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F. No. 6/41/2024-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Trade Remedies)
IV Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi - 110 001

Dated: 26.09.2025

FINAL FINDINGS
Case No. AD (OI) - 38/2024

Subject: Anti-dumping investigation concerning imports of “Black Toner Powder Cartridge” originating in or exported from China PR – reg.

F. No. 6/41/2024-DGTR - Having regard to the Customs Tariff Act, 1975 as amended from time to time and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 thereof, as amended from time to time (hereinafter referred to as “AD Rules, 1995” or the “AD Rules” or the “Rules”).

A. BACKGROUND OF THE CASE

1. M/s Indrayani Sales Private Limited (hereinafter referred to as “domestic industry” or the “applicant”) had filed an application before the Designated Authority (hereinafter referred to as the “Authority”) in accordance with the Customs Tariff Act, 1975 (hereinafter referred to as the “Customs Tariff Act”) and the AD Rules, 1995 for initiation of anti-dumping investigation concerning imports of “**Black Toner Powder Cartridge**” (hereinafter referred to as “product under consideration” or the “subject goods” or “PUC”) originating in or exported from China PR (hereinafter referred to as “subject country”).
2. The Authority, on the basis of *prima facie* evidence submitted by the applicant, issued a public notice *vide* Notification No. 6/41/2024-DGTR dated 30th September 2024, published in the Gazette of India, initiating the subject investigation in accordance with Section 9A of the Customs Tariff Act read with Rule 5 of the AD Rules, 1995 to determine the existence, degree and effect of alleged dumping of the subject goods and to recommend the appropriate amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic industry.

B. PROCEDURE

3. The following procedure has been followed with regard to the subject investigation:
 - a. The Authority notified the Embassy of the subject country in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Rule 5(5) of the AD Rules, 1995.
 - b. The Authority issued a public notice dated 30th September, 2024, published in the Gazette of India Extraordinary, initiating the anti-dumping investigation concerning imports of the subject goods from the subject country.

- c. The period of investigation (POI) for the present investigation is 1st April 2023 to 31st March 2024 (12 months). The injury investigation period for the present investigation is 1st April 2020 to 31st March 2021, 1st April 2021 to 31st March 2022, 1st April 2022 to 31st March 2023 and the POI.
- d. The Authority sent a copy of the initiation notification on 8th October 2024, to the Embassy of the subject country in India, the known producers/exporters from the subject country, the known importers/users of the subject goods and other interested parties, as per the information provided by the applicant. The interested parties were requested to provide relevant information in the form and manner prescribed in the initiation notification and to make their submissions known in writing within the time limit prescribed by the initiation notification.
- e. The Authority also circulated copy of the non-confidential version (NCV) of the application filed by the applicant to the known producers/exporters, known importers/users and to the Embassy of the subject country in India in accordance with Rule 6(3) of the AD Rules, 1995.
- f. The Embassy of the subject country in India was also requested to advise the producers/exporters from their country to submit their responses to the questionnaire within the time limit prescribed by the initiation notification.
- g. The interested parties were granted an opportunity to present their comments on the issues of confidentiality claimed by the other interested parties within 7 days of the circulation of the NCV of the application filed before the Authority.
- h. The Authority sent questionnaires to the following known producers/exporters in the subject country in accordance with Rule 6(4) of the AD Rules, 1995:
 - 1) M/s Asconn Print Technology
 - 2) M/s Ax Vision Technology Co. Ltd.
 - 3) M/s Beijing Xintron Office Equipment Company
 - 4) M/s Cartridges Land Limited
 - 5) M/s Chinamate I-Technology Co., Ltd.
 - 6) M/s Eucconi Technology Co Limited
 - 7) M/s Far Industries Co Ltd
 - 8) M/s Futuretech Global Innovations Limited
 - 9) M/s Global Connexions Private Limited
 - 10) M/s 3rv Imaging Company Limited
 - 11) M/s Justmae Science and Technology Limited
 - 12) M/s Kogon Technologies Limited
 - 13) M/s Maxwell Image Limited
 - 14) M/s Zhuhai Enlite Technology Co., Ltd
 - 15) M/s Zhuhai Zhongkai Imaging Products Co., Ltd.
- i. The following producers/exporters of the PUC from subject country have filed the questionnaire response within the time-limit prescribed by the Authority:
 - 1) M/s Chinamate I-Technology Co., Ltd.
 - 2) M/s Jinruiyang Trading Co., Limited
 - 3) M/s Maxwell Image Limited
 - 4) M/s Ninestar Image Tech Limited
 - 5) M/s Shanghai Orink Infotech Co., Ltd.
 - 6) M/s Topjet Technology Co., Ltd.
 - 7) M/s Zhejiang Zhuotai Printer Consumables Co., Ltd.

- 8) M/s Zhuhai Ninestar Information Technology Co., Ltd.
 - 9) M/s Zhuhai Oritone Infotech Co., Ltd.
 - 10) M/s Zhuhai SCC Trading Co., Ltd
 - 11) M/s Zhuhai Zhongkai Imaging Products Co., Ltd.
- j. The Authority sent questionnaires to the following known importers/users of subject goods in India seeking for necessary information, in accordance with Rule 6(4) of the Rules:
- 1) M/s Alphabet Imaging Technologies Private Limited
 - 2) M/s Aryan Trade World Private Limited
 - 3) M/s Geonix International Private Limited
 - 4) M/s Image Star Print Solutions Private Limited
 - 5) M/s Indigo Prints Smart Private Limited
 - 6) M/s Jet Tec Info-Consumables (India) Private Limited
 - 7) M/s New Peripherals Technology Private Limited
 - 8) M/s Nuevotech Industries Private Limited
 - 9) M/s Prabhat Computer
 - 10) M/s Premier Computers
 - 11) M/s Prince Enterprise
 - 12) M/s Rx Infotech Private Limited
 - 13) M/s Sangam Enterprises
 - 14) M/s Smart Imaging Technology
 - 15) M/s Sumangalam International Private Limited
 - 16) M/s Supertron Electronics Private Limited
 - 17) M/s Vihan Impex
 - 18) M/s Zebronic India Private Limited
- k. The Authority notes that the following importers/users who have registered in the subject investigation have participated by filing the questionnaire response.
- 1) M/s Indigo Prints Smart Private Limited
 - 2) M/s Premier Computers
 - 3) M/s Sumangalam International Private Limited
 - 4) M/s Techno Imaging Solutions
 - 5) M/s UR Enterprises
- l. Further, the Authority notes that the following importers/ users who have registered in the subject investigation have participated by filing preliminary submissions to the Authority.
- 1) M/s Delco Copier
 - 2) M/s Rahul Enterprises
 - 3) M/s Vihan Impex
- m. The producers/exporters from the subject country who have not submitted the questionnaire response or have not cooperated in the investigation have been treated as non-cooperative in the investigation.
- n. The Authority issued the Economic Interest Questionnaire (EIQ) to all the interested parties and the concerned line Ministry/ Department, seeking inputs on the economic impact of the proposed duties. However, none of the interested parties or the concerned line Ministry/ Department filed any response to the EIQ.

- o. A list of all the interested parties was uploaded on the DGTR website along with the request to all of them to email the non-confidential version of their submissions to all the other interested parties along with the Authority.
- p. Requests were made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) and the DG-Systems, Central Board of Indirect Taxes and Customs (CBIC) to provide the transaction-wise details of imports of subject goods for the injury period. The Authority, after due verification of the transactions and after due analysis, has relied upon the DGCI&S data for computation of the volume and value of imports of subject goods into India for the purposes of this notification.
- q. Opportunity was provided to all the interested parties to file their comments on the scope of PUC and Product Control Number (“PCN”) methodology within 15 days’ time from the date of the circulation of the NCV of the application. The Authority granted additional time up to 5th November, 2024 for filing the comments on PUC/PCN considering the extension request received from the interested parties. Comments were filed by the interested parties regarding the scope of the PUC and PCN methodology.
- r. A meeting was held on the scope of PUC and PCN methodology on 18th November, 2024. After examining the comments/ submissions submitted by interested parties as per the timeline stipulated by the Authority both prior to and following the meeting, and taking into account the discussions that took place during the meeting, the Authority was of the opinion that there is no sufficient ground to make PCNs. Thereafter, the final scope of PUC and PCN methodology was notified *vide* letter dated 28th November 2024 after examining the comments/ submissions received from interested parties. It was also mentioned in the above-mentioned notice that there is no need to make PCNs considering the merits of the case.
- s. In accordance with Rule 6(6) of the AD Rules, 1995 the Authority provided an opportunity to the interested parties for presenting their views orally regarding the subject investigation through an oral hearing held on 1st May, 2025. The interested parties who presented their views in the oral hearing, were requested to file written submissions of the views expressed orally, followed by rejoinder submissions, if any. Subsequently, another oral hearing was held on 4th June, 2025 on account of change of the Designated Authority. All the parties who had attended the second oral hearing were provided an opportunity to file written submissions, followed by rejoinder submissions. The interested parties were further directed to share the NCV of the written submissions with the other interested parties.
- t. The non-injurious price (*hereinafter referred to as* “NIP”) has been determined based on the cost of production and reasonable return on capital employed for the subject goods in India, based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the AD Rules, 1995 so as to ascertain whether anti-dumping duties lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- u. The information submitted by the domestic industry has been examined and verified to the extent deemed necessary and has been relied upon for the present final findings.

- v. The examination and verification/ desk verification of the information submitted by the cooperating producers/exporters from the subject country was also carried out to the extent deemed necessary and the same has been relied upon for the purpose of the present final findings.
- w. Information provided by the interested parties on the confidential basis was examined with regard to the sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version (NCV) of the information filed on confidential basis.
- x. The Authority has considered all the relevant arguments raised and information provided by all the interested parties at this stage, to the extent the same are supported with evidence and considered relevant to the present investigation.
- y. In the final findings, ‘***’ represents information furnished by an interested party on confidential basis and so considered by the Authority under Rule 7 of AD Rules, 1995.
- z. The exchange rate for the POI adopted by the Authority for the subject investigation is US\$ 1 = ₹ 83.70.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

4. At the stage of initiation, the product under consideration (PUC) defined was as under:

“2. The product under consideration is the “Black Toner Powder Cartridge” (hereinafter referred to as the “subject goods” or the “Product under Consideration”). The following types of Cartridges are not covered within the scope of the investigation:

- a. Colour Laser Toner Cartridge*
- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques)*
- c. Inkjet Liquid Toner Cartridge*
- d. Black Toner Cartridge imported for use by the Original Equipment Manufacturers of Printing Equipment*

3. Product under consideration is used for printing. The subject goods are classified under HS Code: 84439959 under Chapter 84 of the Customs Tariff Act, 1975 (51 of 1975). The customs classification/ HS Code is only indicative and is not binding on the scope of the product under consideration. The Authority shall consider imports of the product under consideration, irrespective of its classification for the purpose of the present investigation.”

5. The interested parties were granted time up to 5th November, 2024 to file their comments on the scope of the PUC and PCN methodology. Subsequently, a meeting on the said issues was held on 18th November, 2024. Pursuant to the meeting, submissions were filed by the interested parties, which are as follows:

C.1. Submissions made by the other interested parties

6. The following submissions have been made by the other interested parties with respect to scope of product under consideration (PUC) and product control number (PCN) methodology:
- a) It has been submitted that as per Para 2 (d) of the Initiation Notification, “Black Toner Cartridge imported for use by the Original Equipment Manufacturers of Printing Equipment” has been excluded from the scope of subject investigation. It is submitted that this exclusion is not very clear and the Authority has been requested to further clarify on whether Original Equipment Manufacturers of Printing Equipment manufacturers exporting the Machines to India will get exemption on imports of subject goods to ensure complete and full participation. It is requested that the Authority may clarify the exact meaning of this exclusion to avoid any kind of confusion at a later stage of the investigation.
 - b) It is submitted that this product is mainly used in printers produced by handful of companies, such as HP, Canon, Xerox, Brother, Samsung, Lexmark, etc. Each cartridge model is specific for a Brand and type/model of printer. Hence, the Authority is requested to use “Original Brand” as one of the parameters of PCN.
 - c) Another important parameter raised is “Printing Speed”. The unit cost of cartridge significantly varies based on the combination of “Original Brand” and respective rated “Printing Speed”. Accordingly, “Printing Speed” is proposed as one of the parameters of PCN.
 - d) It is submitted that there are two types of cartridges being exported to India, (i) Integrated Type and (b) Separate Type. The Separate type includes two parts, ‘toner cartridge’ and ‘drum unit cartridge’. The scope of subject investigation is only ‘Black Toner Cartridge’ and ‘Drum Unit Cartridge’ is beyond the scope of PUC. The Authority is requested to clarify the same. If both are included in the scope of PUC, then separate PCN should be formulated for them.
 - e) It is further submitted that applicant M/s Indrayani Sales Private Limited is only an assembler and can only make small sizes of Cartridges.
 - f) After examination of the range of products made by the applicant, the Authority may restrict the scope of PUC to what has been actually produced by the Applicant in commercial quantities during the POI.
 - g) It was further submitted that according to the description of the product under consideration, black toner powder cartridge filled with the black toner powder is PUC and the empty cartridge is not included under the scope of PUC. It was requested to clarify whether an empty cartridge (cartridge without black toner powder) is covered under the scope of subject investigation or not.
 - h) The interested parties have proposed PCN parameters based on:
 - i. Printing page yield / printing life / image density / printing capacity of the cartridge / Toner Fill Load.
 - ii. Type of cartridge i.e., OEM toner cartridges are more expensive than refilled, compatible and re-manufactured cartridges.
 - iii. Printing speed (*less than 35 ppm – small; 35–50 ppm – medium; above 50 ppm – large*).

- iv. Brand compatibility (*separate categories for HP, Canon, Brother, Xerox, Samsung, Lexmark, and others*).
- v. Shape, parts, and model of the printer
- vi. Technological generation of the embedded memory chip & Toner cartridge with and without memory chips.

C.2. Submissions made by the domestic industry

7. The following submissions have been made by the domestic industry with regard to the scope of the PUC and PCN methodology:
- a) Black Toner Cartridge imported for use by the Original Equipment Manufacturers is outside the scope of the PUC.
 - b) Black Toner Cartridge manufactured & exported by the Original Equipment Manufacturers and imported by them are outside the scope of the PUC.
 - c) Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name are outside the scope of the PUC.
 - d) The scope of the subject goods is “Black Toner Powder Cartridge” both filled and empty in CBU and SKD forms are covered within the scope of the PUC. However, empty cartridge in CKD form is not covered in the scope of the investigation.
 - e) Drum unit cartridge is outside the scope of the PUC.
 - f) The claim made by the interested parties that the applicant can make only small size cartridge is baseless and hence, denied.
 - g) The applicant has actually produced and sold large size cartridge (length more than 26 cm and width more than 8.5 cm) during the POI.
 - h) The domestic industry has the capability to produce any type of cartridge.
 - i) So-called small sizes / regular sizes and regular types / models account for more than 90% of the total consumption of cartridges in India. There is no technological difference between the manufacturing process of small size and large size cartridges. Both small size and large size cartridges are comparable.
 - j) HSN Code has been amended from 84439959 to 84439952 on 01 October, 2024. The customs classification / HS Code is only indicative and is not binding on the scope of the product under consideration.
 - k) The claim of the interested parties to adopt parameters for PCNs methodology is without merit and misleading.
 - l) There is no material difference in the price of cartridges based on printing yield, shape, parts, models, or memory chip.
 - m) Difference in the price of cartridge of a new model printer as compared to regular cartridge cannot be a basis to propose PCNs.
 - n) The claim of the interested parties to consider print speed for PCN is baseless as the same is dependent on the printer.

- o) No PCNs are required in the present case since subject goods is a commodity product.

C.3. Examination by the Authority

- 8. The Authority has examined the submissions of the interested parties and the domestic industry on the scope of the product under consideration (PUC) and the formulation of product control numbers (PCNs), pursuant to the meeting held by the Authority on these issues, as follows:
 - a) With regard to the clarification sought by the interested parties regarding imports by Original Equipment Manufacturers of Printing Equipment, it is noted that Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name are outside the scope of the PUC.
 - b) With regard to cartridges with regular memory chips, as well as those without memory chips, it is noted that they account for more than 90% of the total consumption in the domestic market. Further, it is noted that there is no material difference in the pricing of cartridges with memory chips compared to those without memory chips.
 - c) In the context of the drum unit cartridge, considering the submission made by other interested parties and domestic industry, it is clarified that drum unit cartridge is outside the scope of PUC.
 - d) With regard to the exclusion of the big size cartridges, it is clarified that all sizes are covered in the scope of the investigation
 - e) With regard to HSN code, it has been noted and agreed that, effective from 1st October 2024, the amendment of the HSN code from 84439959 to 84439952 will be considered. However, since the customs classification (HS Code) is only indicative and not binding on the scope of the product under consideration, the imports of the product will be evaluated based on the PUC, irrespective of its HS Code classification, for the purpose of the subject investigation.
 - f) With regard to the PCN parameters suggested by the interested parties, it is noted that no conclusive evidence has been provided by any interested parties to demonstrate that the alleged parameters result in significant cost and price differences. The domestic industry has stated that more than 90% of Indian consumption consists of regular type PUC, and this claim has not been disputed by any other interested party. Additionally, the domestic industry has submitted evidence showing that there is no material difference in price based on the alleged parameters. Therefore, there is no need for a PCN in the subject investigation.
- 9. Subsequently, the Authority, after considering the submissions made by all the parties and after examination of the same, has notified the scope of PUC and PCN methodology *vide* notice of even number dated 28th November 2024, as follows:

“The product under consideration is “Black Toner Powder Cartridge” (hereinafter referred to as the “subject goods” or the “Product under Consideration”). It is clarified that all sizes as well as empty cartridge in CBU and SKD form are covered in the scope of the investigation. Further, it is clarified that both cartridges i.e., with and without memory chip are covered in the scope of the investigation.

The following types of Cartridges are not covered within the scope of the investigation:

- a. Colour Laser Toner Cartridge*
- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques)*
- c. Inkjet Liquid Toner Cartridge*
- d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name.*
- e. Drum Unit Cartridge.*

Product under consideration is used for printing. The subject goods are classified under HS Code 8443 99 59 (which is amended to 8443 99 52 w.e.f. 01.10.2024) under Chapter 84 of the Customs Tariff Act, 1975 (51 of 1975). The customs classification/ HS Code is only indicative and is not binding on the scope of the product under consideration. The Authority shall consider imports of the product under consideration, irrespective of its classification for the purpose of the present investigation.

4. The specifics of any exclusion(s) are subject to determinations made by the Authority during the course of the investigation and the Authority reserves the right to make the final decision based on the investigation's outcomes."

10. The Authority, after examining the responses and questionnaire filed by the interested parties, conducted the oral hearing on 4th June, 2025. The interested parties were directed to file their written submissions, followed by rejoinders. The Authority has thereafter examined the submissions filed by the domestic industry and the interested parties with respect to the scope of the PUC and PCN methodology, which are summarised below:

C.4. Submissions made by the other interested parties

11. The following submissions have been made by the other interested parties with respect to scope of product under consideration (PUC) and product control number (PCN) methodology:
 - a. Clarification is sought on whether Original Equipment Manufacturers (OEMs) of printing equipment exporting the machines to India will get exemption on imports of the subject goods.
 - b. The PUC was initially defined as *Black Toner Powder Cartridge* with certain exclusions, but the scope was later expanded to include all sizes, empty cartridges in CBU and SKD form, and cartridges with and without memory chip, along with an additional exclusion of drum unit cartridge.
 - c. Such expansion after initiation is contrary to the Anti-dumping Rules, which require the scope to be fixed at initiation and allow only narrowing, not expansion, of scope.
 - d. The inclusion of empty cartridges is not a mere clarification but a significant expansion. The petitioner never sought inclusion of empty cartridges in its application or in the PUC/PCN methodology meeting.
 - e. Empty cartridges are different products from toner cartridges, being only components until filled with toner, and therefore cannot be considered a "like article" under Rule 2(d).

- f. The inclusion of SKD and CBU forms while excluding the CKD form, despite functional similarity, is alleged to be selective, inconsistent, and commercially motivated.
- g. The applicant can manufacture only small-size cartridges, and the scope of the PUC should be restricted to what has actually been produced by the applicant in commercial quantities during the POI.
- h. There is no evidence to show that the domestic industry manufactures all categories, such as empty cartridges and cartridges with or without chip.
- i. The PUC includes types not produced domestically, and consistent with past practice, only domestically produced types should be included.
- j. Two types of cartridges are exported to India: (i) Integrated Type and (ii) Separate Type. The Separate Type includes two parts, 'toner cartridge' and 'drum unit cartridge'. It is requested to clarify that drum unit cartridge is outside the scope of PUC.
- k. Despite recognising the presence of distinct product types - cartridges with chip, cartridges without chip, cartridges with toner, and empty cartridges in CBU/SKD form - the Authority has not adopted a PCN methodology.
- l. Significant price differences exist among these variants due to factors such as the presence of chip, toner, page yield, and image density.
- m. The interested parties have proposed PCN parameters based on:
 - i. Printing speed (*less than 35 ppm – small; 35–50 ppm – medium; above 50 ppm – large*).
 - ii. Brand compatibility (*separate categories for HP, Canon, Brother, Xerox, Samsung, Lexmark, and others*).
 - iii. Printing page yield / printing life / printing capacity of the cartridge / Toner Fill Load.
 - iv. Shape, parts, and model of the printer
 - v. Technological generation of the embedded memory chip.
- n. Evidence from the Government e-Marketplace portal has been submitted to demonstrate price variations.
- o. Inclusion of cartridges with and without chips without adopting a PCN-based differentiation ignores significant technological and commercial differences, resulting in distorted injury and dumping calculations.
- p. Empty cartridges, by their nature, are incapable of functioning as a toner cartridge until filled with toner, and therefore their inclusion artificially inflates the injury data and does not reflect actual competition.
- q. In past DGTR investigations, only the domestically produced variants were considered within the PUC scope, and the same approach should be followed in the present case.

C.5. Submissions made by the domestic industry

12. The following submissions have been made by the domestic industry with regard to the scope of the PUC and PCN methodology:
- a. The PUC is the Black Toner Powder Cartridge (“BTPC”). The following types of cartridges are not covered within the scope of the investigation:
 - a) Colour Laser Toner Cartridge;
 - b) MICR Toner Cartridge;
 - c) Inkjet Liquid Toner Cartridge; and
 - d) Black Toner Powder Cartridge imported for use by the Original Equipment Manufacturers (OEMs) of printing equipment.
 - b. The scope of the subject goods is Black Toner Powder Cartridge which, by definition, includes both filled and empty cartridges. The toner component of the Black Toner Powder Cartridge is just a consumable and that does not affect the scope of the PUC, as defined. However, empty cartridge in CKD form has been excluded from the scope of the investigation to avoid the possibility of indirect inclusion of parts and components of subject goods within the scope of anti-dumping duties. In other words, Black Toner Powder Cartridge, both filled and empty, only in CBU and SKD forms, are covered within the scope of the PUC.
 - c. There is no indication either in the definition of the PUC or on the facts that empty cartridges were ever excluded from the scope of the PUC. A clarification was issued at the instance of some of the interested parties. The Authority has merely clarified vide final PUC/PCN notice that empty cartridges in CBU & SKD form are included within the scope of PUC and excluded empty cartridges in CKD form. The Authority followed the same approach in several investigations like Rocker Breaker, etc.
 - d. It is important to note that Empty cartridges, whether in CBU or SKD form, were not imported during the POI or in the immediately preceding two years. Therefore, there is no occasion to revise the injury information on this account. It has been further submitted that in such a case, exclusion of empty cartridge from the scope of the PUC will lead to circumvention of duty.
 - e. Besides the fact that empty cartridges were all throughout a part of the PUC, it needs to be appreciated that no cogent reasons have been given by the interested parties which could justify the exclusion of empty cartridge.
 - f. Further, it has been submitted that exclusion of empty cartridges from the scope of the PUC will lead to circumvention of duty. The Authority in plethora of past investigations, also included those products types in the scope of the investigation which were not manufactured by the domestic industry during the POI on the ground that the domestic industry had the capability to manufacture the same and both the products are comparable to avoid the possibility of circumvention. Some of the cases cited by the domestic industry included Saturated Fatty Alcohols, Wheel Loaders, Self-Adhesive Vinyl, SDH Equipment, etc.
 - g. As regards large sized cartridges, the applicant has actually produced and sold large size cartridge (length more than 26 cm and width more than 8.5 cm) during the POI. The domestic industry has the capability to produce any type of cartridge. There is no technological difference between the manufacturing process of small size and large size cartridges. Further, the so-called small sizes / regular sizes accounts for more than 90% of the total consumption of cartridges in India. None of the interested parties contended our claim. The cartridge shown

by the interested parties during the meeting was not even exported to India during the POI.

- h. The domestic industry has submitted that black toner powder cartridges imported by the Original Equipment Manufacturers (OEMs) of printers under their own brand name, which are designed and meant exclusively for fitment in the printers of their own brand only, are excluded from the scope of the investigation. It has been submitted that the exclusion on almost similar lines was also provided in the anti-dumping investigation concerning imports of “Black Toner Powder” originating in or exported from China PR. It is important to note that none of the Original Equipment Manufacturers faced any issue.
- i. Chips were not excluded from the scope of the PUC as evidenced from the definition of the PUC provided in the Notice of Initiation. Cartridges with and without chips are interchangeable, have the same essential physical characteristics, manufacturing process, and end-use. They compete directly in the Indian market and are covered in the injury data filed by the domestic industry. Differentiation between cartridges with and without chips is essentially a commercial variation and not a technical distinction, and does not warrant separate classification within the scope of PUC.
- j. The domestic industry in its various submissions, contended that the PCN issue was conclusively decided during the PUC/PCN meeting held on 18.11.2024, the decision of which was conveyed to all the participating interested parties. It is a matter of record that the contentions of the interested parties were not supported by any evidence or logic and hence the decision. There is no occasion to revisit the same as that would amount to starting the investigation process all over again. The domestic industry opposed the creation of separate PCNs based on chip presence as such segregation lead to inaccurate results.
- k. In past investigations, including the final findings in *Anti-dumping investigation concerning imports of USB Drives originating in or exported from China PR and Chinese Taipei*, the Authority has not excluded products merely due to the absence of certain components or accessories, where the essential physical characteristics, functions, and end-use remained the same. The absence of toner powder or a chip in a cartridge does not justify exclusion from the scope of PUC.
- l. In previous investigations, such as *Anti-dumping investigation concerning imports of Solar Cells whether or not assembled in modules or panels originating in or exported from China PR, Thailand and Vietnam*, the Authority has adopted a broad definition of the PUC covering all types of products meeting the basic description, regardless of minor variations. The same approach should be adopted in the present case.
- m. As a matter of consistent practice of the Authority, the following criteria are taken into account while taking a decision on PCNs:
 - i) Domestic industry has suggested the PCNs;
 - ii) There should be material difference in cost and/or the pricing of subject goods of different types/characteristics;
 - iii) Interested parties provides evidence to demonstrate material difference in cost/pricing;
 - iv) PCN parameters can be cross-verified from the import data. In the present case, the PCN parameters cannot be cross-verified from the import data as import description in most of the transactions mentions “Compatible

- Cartridge/Toner Cartridge, etc”. There is every possibility that the producers /exporters may resort to manipulation to get NIL or lower duty as they did in Black Toner Powder anti-dumping investigation;
- v) Difference in price shall be attributed to each of the parameters proposed for PCNs. Interested parties have to establish whether and to what extent the difference in the cost of production of different types/ models is due to difference in the product characteristics/ proposed PCN parameters and the extent to which the difference in the costs is due to time period. However, no such information has been provided by the interested parties in the present case;
 - vi) Significant quantities must be imported of non-regular grades/ types. In the present case, regular types/ models constitute more than 90% of the consumption in the Indian market.
- n. The domestic industry had submitted as follows on each of the PCN parameters proposed by the opposing interested parties and also cited various past investigations to support their claim:
- i) The normal printing yield of the subject goods (normally known as “Compatible Toner Cartridge”) range from 1,500 pages to 30,000 pages. Cartridges with printing yield upto 3,000 account for around more than 90% of the total consumption in the domestic market. None of the interested parties contended our claim. There is no material difference in the price of cartridges based on printing yield.
 - ii) There is no material difference in the price of cartridges based on shape/ parts and models. Small size cartridges account for more than 90% of the total consumption in the domestic market. None of the interested parties contended our claim.
 - iii) There is no material difference in the price of cartridges based on memory chip or cartridge without memory chip. Cartridges with regular memory chips or without memory chips account for more than 90% of the total consumption in the domestic market.
 - iv) Laser printers were introduced around 1994 in India. In the past 30 years, laser printing witnessed significant advancements and developments in technology, which eventually impacted technology of subject goods. Due to the ongoing technological evolution, the price of a cartridge is high for a new model of printer initially but settles down within a time span of six months from the date of launch of the printer. Accordingly, difference in the price of cartridge of a new model printer as compared to regular cartridge cannot be a basis to propose PCNs.
 - v) A cartridge does not have a print speed of its own.

C.6. Examination by the Authority

13. The Authority has carefully examined the submissions made by the interested parties and the domestic industry with respect to the scope of the product under consideration (PUC) and the formulation of product control numbers (PCNs).
14. The Authority notes that the PUC defined at the stage of initiation is as follows:

“2. The product under consideration is the “Black Toner Powder Cartridge” (hereinafter referred to as the “subject goods” or the “Product under Consideration). The following types of Cartridges are not covered within the scope of the investigation:

a. Colour Laser Toner Cartridge

- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques)
- c. Inkjet Liquid Toner Cartridge
- d. Black Toner Cartridge imported for use by the Original Equipment Manufacturers of Printing Equipment

3. Product under consideration is used for printing. The subject goods are classified under HS Code: 84439959 under Chapter 84 of the Customs Tariff Act, 1975 (51 of 1975). The customs classification/ HS Code is only indicative and is not binding on the scope of the product under consideration. The Authority shall consider imports of the product under consideration, irrespective of its classification for the purpose of the present investigation.”

15. Interested parties were provided 15 days' time from the date of the circulation of the NCV of the application, to file their comments on the scope of PUC and PCN methodology. The date of submission of comments was extended to 5th November, 2024. The Authority received comments from various interested parties regarding the scope of the PUC and PCN methodology. Thereafter, the Authority held a meeting on the scope of PUC/PCN methodology on 18th November, 2024.
16. Subsequently, the Authority, after considering the submissions made by all the parties, notified the scope of PUC and PCN methodology *vide* letter of even number dated 28th November 2024, as follows:

“The product under consideration is “Black Toner Powder Cartridge” (hereinafter referred to as the “subject goods” or the “Product under Consideration”). It is clarified that all sizes as well as empty cartridge in CBU and SKD form are covered in the scope of the investigation. Further, it is clarified that both cartridges i.e., with and without memory chip are covered in the scope of the investigation.

The following types of Cartridges are not covered within the scope of the investigation:

- a. Colour Laser Toner Cartridge
- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques)
- c. Inkjet Liquid Toner Cartridge
- d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name.
- e. Drum Unit Cartridge.

Product under consideration is used for printing. The subject goods are classified under HS Code 8443 99 59 (which is amended to 8443 99 52 w.e.f. 01.10.2024) under Chapter 84 of the Customs Tariff Act, 1975 (51 of 1975). The customs classification/ HS Code is only indicative and is not binding on the scope of the product under consideration. The Authority shall consider imports of the product under consideration, irrespective of its classification for the purpose of the present investigation.

4. The specifics of any exclusion(s) are subject to determinations made by the Authority during the course of the investigation and the Authority reserves the right to make the final decision based on the investigation's outcomes.”

17. The interested parties had requested for a clarification whether empty cartridges are included within the scope of PUC as the PUC as defined in the application as well as initiation notification is “Black Toner Powder Cartridge” and the domestic industry did not make any reference regarding inclusion of empty cartridge in their application.

18. During the PUC/PCN methodology meeting and in the oral hearing, the other interested parties submitted that such inclusion of empty cartridge amounts to an impermissible expansion of the scope of the investigation. It was argued that empty cartridges are distinct products from toner cartridges, being merely components until filled with toner, and thus, cannot be considered “like articles” under Rule 2(d) of the Rules. Further, it was submitted that the petitioner had not sought inclusion of empty cartridges in its application, and therefore, they have opposed inclusion of empty cartridges in the scope of the PUC.
19. The domestic industry has submitted that the scope of the subject goods covers black toner powder cartridges, both filled and empty, in CBU and SKD forms. It was submitted that the PUC has been defined as “Black Toner Powder Cartridge” and has specifically not been restricted to filled cartridges. The PUC i.e., Black Toner Powder Cartridge includes all its forms which includes filled as well as empty cartridges. Therefore, it would be wrong to contend that empty cartridges were not included in the initiation scope of investigation. The domestic industry has further submitted that normally empty cartridge in CBU/ SKD/ assembled forms is not imported in India, and therefore, exclusion of empty cartridge from the scope of the PUC will lead to circumvention of duty as the value addition from empty cartridge to filled cartridge is miniscule. Also, the very purpose of the duty will be defeated. It has been also submitted that empty cartridges in CKD form are specifically excluded from the scope of PUC to avoid indirect inclusion of parts and components of the subject goods considering the larger public interest.
20. Matter regarding the scope of PUC has been examined in detail. It is noted that on the request made by some of the interested parties to clarify whether the scope of the subject goods covers both filled and empty cartridges, the Authority did clarify in the PUC/PCN notification dated 28th November, 2024 that all sizes as well as empty cartridge in CBU and SKD form are covered in the scope of the investigation.
21. The arguments submitted by the other interested parties, and the domestic industry regarding scope of PUC has been re-examined as below.
22. The Authority observes that Rule 5 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 mandates that an investigation shall be initiated on the basis of a duly substantiated application made by or on behalf of the domestic industry, and that such application shall be supported by evidence of dumping, injury and a causal link between such dumped imports and alleged injury. The Authority recalls Point 4 of the scope of PUC and PCN methodology notified on 28th November 2024, which states that *“the specifics of any exclusion(s) are subject to determinations made by the Authority during the course of the investigation and the Authority reserves the right to make the final decision based on the investigation’s outcomes.”* Accordingly, the Authority observes that it retains the discretion to determine the scope of the PUC during the course of the investigation, based on the evidence placed on record and the overall outcome of the examination. In the interest of justice and fair play, the submissions made by the interested parties during the course of the investigations are being addressed hereinafter.
23. The Authority notes that Rule 2(a) of General Rules for Interpretation of first schedule of the Customs Tariff states as follows:

“Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of complete or finished article. It shall

also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), presented unassembled or disassembled.”

24. This means that even if an article is presented in an incomplete or unfinished form or in an unassembled or disassembled form, it shall be classified as if a complete/ finished/ assembled product is imported provided that the incomplete or unfinished or unassembled or disassembled product has the essential character of the complete/ finished/ assembled product.
25. After examining the arguments available on record, it is noted that the scope of the PUC is “Black Toner Powder Cartridge”. Neither in the application filed by the domestic industry nor in the notice of initiation, empty cartridge was excluded from the scope of the PUC. Therefore, the contention that the inclusion of empty cartridges within the scope of the PUC will lead to expansion of the scope of investigations, is neither logically nor factually correct. The Authority finds force in the submission of the domestic industry that the PUC, as defined, does not restrict it to any form. Therefore, it can be reasonably concluded that the PUC “Black Toner Powder Cartridge” includes all its forms including the filled and empty cartridges.
26. As regards the issues raised by the interested parties of expansion of the scope of PUC, the Authority notes that it has not expanded the scope of the PUC beyond the scope of what has been provided in the application and in the initiation notification since empty cartridges are merely forms in which the PUC may be imported into India. The same is in line with the consistent practice of the Authority as well as objective of the investigation.
27. Certain interested parties sought clarification on whether ‘*Drum Unit Cartridges*’ fall within the scope of the PUC. The domestic industry, in its submissions, confirmed that drum unit cartridges are excluded from the scope. In view thereof, it is clarified that drum unit cartridges are outside the scope of the PUC.
28. With regard to the issue raised by the interested parties that the applicant can make only small size cartridge, the Authority noted that the applicant has actually produced and sold large size cartridge (length more than 26 cm & width more than 8.5 cm) during the POI. During the on-site verification it has been observed that the domestic industry has the capability to produce any type of cartridge. Besides, it has been noted that there is no technological difference between the manufacturing process of small size and large size cartridges. Both small size and large size cartridges are comparable. As regards to the request made by the domestic industry for modification of exclusion mentioned at (d) of the notified scope of the PUC, the Authority notes that the domestic industry has not circulated this submission to other interested parties. Hence, the same is not considered.
29. The interested parties have requested to adopt certain parameters for the purpose of like-to-like comparisons/ PCNs methodology. The Authority notes that none of the interested parties have demonstrated with evidence difference in cost/ price *vis-à-vis* each of the proposed parameters. The interested parties have failed to establish with documentary evidence whether and to what extent the difference in the cost of production of different types/ models is due to difference in the product characteristics/ proposed PCN parameters and the extent to which the difference in the costs is due to time period. It has also been noted that the PCN parameters cannot be cross-verified from the import data as import description in most of the transaction mentions “Compatible Cartridge/ Toner Cartridge, etc”. The Authority

also noted that the PUC is a commodity product where regular types/ models constitute more than 90% of the consumption in the Indian market.

30. In view of the above, and taking note of Rule 2(a) of the General Rules for the Interpretation of the First Schedule of the Customs Tariff, the Authority considers that there is no requirement for framing PCNs for the purposes of this investigation, and the scope of the PUC is defined as follows:

“The product under consideration is “Black Toner Powder Cartridge” (hereinafter referred to as the “subject goods” or the “Product under Consideration”). It is clarified that black toner powder cartridge in all sizes and in all forms as well as empty cartridge are covered in the scope of the investigation. Further, it is clarified that both cartridges i.e., with and without memory chip are covered in the scope of the investigation.

The following types of Cartridges are not covered within the scope of the investigation:

- a. Colour Laser Toner Cartridge,*
- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques),*
- c. Inkjet Liquid Toner Cartridge,*
- d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name and*
- e. Drum Unit Cartridge.*

It is also clarified that components/ parts on standalone basis are outside the scope of the PUC.

Product under consideration is used for printing. The subject goods are classified under HS Code 8443 99 59 (which is amended to 8443 99 52 w.e.f. 01.10.2024) under Chapter 84 of the Customs Tariff Act, 1975 (51 of 1975). The customs classification/ HS Code is only indicative and is not binding on the scope of the product under consideration. The Authority shall consider imports of the product under consideration, irrespective of its classification for the purpose of the present investigation.”

31. Rule 2(d) of the Anti-Dumping Rules provides the definition of like article as under:

"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation.

32. After considering the information on record, the Authority proposes to conclude that the PUC produced by the domestic industry and imported from the subject country are comparable in terms of physical & chemical characteristics, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The goods produced by the domestic industry and imported from the subject country are like articles in terms of the Rules. The two are technically and commercially, substitutable. Thus, the Authority proposes to conclude that the subject goods produced by the domestic industry are like article to the PUC imported from the subject country within the scope and meaning of Rule 2(d) of Anti-Dumping Rules.

D. SCOPE OF DOMESTIC INDUSTRY AND STANDING

D.1. Submissions made by the other interested parties

33. The following submissions have been made by the other interested parties with regard to the standing of the domestic industry:
- a. The applicant does not represent the major proportion of the total domestic production as required under Rule 2(b) of the Anti-Dumping Rules.
 - b. There are several other producers in the country as evidenced from GeM portal, whose production ought to have been taken into account for the purpose of determining domestic industry.
 - c. The applicant's market share in production and demand is significantly below the level required to be regarded as representing the major proportion of Indian production, accounting for less than 25% of total production.
 - d. The applicant industry shall not be considered as domestic industry as it is merely an assembler.

D.2. Submissions made by the domestic industry

34. The following submissions have been made by the domestic industry with regard to the domestic industry and standing:
- a. There are only two producers of the product under consideration in India, namely M/s Indrayani Sales Private Limited (*applicant*) and M/s DIC Techware Private Limited. The other producer has neither supported nor opposed the application. The applicant accounts for a major proportion of Indian production.
 - b. The applicant has not imported the subject goods from the subject country during the POI and the previous two financial years, except in FY 2020–21, and is not related to any importer or exporter of the subject goods.
 - c. The applicant qualifies as an eligible domestic industry within the meaning of Rule 2(b) of the Anti-Dumping Rules, 1995, read with Rule 5(3).
 - d. The law does not differentiate between manufacturers producing through assembly operations and those with complete in-house manufacturing. Value addition in the applicant's operations is around ***%.
 - e. The domestic industry is an MSME (Micro) company with a 4.99/5 rating on the Government e-Marketplace (GeM) and holds a valid factory licence.
 - f. Claims regarding the existence of several other domestic producers are unsubstantiated, as no evidence of their production, registration, or factory details has been filed.
 - g. No other company has filed any submissions along with evidence before the Authority claiming that they are manufacturing the subject goods.

D.3. Examination by the Authority

35. Rule 2 (b) of the AD rules defines the "domestic industry" as under:

"(b) "domestic industry" means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic

production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term 'domestic industry' may be construed as referring to the rest of the producers”.

36. The application has been filed by M/s Indrayani Sales Private Limited (MSME). The applicant has claimed that there is one more producer in India, viz., M/s DIC Techware Private Limited, which has neither supported nor opposed the application.
37. It has been noted that the applicant has not imported the subject goods from the subject country during the POI and previous two financial years except FY 2020-21. Moreover, the applicant is not related to any importer or exporter of the subject goods during POI.
38. With respect to the issue raised by the interested parties regarding the eligibility of the applicant to be considered as a part of the domestic industry on the ground that the applicant manufactures the subject goods through assembly operations, it is noted that the applicable law neither prohibits nor distinguishes between a manufacturer engaged in assembly operations and one undertaking complete in-house manufacturing. Besides, it is noted that the applicant holds a valid factory licence.
39. With regard to the issue raised by the interested parties that there are several other producers in the country whose production ought to have been taken into account for the purpose of determining domestic industry, the Authority notes that some of these producers are also importers as evidenced from the analysis of the import data. Further, it has been also noted that merely registration in GeM does not mean that a particular company is a manufacturer, which is evidenced from the fact that some of the companies registered in GeM are also reflected as importers. It has been also noted that no information has been filed by the interested parties regarding the details of the production, factory addresses, registration, etc. of these other producers. Further, none of the other producers have filed any submissions before the Authority claiming that they are manufacturing the subject goods.
40. Therefore, considering the information on record, the Authority concludes that the applicant constitutes domestic industry within the meaning of Rule 2(b) of the Rules, and that the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

E. CONFIDENTIALITY

E.1. Submissions made by the other interested parties

41. The following submissions have been made by the other interested parties with regard to the confidentiality claims:
 - a. The interested parties have submitted that the domestic industry has claimed confidentiality excessively and without proper justification, thereby restricting the ability of the interested parties to defend their interests.
 - b. It has been argued that important information, such as production capacity, cost of production, and complete transaction-wise import data, has been withheld without adequate reason.

- c. The non-confidential version of the petition and subsequent submissions lacks sufficient detail to allow meaningful understanding and rebuttal.
- d. The methodology used for segregation of data is not confidential in nature and must be disclosed.

E.2. Submissions made by the domestic industry

- 42. The following submissions have been made by the domestic industry with regard to the confidentiality claims:
 - a. The producers/exporters & other interested parties have claimed confidentiality on the essential information like name of shareholders, list of products, channel of trade, etc.
 - b. The domestic industry has not claimed excessive confidentiality of information and has disclosed sufficient information in the NCV of the application that would allow reasonable understanding of the substance of information contained in the confidential version of the submission.
 - c. The applicant has also provided good cause to substantiate its claim of confidentiality over information.

E.3. Examination by the Authority

- 43. The Authority circulated the non-confidential versions (NCV) of submissions made by various interested parties to all concerned parties *via* email for the purpose of inspection.
- 44. With regard to confidentiality of information, Rule 7 of the AD Rules, 1995 provides as follows:

“(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 authorisation of the party providing such information.

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

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

- 45. Submissions made by the domestic industry and other opposing interested parties with regard to confidentiality, to the extent considered relevant, were examined by the Authority and addressed accordingly. The Authority notes that the information provided by the interested parties on confidential basis was duly examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority

has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to other interested parties.

F. MISCELLANEOUS

F.1. Submissions made by the other interested parties

46. The following submissions have been made by the other interested parties with respect to the miscellaneous issues:
- a. The interested parties have submitted that the Basic Customs Duty (BCD) of 10% introduced in the Finance Bill, 2024, should have been considered for estimating the margins before initiation. It has been contended that this rate directly affects landed value calculations and, consequently, the injury margin assessment.
 - b. The interested parties have further submitted that the applicant did not disclose that the HSN code for the product under consideration was amended from 8443 99 59 to 8443 99 52 on 1st October, 2024.
 - c. It has been argued that this omission could affect the accuracy of import data mapping and lead to possible misclassification in the investigation record.

F.2. Submissions made by the domestic industry

47. The following submissions have been made by the domestic industry with respect to the miscellaneous issues:
- a. The domestic industry has submitted that the 10% Basic Customs Duty (BCD) introduced in the Finance Bill, 2024, was imposed after the POI and, therefore, cannot be factored into the estimation of injury margin either before or after initiation. It has been stated that only the BCD applicable during the POI should be considered.
 - b. The domestic industry has further submitted that the HSN code for the product under consideration was amended from 8443 99 59 to 8443 99 52 on 1st October, 2024 and requested the Authority to record the same in its findings. It has reiterated that customs classification/HS code is only indicative and not binding on the scope of the product under consideration, and that imports should be considered irrespective of classification.

F.3. Examination by the Authority

48. As regards the issue of Basic Customs Duty (BCD), the Authority notes that the BCD of 10% was introduced in the Finance Bill, 2024, i.e., after the POI. Accordingly, the same cannot be factored into the estimation of the injury margin either before or after initiation. For the purpose of this investigation, the Authority has taken into account only the rate of BCD that was applicable during the POI, which was 0% (Nil).
49. With respect to the amendment of the HSN code from 8443 99 59 to 8443 99 52, effective from 1st October, 2024, the Authority notes that the change shall be appropriately reflected in the Final Findings. It is further noted that the customs classification/HSN Code is merely indicative and does not have a binding effect on the scope of the PUC.

G. DETERMINATION OF NORMAL VALUE, EXPORT PRICE & DUMPING MARGIN

G.1. Submissions made by the other interested parties

50. The following submissions have been made by the other interested parties with regard to normal value, export price and dumping margin:
- a. The interested parties have submitted that the dumping margin claimed by the domestic industry is highly distorted and does not reflect the actual pricing and cost structure of exporters from the subject country.
 - b. They have argued that the expiry of Section 15(a)(ii) of the Protocol on the Accession of the People's Republic of China to the WTO on 11th December, 2016 means India no longer has legal basis under WTO rules to apply the non-market economy (NME) methodology in anti-dumping investigations against China. Any calculation of normal value using the NME approach would be inconsistent with the Anti-Dumping Agreement and other covered agreements. The investigating authority is obligated to solicit the necessary information to calculate dumping margins in accordance with WTO rules.
 - c. It has been contended that the constructed normal value used by the domestic industry is inappropriate, as it is based on Indian cost data and not on actual data from the subject country, thereby failing to reflect prevailing market conditions.
 - d. The interested parties have stated that the export price derived from DGCI&S data is unreliable, as it includes transactions not relating to the product under consideration, which inflates dumping margins.
 - e. Adjustments to the export price for freight, insurance, and other post-export expenses have not been applied correctly, resulting in distorted ex-factory export prices.
 - f. They have requested that normal value and export price be determined based on actual verified data from cooperating exporters or reliable independent sources, rather than constructed values from domestic industry data.

G.2. Submissions made by the domestic industry

51. The following submissions have been made by the domestic industry with regard to normal value and export price:
- a. China PR has to be presumed to be a non-market economy country in terms of Para 8 of Annexure I of the Anti-Dumping Rules, 1995, as it has been treated as such in numerous anti-dumping investigations by the Designated Authority and other competent authorities of WTO member countries during the preceding three years, unless the concerned firms/producers/exporters are able to rebut the presumption based on the criteria laid down in Para 8(2).
 - b. The normal value for Chinese firms should be determined as per the provisions of Para 7 of Annexure I. The applicant tried to obtain information on domestic prices in China PR but was unable to do so as such information is not available in the public domain. Therefore, the domestic industry has constructed the normal value on the basis of price actually paid or payable in India for the like product, duly adjusted to include a reasonable profit margin.

- c. The domestic industry has submitted that normal value has been determined in accordance with Rule 6(8) of the Anti-Dumping Rules, 1995, based on best available information.
- d. Comparison between the constructed normal value and the adjusted export price shows significant dumping margins, well above the *de-minimis* level, causing material injury to the domestic industry.
- e. The domestic industry has further submitted that claims regarding the unreliability of DGCI&S data are without merit, as such data is used consistently by the Authority in anti-dumping investigations.

G.3. Examination by the Authority

Determination of Normal value

52. Article 15 of China's Accession Protocol in WTO provides as follows: Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the SCM Agreement shall apply in proceedings involving imports of Chinese origin into a WTO Member consistent with the following:

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

- (i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;*
- (ii) The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.*

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

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

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

53. It is noted that while the provision contained in Article 15 (a) (ii) have expired on 11.12.2016, the provision under Article 2.2.1.1 of WTO, read with obligation under 15 (a) (i) of the Accession Protocol require the criterion stipulated in Para 8 of the Annexure I of the Rules to be satisfied through the information/data to be provided in the supplementary questionnaire on claiming the market economy status.
54. As none of the producers from China PR have filed a supplementary questionnaire on market economy conditions questionnaire response, the normal value has been determined in accordance with para 7 of Annexure I to the Rules which read as under:

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

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

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

(3) The designated Authority shall consider in each case the following criteria as to whether: (a) the decisions of the concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs

substantially reflect market values; (b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment in compensation of debts; (c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and (d) the exchange rate conversions are carried out at the market rate. Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the designated the Authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph.

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

55. Para 7 lays down hierarchy for determination of normal value and provides that normal value shall be determined on the basis of price or constructed value in a market economy third country, or the price from such a third country to any other country, including India, or where it is not possible, on any reasonable basis, including the price actually paid or payable in India for the like article, duly adjusted, if necessary, to include a reasonable profit margin. Thus, the Authority notes that the normal value is required to be determined having regard to the various sequential alternatives provided under Annexure-I.
56. It is to be noted that no information/ evidence has been provided by the parties for the construction of the normal value on the basis of the first and second methods. In the absence of the above information/ evidence, the Authority is unable to determine normal value on the basis of the first or second method. Therefore, the Authority has decided to construct normal value based on the third method, i.e., on any other reasonable basis including the price actually paid or payable in India during the POI. The Authority has constructed the normal value on the basis of the price paid or payable in India.

Determination of Export Price

i. Export price for M/s Zhuhai Zhongkai Imaging Products Co., Ltd. (Producer/ Exporter)

57. The Authority notes that M/s Zhuhai Zhongkai Imaging Products Co., Ltd. had exported *** pieces directly to unrelated Indian customers. The producer/ exporter has filed the response and have provided the information to determine the Net Export Price (NEP). The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.

ii. Export price for M/s Zhejiang Zhuotai Printer Cosumables Co., Ltd. (Producer / Exporter)

58. The Authority notes that M/s Zhejiang Zhuotai Printer Cosumables Co., Ltd. had exported *** pieces directly to unrelated Indian customers. The producer /exporter

has filed the response and have provided the information to determine the NEP. The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.

iii. Export price for M/s Zhuhai Oritone Infotech Co., Ltd. (Producer/ Exporter) and M/s Shanghai Orink Infotech Co., Ltd. (Exporter / Trader)

59. The Authority notes that M/s Zhuhai Oritone Infotech Co., Ltd. had exported *** pieces directly to unrelated Indian customer and *** pieces through related trader namely M/s Shanghai Orink Infotech Co., Ltd. to unrelated Indian customers. Both the producer and related trader have filed their responses and have provided the information to determine the NEP. The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The weighted average net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.
60. It is noted that Ninestar group through its various producer/exporter companies have submitted responses to the exporter's questionnaire. These related group companies i.e., their producers and exporters are as follows:

Related producers/ exporters	Related exporters/ traders
M/s Zhuhai Ninestar Information Technology Co., Ltd.	M/s Ninestar Image Tech Limited and M/s Zhuhai SCC Trading Co., Ltd.
M/s Topjet Technology Co., Ltd.	M/s Maxwell Image Limited
M/s Chinamate I-Technology Co., Ltd.	M/s Chinamate I-Technology Co., Ltd. and M/s Jinruiyang Trading Co., Limited

iv. Export price for M/s Zhuhai Ninestar Information Technology Co., Ltd. (Producer/Exporter), M/s Ninestar Image Tech Ltd. (Exporter/Trader) and M/s Zhuhai SCC Trading Co., Ltd. (Exporter/Trader)

61. The Authority notes that M/s Zhuhai Ninestar Information Technology Co., Ltd. had exported *** pieces through related traders namely M/s Ninestar Image Tech Ltd. and M/s Zhuhai SCC Trading Co., Ltd. to unrelated Indian customers. Both the producer and related traders have filed their responses and have provided the information to determine the NEP. The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The weighted average net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.

v. Export price for M/s Topjet Technology Co., Ltd. (Producer/Exporter) and M/s Maxwell Image Ltd. (Exporter/Trader)

62. The Authority notes that M/s Topjet Technology Co., Ltd. had exported *** pieces through related traders namely M/s Maxwell Image Ltd. to unrelated Indian customers. Both the producer & related trader have filed their respective responses and have provided the information to determine the NEP. The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.

vi. Export price for M/s Chinamate I-Technology Co., Ltd. (Producer/Exporter) and M/s Jinruiyang Trading Co., Ltd. (Exporter/Trader)

63. The Authority notes that M/s Chinamate I-Technology Co., Ltd. had exported *** pieces directly to unrelated Indian customer and *** pieces through related trader viz., M/s Jinruiyang Trading Co., Ltd. to unrelated Indian customers. Both the producer and related trader have filed the response and have provided the information to determine the NEP. The expenses on account of ocean freight, inland freight and others have been reduced from their export prices after desk verification. The weighted average net ex-factory export price, after adjustment of the above expenses, is presented in the dumping margin Table 1 below.
64. It is noted that in the subject investigations many cooperating producers and exporters are related to each other and form a group of related companies. It has been a consistent practice of the Authority to consider related exporting producers and exporters as one single entity for the determination of a dumping margin and thus to establish one single dumping margin for them. This is in particular because calculating individual dumping margins might encourage circumvention of antidumping measures, thus rendering them ineffective, by enabling related exporting producers to channel their exports to India through the company with the lowest individual dumping margin.
65. In accordance with the above, the related producers and exporters were regarded as one single entity and attributed one single dumping margin which was calculated on the basis of the weighted average of the dumping margins of the cooperating related producers and exporters. In the present investigation, it is noted that producer/exporter M/s Zhuhai Ninestar Information Technology Co., Ltd., M/s Topjet Technology Co., Ltd. and M/s Chinamate I-Technology Co., Ltd. are part of the M/s Ninestar Group. Accordingly, weighted average margins have been determined for them.

vii. Export Price for non-cooperating producers/exporters

66. For all other producers/exporters of China PR, export price has been determined based on facts available in terms of 9A(b) of the AD Rules. The normal value and export price for all non-cooperating producers and exporters of China PR is mentioned in the dumping margin Table 1 below:

Determination of Dumping Margin

67. Considering the normal value and the export price for the subject goods, the dumping margin for the subject goods from the subject country is determined as follows:

**Table - 1
Dumping Margin**

Producers/ exporters name	Normal Value	Export Price	Dumping Margin		
	(US\$/PCS)	(US\$/PCS)	(US\$/PCS)	%	Range
M/s Zhuhai Zhongkai Imaging Products Co., Ltd.	***	***	***	***	30-40
M/s Zhejiang Zhuotai Printer Cosumables Co., Ltd.	***	***	***	***	50-60
M/s Zhuhai Oritone Infotech Co., Ltd.	***	***	***	***	50-60
Ninestar Group:					
M/s Zhuhai Ninestar Information Technology Co., Ltd.	***	***	***	***	20-30
M/s Topjet Technology Co., Ltd.	***	***	***	***	40-50
M/s Chinamate I-Technology Co., Ltd.	***	***	***	***	20-30

Producers/ exporters name	Normal Value	Export Price	Dumping Margin		
	(US\$/PCS)	(US\$/PCS)	(US\$/PCS)	%	Range
Ninestar Group	***	***	***	***	20-30
Others	***	***	***	***	70-80

H. Methodology for injury determination, examination of injury and causal link

H.1. Submissions made by the other interested parties

68. The following submissions have been made by the other interested parties with regard to injury and causal link:
- a. The interested parties contend that the methodology adopted for injury analysis is flawed and does not establish a causal link between dumped imports and the alleged injury.
 - b. They submit that, after expansion of the scope to include empties (CBU/SKD) and cartridges with or without chips, the domestic industry should have filed revised injury and dumping data, and that standing should be re-examined; in the absence of this, injury findings are unreliable.
 - c. It is argued that the injury data is unreliable and distorted, and that the assessment of price effects is incorrect due to inclusion of transactions not pertaining to the product under consideration.
 - d. The interested parties submit that the domestic industry has limited capacity and market share and cannot meet total demand; therefore, imports are necessary to meet market requirements.
 - e. They state that any injury suffered is due to internal factors, such as rising raw material costs, dependence on imported inputs, inefficiencies in production and marketing, and not due to dumped imports.
 - f. It is argued that demand growth, competition from other sources, and pricing of domestically imported parts break the causal link.
 - g. They contend that, without appropriate PCN methodology, the comparison for price undercutting and injury margin is distorted.
 - h. It has been submitted that the return on gross fixed assets (GFA) considered by the Authority, typically at 22%, is excessive and not consistent with the provisions of law.

H.2. Submissions made by the domestic industry

69. The following submissions have been made by the domestic industry with regard to injury and causal link:
- a. Imports from China PR increased significantly from 67,71,107 pieces in the base year to 1,06,52,849 pieces in the POI i.e., by around 57%. Imports have also increased substantially in the POI as compared to the immediately preceding two years. This substantial increase in imports from China PR clearly shows the injurious impact of imports on the financial performance of the domestic industry.

- b. Share of imports of the subject goods from China PR in total imports is as high as 99.9% during the POI.
- c. Share of imports from China PR in demand is as high as ***%. The share of China PR increased by 11% in the POI as compared to the base year. However, during the same period, the share of the domestic sales of the applicant in demand declined by 66% despite increase in the overall demand by 41% during the same period.
- d. The share of imports from China PR in the domestic production increased significantly from 1,300% (Index-100) in the base year to 4,454% (Index-343) in the POI.
- e. The domestic industry is suffering on account of the price undercutting by the producers/exporters from China PR. The price undercutting is significantly positive throughout the period of injury.
- f. The landed value from China PR is significantly below the cost of sales of the domestic industry. The domestic industry is forced to sell the subject goods below its cost. This has exerted enormous price pressure on the domestic industry, which has resulted into losses as it suppressed the domestic prices of the domestic industry.
- g. The domestic industry has capacity to produce and sell around *** pieces during the POI. However, during the POI, domestic industry was able to utilise only ***% of its capacity. It is further submitted that domestic industry has unutilised capacity of around ***%. Once the duty protection is provided to the domestic industry and it is able to fetch remunerative prices in the domestic market as well as able to achieve the optimal production capacity, the industry would be able to increase the capacity to more than double of its existing capacities in a short span of around six (6) months.
- h. The domestic industry was not able to fully utilise the capacity despite increase in demand due to dumped imports from China PR. This situation clearly depicts the price pressure on the domestic industry wherein if they do not produce the subject goods their fixed costs will increase substantially, and their losses would also increase further.
- i. The productivity declined on account of decline in the production due to increase in the dumped imports from China PR. Despite significant increase in the demand, the domestic industry was not able to fully utilise its capacity due to dumped imports from China PR.
- j. The number of employees engaged by the domestic industry declined due to significant decline in the production despite increase in demand on account of increased dumped imports from China PR.
- k. The sales of the domestic industry declined significantly in the in POI on account of increased dumped imports from China PR. The low value dumped imports forced the domestic industry to sell its product below cost resulting in significant losses in the POI. It is submitted that the landed value of the imports from China PR was consistently below the cost of sales throughout the period of injury. This further proves that the domestic industry is suffering on account of non-remunerative dumped imports from China PR.
- l. The presence of dumped and injurious imports had made the future investment in the sector vulnerable. If duties are not imposed, the position of the domestic industry will further worsen and may lead to closure of the factory.
- m. The dumping margin and injury margin are not only positive but also significant of the subject goods into the country from China PR. The severe dumping of the subject goods has destroyed the conditions of fair competition in the Indian market.

H.3. Examination by the Authority

70. Rule 11 of Antidumping Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, “.... *taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles*”. In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Anti-Dumping Rules.
71. The submissions made by the domestic industry and other interested parties during the course of investigations with regard to injury and causal link, which have been considered relevant by the Authority are examined and addressed as under:

H.3.1. Volume effect of the dumped imports

a) Assessment of Demand

72. The Authority has determined the demand or the apparent consumption of the product in India, as the sum of domestic sales of the domestic industry, other domestic producer and imports from all sources. The demand so assessed is given in the table below.

Table - 2

Particulars	UoM	2020-21	2021-22	2022-23	POI
Sales of domestic industry	Pieces	***	***	***	***
Trend	Indexed	100	122	126	48
Imports from China PR	Pieces	60,94,742	67,43,049	78,86,029	99,01,900
Trend	Indexed	100	111	129	162
Imports from other countries	Pieces	1,39,113	74,809	78,122	49,430
Trend	Indexed	100	54	56	36
Sales of other domestic producers	Pieces	***	***	***	***
Trend	Indexed	100	107	83	59
Total Demand	Pieces	***	***	***	***
Trend	Indexed	100	110	124	143

73. It is noted from the above table that the demand for the product under consideration increased significantly by 43 indexed points from the base year to the POI. In this period, the domestic sales of the petitioner declined by 52 indexed points, whereas the import quantity of the subject goods from China PR increased significantly by 62 indexed points. Imports from other countries declined during the same period. It is thus noted that the increase in demand has been largely captured by imports from China PR.

b) Import volume and share of the subject country

74. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports from subject countries, either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied on the import data procured from DGCI&S. The volume of imports of the subject good from the subject country have been analysed as under:

Table - 3

Particulars	UoM	2020-21	2021-22	2022-23	POI
Imports from China PR	Pieces	60,94,742	67,43,049	78,86,029	99,01,900
Trend	Indexed	100	111	129	162
Imports from other countries	Pieces	1,39,113	74,809	78,122	49,430
Trend	Indexed	100	54	56	36
Production of domestic industry	Pieces	***	***	***	***
Trend	Indexed	100	114	107	46
Demand	Pieces	***	***	***	***
Trend	Indexed	100	110	124	143
Subject country imports in relation to					
Total Imports	%	97.80	98.90	99.00	99.50
Trend	Indexed	100	101	101	102
% age share of subject country imports with production	%	***	***	***	***
Trend	Indexed	100	97	120	354
Demand	%	***	***	***	***
Trend	Indexed	100	101	105	113

75. The Authority notes as follows:

- The share of the imports from China PR in total imports increased significantly in the POI as compared to the previous years.
- Share of imports from China PR with respect to the production of domestic industry increased from 100 (Index Points) in the base year to 354 (Index Points) in the POI.
- The share of the imports from China PR in the demand increased significantly from 100 (Index Points) in the base year to 113 (Index Points) in the POI.

H.3.2. Price effect of the dumped imports

76. With regard to the effect of the dumped imports on prices, it is required to be analysed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course.
77. Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject country has been examined with reference to price undercutting and price suppression/depression, if any. For the purpose of this analysis, the cost of sales and the net sales realisation (NSR) of the domestic industry have been compared with the landed price of the subject imports from the subject country.

a) Price undercutting

78. The price undercutting during the POI (2023-24) is noted below:

Table - 4

Particulars	UoM	Price Undercutting
Landed Price	₹/Pieces	202
Net Sales Realisation	₹/Pieces	***
Price Undercutting	₹/Pieces	***
Price Undercutting	%	***
Range	Range	45-55

79. The Authority notes that the landed prices of the subject goods were below the selling price of the domestic industry showing significant price undercutting being caused by the dumped imports from subject country.

b) Price suppression/depression

80. In order to determine whether the dumped imports are suppressing or depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increases which otherwise would have occurred to a significant degree, the Authority considered the changes in the costs and prices over the injury period:

Table - 5

Particulars	UoM	2020-21	2021-22	2022-23	POI
Cost of Sales	₹/Pieces	***	***	***	***
Trend	Index	100	97	112	122
Net Sales Realisation	₹/Pieces	***	***	***	***
Trend	Index	100	99	117	119
Landed Price	₹/Pieces	204	215	227	202
Trend	Index	100	105	111	99

81. The Authority notes that the landed price of imports of subject goods from the subject country during the period of injury and POI was well below the cost of sales as well as sales realisation of the domestic industry. This has created a significant price suppression effect on the domestic industry. The cost of sales of the domestic industry has increased by 22 indexed points in the POI as compared to 2020-21, whereas the landed value declined during the same period. The sales realisation is below cost of sales throughout the period of injury and POI.

H.3.3. Economic parameters pertaining to the domestic industry

82. Annexure II to the Anti-Dumping Rules requires that the determination of injury shall involve an objective examination of the consequent impact of dumped imports on domestic producers of such products. With regard to consequent impact of dumped imports on domestic producers of such products, the Anti-Dumping Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.
83. The Authority has examined the injury parameters objectively taking into account various facts and arguments made by the interested parties in their submissions.

The various injury parameters relating to the domestic industry are discussed herein below:

a) Capacity, production, capacity utilisation and domestic sales

84. The details of capacity, production, capacity utilisation and domestic sales of the domestic industry over the injury period are as under:

Table - 6

Particulars	UoM	2020-21	2021-22	2022-23	POI
Installed Capacity	Pieces	***	***	***	***
Trend	Indexed	100	100	100	100
Production ~ PUC	Pieces	***	***	***	***
Trend	Indexed	100	114	107	46
Capacity Utilisation	%	***	***	***	***
Trend	Indexed	100	114	107	45
Domestic Sales	Pieces	***	***	***	***
Trend	Indexed	100	122	126	48
Average Inventory	Pieces	***	***	***	***
Trend	Indexed	100	179	133	83

85. The Authority notes as follows:

- a) Production of the subject goods has declined significantly from 100 indexed points in 2020-21 to 46 indexed points during the POI. The production in the POI also declined significantly as compared to the previous two years.
- b) Capacity utilisation of the subject goods has declined significantly from 100 indexed points in 2020-21 to 45 indexed points during the POI. The capacity utilisation in the POI also declined significantly as compared to the previous two years.
- c) Domestic sales of the subject goods have declined significantly from 100 indexed points in 2020-21 to 48 indexed points during the POI. The production in the POI also declined significantly as compared to the previous two years despite increase in the demand.
- d) The average inventory of the domestic industry has declined in the POI on account of significant decline in the production.

b) Market share

86. The effects of the dumped imports on the domestic sales and the market share of the domestic industry have been examined as below:

Table - 7

Particulars	UoM	2020-21	2021-22	2022-23	POI
Imports from China PR	Pieces	60,94,742	67,43,049	78,86,029	99,01,900
Trend	Indexed	100	111	129	162
Imports from other countries	Pieces	1,39,113	74,809	78,122	49,430
Trend	Indexed	100	54	56	36
Sales of the domestic industry	Pieces	***	***	***	***
Trend	Indexed	100	122	126	48
Total Demand	Pieces	***	***	***	***
Trend	Indexed	100	110	124	143

Particulars	UoM	2020-21	2021-22	2022-23	POI
Market share of the domestic industry	%	***	***	***	***
Trend	Indexed	100	117	117	33
Market share of imports from China PR	%	***	***	***	***
Trend	Indexed	100	101	105	115

87. The Authority notes as follows:

- a) The market share of the sales of domestic industry in the demand declined significantly from 100 (Index Points) in the base year to 33 (Index Points) in the POI despite significant increase in demand by 43% during the same period.
- b) The market share of imports from China PR in demand increased significantly from 100 (Index Points) in the base year to 115 (Index Points) in the POI.

c) Profitability, cash profits, and return on investments

88. The profitability, return on investment (ROI) and cash profits of the domestic industry over the injury period has been analysed as follows:

Table - 8

Particulars	UoM	2020-21	2021-22	2022-23	POI
Profit before Tax (PBT)	₹/Pieces	(***)	(***)	(***)	(***)
Trend	Indexed	-100	-80	-41	-156
Profit before Tax (PBT)	₹ Lakh	(***)	(***)	(***)	(***)
Trend	Indexed	-100	-98	-51	-74
Cash Profit (PBT+ Depreciation)	₹ Lakh	(***)	***	***	***
Trend	Indexed	-100	25	69	6
Return on capital employed	%	(***)	***	***	(***)
Trend	Indexed	-100	152	470	-116

89. The Authority notes as follows:

- a) The company incurred losses during the period of injury and POI on account of dumped imports from China PR. The return on capital employed (ROCE) of the domestic industry was negative during both the base year and the POI.
- b) Losses per unit increased by 56% in the POI as compared to the base year.
- c) Cash profit declined from 69 indexed points in 2022-23 to 6 indexed points in 2023-24. There is significant decline in the cash profits of the domestic industry during the POI.
- d) The Authority notes that higher losses of the domestic industry were due to continued price pressure exerted by increased imports from China PR.

d) Inventory

90. Information with respect to inventory over the injury period is as under:

Table - 9

Particulars	UoM	2020-21	2021-22	2022-23	POI
Average Inventory	Pieces	***	***	***	***
Trend	Indexed	100	179	133	83

91. The Authority notes that the inventory of the domestic industry increased from 100 indexed points in the base year to 179 indexed points in 2021-22, before declining to 133 indexed points in 2022-23. During the POI, the inventory declined further to 83 indexed points.

e) Productivity, employment, and wages

92. Information with respect to productivity, employment, and wages over the injury period is as under:

Table - 10

Particulars	UoM	2020-21	2021-22	2022-23	POI
Productivity per day	Pieces	***	***	***	***
Trend	Indexed	100	114	107	46
Productivity per employee	Pieces	***	***	***	***
Trend	Indexed	100	120	119	68
Number of employees	Nos.	***	***	***	***
Trend	Indexed	100	95	90	67
Salaries & Wages	₹ Lakh	***	***	***	***
Trend	Indexed	100	131	112	75

93. The Authority notes that the productivity of the domestic industry has declined during the POI. Productivity per day decreased from 100 indexed points in the base year to 46 indexed points in the POI, while productivity per employee declined from 100 indexed points to 68 indexed points over the same period. The number of employees also reduced from 100 indexed points in the base year to 67 indexed points in the POI. Correspondingly, salaries and wages decreased from 100 indexed points to 75 indexed points in the POI, reflecting a reduction in workforce and overall operational capacity during the POI.

f) Growth

94. Information with respect to year-on-year growth over the injury period is as under:

Table - 11

Particulars	UoM	2021-22	2022-23	POI
Production	%	***	(***)	(***)
Domestic Sales	%	***	***	(***)
PBT (Per unit)	%	***	***	(***)
Cash Profit (Lakh)	%	***	***	(***)
ROI	%	***	***	(***)
Market Share of DI in demand	%	***	(***)	(***)
Inventory	%	***	(***)	(***)

95. The Authority notes that growth of the domestic industry with regard to production, domestic sales, profits, cash profits, return on investment, market share, and inventory has been negative during 2021-22 to the POI.

g) Factors affecting domestic prices

96. Consideration the import prices from subject country, change in the cost structure, competition in the domestic market, factors other than dumped imports that might be affecting the prices of the domestic industry in the domestic market show that the landed value of imported material from subject country are significantly below the selling price of the domestic industry, causing significant price undercutting in

the Indian market. It is also noted that the demand for the subject goods was showing significant increase during the injury period including the POI and therefore it could not have been a factor affecting domestic prices. Thus, it can be concluded that the principal factor affecting the domestic prices is the dumped imports of subject goods from subject country.

h) Ability to raise capital investments

97. The Authority notes that the ability of the domestic industry to raise any further capital investment is significantly curtailed owing to the dumped imports of subject goods into India. The losses of the domestic industry increased in the POI as compared to FY 22-23. In such a case, the domestic industry is not in a position to raise further capital investments.

i) Magnitude of dumping margin

98. Magnitude of dumping is an indicator of the extent to which the dumped imports can cause injury to the domestic industry. The data shows that the dumping margin determined for the cooperating exporters is above *de-minimis* and significant during the POI.

I. NON - ATTRIBUTION ANALYSIS

99. As per the AD Rules, the Authority, *inter-alia*, is required to examine any known factors other than the dumped imports which at the same time are injuring the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports. The factors which may be relevant in this respect include, *inter-alia*, the volume and prices of the imports not sold at dumped prices, contraction in the demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry. It has been examined below whether factors other than dumped imports could have contributed to the injury.

a) Volume and price of imports from third countries

100. The Authority notes that price of imports from non-subject countries during the POI is higher than the price of imports from subject country and is also higher than the non-injurious price of the domestic industry or the imports volumes are *de-minimis*.

b) Contraction in Demand

101. There has been constant increase in the demand of the product concerned throughout the injury period. Therefore, contraction in demand cannot be a cause of injury to the domestic industry.

c) Export Performance and Captive Consumption

102. The domestic industry is engaged only in the sales in the domestic market. The injury information examined hereinabove relates only to the performance of the domestic industry in terms of its domestic market for PUC.

d) Development of Technology

103. None of the interested parties have furnished any evidence to demonstrate significant changes in the technology that could have caused injury to the domestic

industry. It is further noted that technology for production of the product concerned has not undergone any change. Thus, development in technology is not a factor causing injury to the domestic injury.

e) Performance of other products of the company

104. The Authority has only considered information related to the PUC for the purpose of injury analysis.

f) Trade restrictive practices and competition between the foreign and domestic producers

105. There are no trade restrictive practices that can be considered as the reason for material injury suffered by the domestic industry.

g) Changes in pattern of consumption

106. The pattern of consumption in India has not changed with respect to the PUC.

J. MAGNITUDE OF INJURY MARGIN

107. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the PUC has been determined by adopting the information/data relating to the duly verified cost of production provided by the domestic industry for the POI. The NIP has been compared with the landed price of subject goods from the subject country for calculating injury margin. For determining the NIP, the best utilisation of the raw materials and utilities has been considered over the injury period. The best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (*i.e., average net fixed assets plus average working capital*) for the PUC was allowed as pre-tax profit to arrive at the NIP as prescribed in Annexure III to the Rules.

108. Based on the landed price and the NIP determined as above, the injury margin as determined by the Authority is provided in the Table -12 below:

**Table – 12
Injury Margin**

Producer's/ exporter's name	NIP	Landed value	Injury Margin		
	(US\$/PCS)	(US\$/PCS)	(US\$/PCS)	%	Range
M/s Zhuhai Zhongkai Imaging Products Co., Ltd.	***	***	***	***	40-50
M/s Zhejiang Zhuotai Printer Cosumables Co., Ltd.	***	***	***	***	50-60
M/s Zhuhai Oritone Infotech Co., Ltd.	***	***	***	***	50-60
Ninestar Group:					
M/s Zhuhai Ninestar Information Technology Co., Ltd.	***	***	***	***	30-40
M/s Topjet Technology Co., Ltd.	***	***	***	***	40-50
M/s Chinamate I-Technology Co., Ltd.	***	***	***	***	20-30
Ninestar Group	***	***	***	***	30-40
Others	***	***	***	***	70-80

K. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

K.1. Submissions made by other interested parties

109. The following submissions have been made by the other interested parties with respect to the Indian industry's interest:
- a) The imposition of anti-dumping duties in this case would not serve the broader public interest and would, in fact, have significant adverse effects on consumers, downstream industries, and the overall market.
 - b) The imposition of duties will increase costs for users, restrict access to competitively priced products, reduce competition, and limit consumer choice.
 - c) The domestic industry does not have the capacity to meet the total domestic demand, and its supply limitations will result in shortages and harm to downstream industries.
 - d) The domestic industry is largely dependent on imported components, and the imposition of duties on finished products will not significantly enhance domestic value addition or promote self-sufficiency.
 - e) The imposition of duties will have a negative impact on efficiency, innovation, and competitiveness in the market.

K.2. Submissions made by the domestic industry

110. The following submissions have been made by the domestic industry with respect to the Indian industry's interest:
- a) The imposition of anti-dumping duty will restore a level playing field in the Indian market and protect the domestic producers from the adverse impact of dumped imports.
 - b) The domestic industry has sufficient unutilised capacity to meet a major proportion of domestic demand and can further increase production capacity within a short period if provided with protection against dumped imports.
 - c) The impact of anti-dumping duty on different types of downstream users will be minimal.
 - d) The imposition of duties will enable the domestic industry to operate at optimal capacity utilisation, improve productivity, and generate additional employment.
 - e) It will encourage investment in the sector, ensure supply stability, and promote self-reliance in the manufacture of the product under consideration.
 - f) Without anti-dumping measures, the financial position of the domestic industry will continue to deteriorate, making it vulnerable to closure, which would be detrimental to the overall interest of the Indian industry.

K.3. Examination by the Authority

111. The Authority issued a gazette notification inviting views on the subject anti-dumping investigation from all the interested parties, including importers, users and other interested parties. The Authority also prescribed a questionnaire for the importers/users to provide relevant information with regard to the present

investigation, including possible effect of anti-dumping duty on their operations. The Authority sought information on *inter-alia*, interchangeability of the product supplied by various suppliers from different countries, ability of the consumers to switch sources, effect of anti-dumping duty on the users, etc.

112. The Authority notes that the subject goods are imported from other non-subject countries as well. In the event of imposition of anti-dumping duty on imports from China PR, user industry will be able to import from other non-subject countries without anti-dumping duty.
113. The Authority notes that the purpose of imposition of anti-dumping duty, in general, is to eliminate injury caused to the domestic industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures does not aim to restrict imports from the subject country in any way. Trade remedial investigations are intended to restore equal competitive opportunities in the domestic market by ensuring a level playing field for domestic producers by the imposition of appropriate duties against trade distorting imports. At the same time, the Authority is aware that the impact of such duties is not limited to only the domestic producers of the PUC but also affects the users & consumers of the PUC.
114. The Authority notes that the volume of imports from the subject country has increased significantly in the POI. The increase in imports from the subject country has adversely impacted the market share of the domestic industry. Further, it is also noted that the Indian Industry hold capacity to meet majority of the demand in the country. Further, the domestic industry has demonstrated during the on-spot verification that they would be easily able to increase their capacity upto three-fold by merely working on three shifts. The enhanced capacity of the domestic industry along with the capacity of the other producer would be sufficient to meet the total demand of the country.

L. POST DISCLOSURE COMMENTS

L.1. Submissions made by other interested parties

115. The following post disclosure submissions have been made by other interested parties:
 - a) It was submitted that the disclosure statement erroneously excluded M/s Rahul Enterprises, M/s Vihan Impex, and M/s Delco Copier, despite their registration and participation. The Authority was requested to rectify this omission.
 - b) It was submitted that the exporter's name be correctly reflected as "M/s Chinamate I-Technology Co., Ltd." in all parts of the final findings.
 - c) The scope of the PUC has been unlawfully expanded post-initiation by including empty cartridges, SKD/CBU forms, and memory chip variants, contrary to the DGTR Manual and principles of procedural fairness. Similarly, the proposed modification to the OEM exclusion by the domestic industry is impermissible as it materially alters the notified scope and deprives parties of a fair opportunity to respond. This OEM exclusion has been clearly worded and has not undergone any change in the course of the investigation as per the Authority's findings.

- d) The Authority has failed to adopt an appropriate Product Control Number (PCN) methodology, despite repeated requests and the availability of indicative cost and pricing data from the stakeholders. The Authority's observation that the PUC is a commodity product where "regular types/models" constitute more than 90% of the market has been called flawed, as this rationale unjustifiably dismisses differences in pricing due to memory chips, toner content, or other characteristics. The absence of proper PCN methodology has resulted in distorted dumping and injury margins, and by extension, has violated the principles of fair comparison enshrined in the Anti-dumping Rules and WTO commitments.
- e) The Authority is urged to adopt a reference price-based duty instead of a fixed quantum duty, given the significant product and price variations, which ensures a fair, proportionate, and WTO consistent remedy. The imposition of a uniform 22% return on capital employed is also questioned as unjustified and inconsistent with prevailing economic conditions and international best practices.
- f) The continued insistence by the Authority on fulfilling the Market Economy Treatment (MET) conditions as prescribed under Para 8 of Annexure I of the Rules, read with Section 15(a)(i) of the Protocol, is without legal foundation in the current WTO legal framework. The expiration of Section 15(a)(ii) renders the practical application of Section 15(a)(i) irrelevant, as there is no longer a lawful alternative methodology available to derogate from the use of Chinese prices and costs. Normal value must be determined based on actual prices and costs in China's ordinary course of trade.
- g) The imposition of duties would harm consumers and downstream industries, without yielding sustainable benefits for the domestic industry, and thus is not in the public interest.
- h) The interested parties questioned the eligibility and standing of the applicant to file the petition, given that other domestic producers exist but have been ignored or improperly dismissed by the Authority.
- i) The Authority's decision not to account for the 10% basic customs duty (BCD) introduced after the POI has led to concerns of overprotection and excessive duties.
- j) That the name of cooperative exporters must be crosschecked and corrected to all parts of the final findings if required before final findings is issued by the DGTR.
- k) The entire investigation is fundamentally flawed due to the applicant's lack of eligibility and standing to file the petition, which has been further exacerbated by the improper expansion of the product scope under the guise of clarifications. The Authority's inclusion of product types not manufactured by the applicant, and its erroneous classification of empty cartridges in CBU and SKD forms as part of the product under consideration, while excluding CKD forms, has resulted in a distorted and unjust scope, undermining the fairness of the investigation.
- l) The confidentiality provisions have been misused to obscure key facts, including the applicant's dependence on imported components like empty cartridges. The integrity of the investigation is further compromised by the

excessive confidentiality allowed to the domestic industry, which has deliberately suppressed critical information regarding its production process, denying other stakeholders the opportunity to meaningfully participate.

L.2. Submissions made by the domestic industry

116. The following post disclosure submissions have been made by domestic industry:

- a) It is noted in para no. 28 of the disclosure statement that the domestic industry has not circulated its submission regarding modification of exclusion of OEM to other interested parties. Hence, the same is not considered. In this context, it is submitted that the domestic industry has filed the rejoinder submissions regarding modification of OEM exclusion in response to the submissions made by the interested parties requesting for clarification on the exclusion of the OEM. Therefore, there is no question of the domestic industry making such submission as a part of its written submissions. Under the circumstances, it would not be appropriate to conclude that the modification requested, as a consequence to the request made by the interested parties, cannot be allowed. Further, as a matter of consistent practice of the Authority, rejoinder submissions are not required to be shared with the interested parties. Last but not the least, the interested parties have been given the opportunity to respond to the submissions made by the domestic industry as recorded in the disclosure statement. Therefore, the principles of natural justice have been adequately followed and no prejudice can be caused to the interested parties by allowing the request of the domestic industry.
- b) Without prejudice to the above, kind attention of the Authority is invited to the OEM exclusion as defined in the initiation notice, which is reproduced below.

Black Toner Cartridge imported for use by the Original Equipment Manufacturers of Printing Equipment.

- c) The domestic industry agreed to modify the scope of the exclusion of the OEM considering the genuine interest of the established OEMs like HP, Canon, etc. Consequently, the scope of the OEM was modified in the PUC notice dated 28.12.2024, which reads as follows:

Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name.

- d) The effect of the modification of the OEM exclusion is that any imports made by the importers under their own brand name would be excluded from the purview of the investigation. It has been submitted by them that according to market information that certain unscrupulous importers are planning to circumvent the duty by importing two-three models of printers in their brand name so as to qualify as OEMs and then import PUC duty-free. In addition, it is submitted that certain interested parties have also requested to clarify when an importer would be excluded as an OEM.
- e) The domestic industry humbly requests the Hon'ble Authority to further clarify the issue of OEM exclusion in the scope of the PUC and modify the OEM exclusion as below to avoid the possibility of circumvention of duties as otherwise the whole objective of the investigation will be seriously defeated. The proposed modification in the OEM exclusion will ensure that the importers will be able to only import duty-free PUC which are designed and meant

exclusively for fitment in the printers of their own brand only. In simple words, it will ensure that HP will be able to import only duty-free PUC to be used in their printers and not the duty-free PUC for the printers manufacturer by other companies like Cannon, Brother, Epson, etc. This will make sure that there is no adverse impact on both the domestic industry as well as other interested parties.

Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name, which are designed and meant exclusively for fitment in the printers of their own brand only.

- f) The scope of the subject goods is Black Toner Powder Cartridge which, by definition, includes both filled and empty cartridges in all sizes, types as well as with or without chip. The toner component of the Black Toner Powder Cartridge is just a consumable and that does not affect the scope of the PUC, as defined. In other words, Black Toner Powder Cartridge, both filled and empty in all forms and types including empty cartridge are covered within the scope of the PUC. The Authority has rightly referred to Rule 2(a) of General Rules for Interpretation of first schedule of the Customs Tariff.
- g) There is no indication either in the definition of the PUC or on the facts that empty cartridges were ever excluded from the scope of the PUC. A clarification was issued at the instance of some of the interested parties. The Authority has rightly clarified *vide* final PUC/PCN notice that empty cartridges are included within the scope of PUC. The Authority followed the same approach in several investigations like Rock Breaker, etc.
- h) The domestic industry has submitted as follows:
- The domestic industry has manufactured and is manufacturing empty cartridge.
 - The penultimate use of the empty cartridge is the filling of black toner powder. The interested parties have also admitted in their submissions that empty cartridges, by their nature, are incapable of functioning as a toner cartridge until filled with toner.
 - The value addition from empty cartridge to filled cartridge is miniscule.
 - The process of filling of powder in empty cartridge is fairly a simple process using unskilled labour. It lacks technical complexity or significant costs.
 - Without prejudice, empty cartridge is a form of PUC and therefore, there is no question/ logic to exclude the same.
- i) Exclusion of empty cartridges from the scope of the PUC will lead to circumvention of duty. The Authority in plethora of past investigations, also included those products types in the scope of the investigation which were not manufactured by the domestic industry during the POI on the ground that the domestic industry had the capability to manufacture the same and both the products are comparable to avoid the possibility of circumvention. Some of the cases cited by the domestic industry included Saturated Fatty Alcohols, Wheel Loaders, Self-Adhesive Vinyl, SDH Equipment, etc.
- j) The domestic industry reiterates that the domestic industry has the capacity to manufacture all type as well sizes of cartridges. The domestic industry has demonstrated the same to the investigating team during the onsite verification visit.

- k) It is requested to confirm the definition of PUC provided in para no. 30 of the disclosure statement subject to the above request made by the domestic industry to modify the exclusion no. (d) related to OEM.
- l) There are only two producers of the PUC in India i.e., M/s Indrayani Sales Private Limited (applicant) and M/s DIC Techware Private Limited. The other producer has neither supported nor opposed the application. The applicant accounts for a major proportion of the Indian production. The applicant has not imported the subject goods from the subject country during the POI and previous two financial years. Moreover, the applicant is not related to any importer or exporter of the subject goods during POI. The Authority has rightly considered the applicant as an eligible domestic industry within the meaning of Rule 2(b) of the Anti-dumping Rules, 1995 read with Rule 5(3).
- m) No PCNs are required in the present case since subject goods is a commodity product. It is submitted that regular types/ models constitute more than 90% of the consumption in the Indian market, which is not contended by any of the interested parties. The Authority has rightly taken decision to not make any PCNs.
- n) The domestic industry has suffered material injury on account of dumped imports from China PR. The Authority has rightly examined in the disclosure statement that the domestic industry has suffered material injury on account of dumped imports from China PR.
- o) It is requested to confirm the dumping and injury margins provided in the disclosure statement and not to make any changes in the same. It is also requested to grant the domestic industry an opportunity of personal hearing as well as to file its comments/ submissions in case a view different from the disclosure statement is proposed to be taken.

L.3. Examination by the Authority

- 117. The Authority has examined the post disclosure submissions made by the interested parties and notes that majority of the comments/ submissions are reiterations which have already been suitably examined and adequately addressed in the relevant paras of the final findings. The same are not being repeated in the post-disclosure examination by the Authority for the sake of brevity. The issues raised in the post-disclosure comments/ submissions by the interested parties and considered relevant by the Authority are examined below.
- 118. With respect to the submissions concerning the omission of M/s Rahul Enterprises, M/s Vihan Impex, and M/s Delco Copier from the disclosure statement, it is noted that the aforesaid importers/users had duly registered in the subject investigation and participated by filing preliminary submissions before the Authority, though they did not file questionnaire responses. However, their names have been appropriately incorporated under the heading "*Procedure*" in the final findings.
- 119. With respect to the submissions concerning the exporter's name, the Authority has taken note of the same, and the name has been accordingly corrected to "*M/s Chinamate I-Technology Co., Ltd.*" in the final findings.
- 120. With regard to the claim made by the interested parties that the scope of the PUC has been extended by including empty cartridges, SKD/CBU forms, and memory chip variants, the Authority notes that these submissions are merely reiterations of

the submissions made earlier and adequately addressed in the relevant paras of the final findings.

121. The Authority further notes that it has not expanded the scope of the PUC beyond the scope of what has been provided in the application and in the initiation notification since empty cartridges are merely forms in which the PUC may be imported into India. This issue has already been dealt with in the disclosure statement. The same is in line with the consistent practice of the Authority as well as objective of the investigation. It is also noted that the Authority has clarified in the disclosure statement that Black Toner Powder Cartridge in all sizes and in all forms as well as empty cartridge are covered in the scope of the investigation.

122. As regards the claim made by the interested parties that the applicant has misused confidentiality provisions to obscure key facts, the Authority notes that these submissions are merely reiterations of the submissions made earlier and adequately addressed in the relevant paras of the final findings.

123. With regard to the submissions made by the interested parties on the OEM exclusion, the Authority has examined the submissions made by all the interested parties as well as the domestic industry. It is noted that at the time of initiation of the investigation, the OEM exclusion was defined in the initiation notification as:

“d. Black Toner Cartridge imported for use by the Original Equipment Manufacturers of Printing Equipment.”

124. Thereafter, following the PUC/PCN meeting and discussions held with the interested parties and the domestic industry, a notification of even number dated 28th November 2024 was issued, wherein the OEM exclusion was notified as:

“d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name.”

125. Subsequent to the issuance of this notification, no comments were received either from other interested parties or the domestic industry on the OEM exclusion.

126. It is further noted that even during the oral hearing and in the subsequent written submissions filed by the domestic industry, no comments were advanced with regard to OEM exclusion.

127. The issue was raised for the first time only in the rejoinder submissions and post-disclosure submissions, wherein the domestic industry requested that the OEM exclusion be modified as follows:

“d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name, which are designed and meant exclusively for fitment in the printers of their own brand only.”

128. After examination, the Authority observes that the submissions made at this belated stage cannot be accepted. Entertaining such late-stage requests would undermine the principles of transparency, certainty, and equal opportunity that are essential in trade remedy investigations. The Authority also notes that the OEM exclusion, as already defined in the notification dated 28th November 2024, sufficiently captures the intended scope and provides the necessary clarity against any ambiguity.

129. In view of the above, the Authority finds no merit in the request of the domestic industry to modify the OEM exclusion as proposed by them in their rejoinder/ post-disclosure submissions. Accordingly, the Authority concludes that the OEM exclusion shall remain the same as notified in the PUC/PCN notification, i.e.,

“d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name.”

130. With regard to the claim made by the interested parties that the Authority has failed to adopt an appropriate PCN methodology, the Authority notes that these submissions are merely reiterations of the submissions made earlier and adequately addressed in the relevant paras of the final findings. The Authority notes that no conclusive evidence has been provided by any interested parties to demonstrate that the alleged parameters result in significant cost and price differences. The domestic industry has stated that more than 90% of Indian consumption consists of regular type PUC, and this claim has not been disputed by any other interested party, by giving any evidence to contrary. Additionally, the domestic industry has submitted evidence showing that there is no material difference in price based on the alleged parameters. Therefore, after examination of all submissions, it was noted that there is no need for a PCN in the subject investigation.

131. The interested parties have claimed that imposition of duties would harm consumers and downstream industries. The Authority notes that these submissions are merely reiterations of the submissions made earlier and adequately addressed in the relevant paras of the final findings. The Authority notes that the purpose of imposition of anti-dumping duty, in general, is to eliminate injury caused to the domestic industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures does not aim to restrict imports from the subject country in any way. Trade remedial investigations are intended to restore equal competitive opportunities in the domestic market by ensuring a level playing field for domestic producers by the imposition of appropriate duties against trade distorting imports.

132. As regards the claim made by the interested parties that the domestic industry is not eligible to be considered as a domestic industry given that other domestic producers exist but have been ignored or improperly dismissed by the Authority, the Authority notes that these submissions are merely reiterations of the submissions made earlier and adequately addressed in the relevant paras of the final findings. The Authority notes that some of these producers are also importers as evidenced from the analysis of the import data. Further, it has been also noted that merely registration in GeM does not mean that a particular company is a manufacturer, which is evidenced from the fact that some of the companies registered in GeM are also reflected as importers. It has been also noted that no information has been filed by the interested parties regarding the details of the production, factory addresses, registration, etc. of these other producers. Further, none of the other producers have filed any submissions before the Authority claiming that they are manufacturing the subject goods.

133. As regards allowing 22% return on capital employed, it is submitted that the same is in line with the consistent practice followed by the Authority in all investigations.

134. The interested parties have claimed that the Authority's decision not to account for the 10% basic customs duty (BCD) introduced after the POI has led to concerns of

overprotection and excessive duties. The Authority notes that these submissions are merely reiterations of the submissions made earlier and adequately addressed in the relevant paras of the final findings. The Authority notes that the BCD of 10% was introduced in the Finance Bill, 2024, i.e., after the POI. Accordingly, the same cannot be factored into the estimation of the injury margin either before or after initiation. The margins are determined based on the import prices of the POI and not of the post-POI period. For the purpose of this investigation, the Authority has taken into account only the rate of BCD that was applicable during the POI.

M. CONCLUSION

135. Having regard to the contentions raised, information provided, submissions made by the interested parties and the facts available before the Authority, as recorded in the above findings, and on the basis of above analysis of the dumping, injury and causal link to the domestic industry, the Authority concludes as follows:
- a) The product under consideration is “Black Toner Powder Cartridge” as defined under para 30 of this findings.
 - b) The product produced by the domestic industry is like article to the PUC imported from the subject country.
 - c) The applicant constitutes ‘domestic industry’ within the meaning of Rule 2(b) of the Rules, and that the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.
 - d) Dumping margin from subject country is not only positive but also significant.
 - e) The domestic industry has suffered injury as a result of dumped imports from subject country. The injury margin is positive and significant.
 - f) No other factor appears to have caused injury to the domestic industry.
136. The Authority concludes that the injury to the domestic industry has been caused by the dumped imports of the subject goods from the subject country.
137. It is noted with regard to public interest that anti-dumping duty will have negligible impact on the downstream industries/ users. Also, anti-dumping duty does not restrict imports but only ensures that the imports enter the market at fair prices.

N. RECOMMENDATION

138. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was provided to the domestic industry, embassy of the subject country, producers/exporters of the subject goods from the subject country, importers, users, and other interested parties to provide information with regards to dumping, injury, and causal link. Having initiated under Rule 5(3) of the Anti-Dumping Rules and conducted investigation in accordance with Rule 6 of the Anti-Dumping Rules regarding dumping, injury and causal link as required under Rule 17 (1)(a) of the Anti-Dumping Rules and established material injury to the domestic industry due to subject imports from the subject country, the Authority recommends imposition of anti-dumping duties on imports of subject goods from the subject country.

139. Having regard to the lesser duty rule as enunciated in Rule 17 (1)(b) of the Anti-Dumping Rules, the Authority recommends the imposition of an anti-dumping duty equal to the lesser margin of dumping and the margin of injury, from the date of notification to be issued in this regard by the Central Government, to remove the injury to the domestic industry. Taking into account the submissions of interested parties, and factual matrix of the case, it has been decided to recommend fixed form of anti-dumping duty. Accordingly, the Authority recommends imposition of anti-dumping duty on the imports of the subject goods, originating in or exported from the subject country 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 indicated in column no. (vii) of the duty table appended below.

Duty Table

Sl. No.	HS Code #	Description of Goods *	Country of Origin	Country of Export	Producer	Duty (US\$/Pieces)
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
1.	84439959, 84439952	Black Toner Powder Cartridge	China PR	Any country including China PR	M/s Zhuhai Zhongkai Imaging Products Co., Ltd.	0.80
2.	-do-	-do-	-do-	-do-	M/s Zhejiang Zhuotai Printer Consumables Co., Ltd.	1.03
3.	-do-	-do-	-do-	-do-	M/s Zhuhai Oritone Infotech Co., Ltd.	1.06
4.	-do-	-do-	-do-	-do-	M/s Zhuhai Ninestar Information Technology Co., Ltd.	0.65
5.	-do-	-do-	-do-	-do-	M/s Topjet Technology Co., Ltd.	0.65
6.	-do-	-do-	-do-	-do-	M/s Chinamate I-Technology Co., Ltd.	0.65
7.	-do-	-do-	-do-	-do-	Any other producer	1.28
8.	-do-	-do-	Any country other than China PR	China PR	Any other producer	1.28

- The customs classification is indicative only and is not binding on the scope of the product under consideration.

* - The product under consideration is "Black Toner Powder Cartridge". It is clarified that black toner powder cartridge in all sizes and in all forms as well as empty cartridge are covered in the scope of the investigation. Further, it is clarified that both cartridges i.e., with and without memory chip are covered in the scope of the investigation.

The following types of Cartridges are not covered within the scope of the investigation:

- a. Colour Laser Toner Cartridge,
- b. MICR Toner Cartridge (Specialized Toner used for printing in Cheques),
- c. Inkjet Liquid Toner Cartridge,
- d. Black Toner Cartridge imported by the Original Equipment Manufacturers of Printers under their own brand name and
- e. Drum Unit Cartridge.

It is also clarified that components/ parts on standalone basis are outside the scope of the PUC.

O. FURTHER PROCEDURE

140. An appeal against the determination of the Designated Authority in this final finding shall lie before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) in accordance with the relevant provisions of the Act/ Rules.



**(Siddharth Mahajan)
Designated Authority**