all within the period of investigation.
  - ii. The manufacturer's invoice to the trader could be dated later than the trader's invoice to customer and this will not affect actual sales between the manufacturer and the trader.
  - iii. Just because the invoice by the trader is issued first, it does not invalidate or creates doubt on the validity of the transaction as the parties and transaction terms are already fixed under the contracts.
  - iv. The validity of books of accounts is not questioned by the Authority, which does not raise any questions about the credibility of the date of invoices.
  - v. The Authority is obligated to assess the injury caused to the domestic industry strictly as per Annexure II and Article 3 of the Rules. The volume effect, price effect and impact on the domestic industry are the essential components which need to be examined cumulatively in this sequence only and must be done in an unbiased manner.
  - vi. The Petitioner has not established that the subject imports had any "explanatory force" or consequent impact on the Petitioner.

- vii. The Authority has not examined a causal link and does not have sufficient basis to conduct a causal link in absence of volume and price effect on the domestic industry performance.
- viii. The applicant is unable to cater to the international market despite being in an advantageous position due to duties imposed on Chinese products by other trade remedial authorities including Europe and the USA.
- ix. For every 1 lakh liters of water, 300 grams of TCCA is used daily which implies TCCA constitutes 90% of the total costs.
- x. Imposition of duties will adversely impact on the small pool users which is the common size pool for all resorts, water parks, schools, and swimming lesson's locations.

## **L.2 Submissions by domestic industry**

- 117. The following post disclosure submissions have been made by the domestic industry.
  - i. It is evident that the injury to the domestic industry has been caused by the dumped imports and there is clear causal link between dumping of the product under consideration and injury to the domestic industry.
  - ii. There is a need for re-determination of cost of production used for determination of non-injurious price and normal value.
  - iii. The Authority has applied the highest capacity utilization based on available capacity, to the installed capacity, leading to an inordinately high optimum product. Either the capacity utilization be applied to available capacity; or the capacity utilization be re-determined having regard to installed capacity and thereafter, be applied accordingly.

## **L. 3 Examination by the Authority**

- 118. The Authority has examined the post-disclosure submissions made by the domestic industry and the other interested parties and notes that some of the comments are reiterations which have already been examined suitably and addressed adequately in the relevant paras of the final findings. The issues raised for the first time in the post-disclosure comments / submissions by the interested parties and the domestic industry and considered relevant by the Authority are examined below.
- 119. The documentation submitted by the exporter Hebei has already been examined by the Authority in detail. As noted earlier, the originally submitted invoices bore the stamp of the company. Further, they were submitted by the company, together with a certificate of accuracy. The exporter submitted revised invoices only after the Authority denied individual margins in the preliminary findings. It is, therefore, considered that the revised invoices are not reliable. The exporter has not satisfactorily demonstrated that the date mentioned in the Chinese Customs declaration is not the date of the invoice. Lastly, the exporter has not

provided a satisfactory explanation as to how the trader can issue an invoice pre-dating the invoice of the manufacturer, that too when the trader's invoice bears the invoice number of the manufacturer. It does not stand to logic that the trader sold goods, that were not yet owned by it, and having mentioned the invoice number under which it would acquire ownership of the said goods. In view of such a factual situation, the Authority does not find it appropriate to rely on the revised invoices and confirms its observations in the Disclosure Statement.

120. With regards to the contention of the interested parties that the Authority is required to examine volume effect, price effect and impact on domestic industry cumulatively in this sequence, the Authority has examined the volume effect, price effect and the economic parameters of the domestic industry in detail. The examination of the imports of the subject goods and the performance of domestic industry shows that the domestic industry has suffered material injury. The interested parties have not elaborated or provided any evidence to show otherwise or establish that the Authority has not conducted the examination of the injury caused to the domestic industry as per Annexure-II and Article 3 of the Rules.
121. The interested parties have argued that the domestic industry is unable to compete in the international market. However, the domestic industry has shown that it has exported the subject goods to USA and its products of the domestic industry are certified by Environmental Protection Agency of the United States of America (EPA). The arguments of the interested parties have already been examined by the Authority in detail earlier. The interested parties have not provided any fresh evidence to displace the conclusions reached earlier.
122. With regards to the argument that the subject goods constitute a major portion of the total cost for the users, the Authority has already examined the same. No fresh information or evidence has been adduced by the interested parties in this regard.
123. The domestic industry has also stated that the Authority should re-determine the normal value and non-injurious price. The Authority has determined the non-injurious price for the domestic industry on the basis of the principles laid down in the Rules read with Annexure III, as amended. The non-injurious price of the subject goods has been determined by adopting the verified information / data relating to the cost of production for the period of investigation. The non-injurious price has been considered for comparing the landed price from the subject countries for calculating the injury margin. Therefore, the Authority has concluded that there is no requirement for re-determination of the non-injurious price and since it has arrived at the same as prescribed in Annexure III of the Rules and past practices of the Authority.

## **M. CONCLUSION AND RECOMMENDATIONS**

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

- i. The application for initiation of the anti-dumping investigation against imports of Trichloro Isocyanuric Acid from China PR and Japan was filed by Bodal Chemicals Limited. The applicant is the sole producer of the subject goods and constitutes domestic industry for the purpose of the present investigation
- ii. The product under consideration is Trichloro Isocyanuric Acid also referred to as TCCA which is a chemical compound commonly used as a disinfectant, bleaching agent and water treatment chemical.
- iii. There is no change in the scope of the product under consideration as defined in the initiation notification and there is no need for PCN methodology in the subject investigation.
- iv. Since no producer from China PR has filed a request for market economy treatment, China PR has been considered as a non-market economy and the normal value has been determined based on the price payable in India which is based on the cost of production of the domestic industry.
- v. Considering the normal value and export price determined, the dumping margin for the subject goods from China and Japan is positive and significant.
- vi. The demand for the subject goods declined in 2020-21 due to covid but has gradually increased thereafter.
- vii. The imports from the subject countries constitute the entirety of the imports into the country and were the highest in the period of investigation.
- viii. The subject imports were undercutting the prices of the domestic industry.
- ix. The landed value of the imports was below the selling price as well as the cost of the domestic industry.
- x. The cost of sales of the domestic industry increased in the period of investigation but the prices of imports have reduced. The increase in the cost of sales was due to significant increase in raw materials costs. Further, even when the selling price increased, the increase in the selling price was less than the increase in cost of sales.
- xi. The imports have prevented price increases, which otherwise, would have occurred. Thus, the imports have suppressed the prices of the domestic industry.
- xii. As regards the effect of such dumped on the economic parameters of the domestic industry, the following conclusions were reached:
  - a) The domestic industry has suffered from underutilized capacities throughout the injury period and sold a very small share of its production in the domestic market, despite the domestic industry holding significant capacities.
  - b) The imports have dominated the market share throughout the injury period, despite the domestic industry holding significant capacities

- c) The average inventories of the domestic industry have continuously increased till 2021-22 and have decreased during the period of investigation with suspension of production by the domestic industry.
- d) The domestic industry has suffered from losses, cash losses and negative returns.
- e) The domestic industry has suffered injury as a result of the dumped goods from the subject countries. The injury margin is significant.

xiii. It is noted that domestic industry has suffered material injury as a result of the dumped imports.

xiv. The Authority has not found any evidence that the goods provided by the domestic industry are of poor quality.

xv. As against the established demand of \*\*\* MT, the domestic industry holds a capacity of \*\*\*MT, thus sufficient enough to cater to \*\*\* demand for the product in the Country. The domestic industry however had utilised its production capacity only to a meagre extent of \*\*\* for selling the product in the domestic market. The dumping of the product has severely impacted the capacity utilization of the domestic industry in the country and has reduced the domestic industry to a level where it was catering to only \*\*\* demand in the country.

xvi. The domestic industry suspended its production for a total period of around \*\*\* months in the investigation period and operated the plant only for \*\*\* days in view of the dumping of the product in the country.

xvii. The investigation has shown that the domestic industry has been unable to cater to a level of demand that was feasible with the capacities created by the company. The domestic industry is holding such a low market share because of dumping in the Country. No other factor responsible for such low market share has been brought out by the interested party.

xviii. The anti-dumping duty is in the interest of the public. This is evident from the following:

- a. The domestic industry has made significant investments in the plant to manufacture the subject goods.
- b. The impact of the duties on the downstream industry is minuscule.
- c. There is no basis to conclude that the users have not participated in the investigation due to lack of awareness or expertise.
- d. The users to which the domestic industry has supplied the goods have appreciated its quality, and the interested parties have not been able to demonstrate that the buyers to whom the domestic industry has supplied the goods are not satisfied with its quality.
- e. No evidence has been placed on record to demonstrate that there is a difference between the imported goods and the domestically produced goods.
- f. The imposition of duty would not affect the availability of the product. Apart from other global sources, the domestic industry has the capacity to cater to

almost the entire Indian demand and has the infrastructure to increase its capacity, in case there is an increase in the Indian demand.

125. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal link. Having initiated and conducted the investigation into dumping, injury and causal link in terms of the provisions laid down under the Anti-Dumping Rules, the Authority is of the view that imposition of duty is required to offset dumping and injury. Therefore, the Authority considers it necessary and recommends the imposition of anti-dumping duty on imports of the subject goods from the subject countries.
126. Having regard to the lesser duty rule followed by the Authority, the Authority recommends the imposition of an anti-dumping duty equal to the lesser margin of dumping and the margin of injury, so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of anti-dumping duty on the imports of the subject goods, originating in or exported from subject countries for a period of 5 years from the date of notification to be issued in this regard by the Central Government, equal to the amount mentioned in Col. 7 of the duty table appended below.

**Duty Table**

S. no.	Heading	Description	Country of Origin	Country of Export	Producer	Amount	Unit	Currency
1	2	3	4	5	6	7	8	9
1	29336990 29336910*	Trichloro Isocyanuric Acid	China PR	China PR	Shandong Goldenstar Water Environment Technology Co., Ltd.	766	MT	USD
2	-do-	-do-	China PR	China PR	Puyang Cleanway Chemicals Limited	773	MT	USD
3	-do-	-do-	China PR	China PR	Shandong Daming Science And	782	MT	USD

					Tecnology Co.,Ltd			
4	-do-	-do-	China PR	China PR	Shandong Lantian Disinfection Technology Co	907	MT	USD
5	-do-	-do-	China PR	All countries, including China PR	Any other than those mentioned at S. No. 1 to 4	986	MT	USD
6	-do-	-do-	All countries other than China PR and Japan	China PR	Any	986	MT	USD
7	-do-	-do-	Japan	All countries including Japan	Any	276	MT	USD
8	-do-	-do-	All countries other than China PR and Japan	Japan	Any	276	MT	USD

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

#### **N. FURTHER PROCEDURE**

127. An appeal against the determination of the Authority in these final findings 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