

F. No. 7/04/2025-DGTR
Government of India
Ministry of Commerce & Industry
Directorate General of Trade Remedies
IV Jeevan Tara Building, 5 Parliament Street, New Delhi – 110 001

Dated: 6th November, 2025

FINAL FINDINGS
Case No. AD (SSR) - 02/2025

Subject: Sunset review investigation of anti-dumping duty imposed on imports of “Clear Float Glass” (CFG) originating in or exported from Malaysia - reg.

F. No. 7/04/2025-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. The Authority had initiated the original investigation concerning imports of “Clear Float Glass” originating in or exported from Malaysia *vide* F. No. 6/15/2019-DGTR dated 23rd August 2019. The Authority, *vide* its Final Findings F. No. 6/15/2019-DGTR dated 20th August 2020, recommended imposition of anti-dumping duties against dumped imports of the subject goods from the subject country. Duties were imposed by the Central Government *vide* Customs Notification No. 37/2020-Customs (ADD) dated 11th November 2020. The Central Government *vide* Customs Notification No. 22/2025-Customs (ADD) dated 10th July 2025, had extended the duties by 3 months. Therefore, the current duties were valid till 10th February 2026.
2. M/s Asahi India Glass Ltd (AIS), M/s Gold Plus Glass Industry Ltd., M/s Gold Plus Float Glass Pvt. Ltd., and M/s Saint-Gobain India Pvt. Ltd. constituting the domestic industry (*hereinafter referred to as the “Applicants” or “Petitioners”*) filed an application before the Authority in accordance with the Act and the Rules, for initiation of sunset review investigation concerning imports of “Clear Float Glass” originating in or exported from Malaysia, alleging likelihood of continuation or recurrence of dumping and consequent injury to the domestic industry in case of cessation of existing anti-dumping duties.
3. The applicant alleged likelihood of continuation or recurrence of dumping of subject goods, originating and exported from the subject country and consequent injury to the domestic industry and requested for review and continuation of the anti-dumping duty imposed on the imports of subject goods, originating in or exported from the subject country.
4. In terms of Section 9A (5) of the Act, the anti-dumping-duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury. In accordance with the above, the Authority is required to review, on the basis of a duly substantiated request made by or on behalf of the domestic industry, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

5. The Authority on the basis of the *prima facie* evidence, initiated sunset review investigation through notification No. 7/04/2025-DGTR dated 27th March 2025 to examine whether the expiry of the said duties on the import of the subject goods originating in or exported from the Malaysia (*hereinafter referred to as subject country*) are likely to lead to continuation or recurrence of dumping and injury to the domestic industry.
6. The scope of the present review covers all aspects of the Final Findings F. No. 6/15/2019-DGTR dated 20th August 2020 concerning imports of the above goods, originating in or exported from the subject country.

B. PROCEDURE

7. The procedure described herein below has been followed by the Authority with regard to the subject investigation:
 - i. The Authority, under the above Rules, received a written application from the Applicants on behalf of the domestic industry, alleging continuation and also likelihood of injury and dumping of Clear Float Glass from Malaysia.
 - ii. The Embassy of the subject country in New Delhi were informed about the initiation of the investigations in accordance with sub-rule (5) of Rule 5 *supra*.
 - iii. The Authority issued a notification dated 27.03.2025 published in the Gazette of India Extraordinary, initiating the sunset review investigation of anti-dumping duty concerning imports of the subject goods from the subject country.
 - iv. A copy of the public notice was forwarded by the Authority to all known exporters of the subject goods, the Government of the subject country through their Embassy in India, and other interested parties about the initiation of the subject investigation in accordance with Rule 6(2) of the Rules.
 - v. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters, and to the Government of Malaysia, through its Embassy in India and to other interested parties who made a request therefore in writing in accordance with Rule 6(3) of the Rules *supra*. A copy of the non-confidential version of the application was also made available in the public file and provided to other interested parties, wherever requested.
 - vi. The Authority forwarded a copy of the public notice initiating anti-dumping investigation to the known producers/exporters in the subject country, and other interested parties and provided them an opportunity to file response to questionnaire in the form and manner prescribed within time limit as prescribed in the initiation notification or extended time limit, and make their views known in writing in accordance with the Rule 6(4) of the Rules. The Authority sent exporter's questionnaire to the following known producers/exporters to elicit relevant information in accordance with Rule 6(4) of the Rules:
 - (i) High Commission of Malaysia,
 - (ii) M/s Kibing Group (M) Sdn. Bhd., Malaysia and
 - (iii) M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia.
 - vii. The Government of Malaysia, through their Embassy in India was also requested to advise the producers/exporters from their country to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the known producers/exporters was also sent to the Embassy along with the names and addresses of the known producers/exporters from the subject country.

viii. The following producers/exporters from the subject country, have filed exporter's questionnaire response:

- (i) M/s Kibing Group (M) Sdn. Bhd., Malaysia and
- (ii) M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia.

ix. The Authority forwarded a copy of the initiation notification to the following known importers/users/ user associations, whose names and addresses were made available to the Authority, of the subject goods in India and advised them to make their views known in writing within the time limit prescribed by the Authority in accordance with the Rule 6(4):

- a) M/s Asmi Traders – Mumbai
- b) M/s Atlantic Trading – Mumbai
- c) M/s Banaras Glass – Lucknow
- d) M/s Bhandari Glass Co. – Hyderabad
- e) M/s Chandan Glass Traders – Pune
- f) M/s Fishfa Glass – Mumbai
- g) M/s Ganeriwala Brothers Pvt Ltd – Kolkata
- h) M/s Glaze Architecture Pvt Ltd. - Kolkata
- i) M/s Glaze Infrastructure P Ltd.- Kolkata
- j) M/s GSC – Noida
- k) M/s Impact Safety Glass (P) Ltd – Bangalore
- l) M/s Jagdamba Glass – Delhi
- m) M/s Jai Mirror Industries – Chennai
- n) M/s Kanch Ghar – Mumbai
- o) M/s Karnataka Metal Company - Bangalore
- p) M/s Kochhar Glass Traders – Bhopal
- q) M/s M S Glass Traders - Kolkata
- r) M/s Mahaveer Glass – Chennai
- s) M/s Mahaveer Glass Hs – Bangalore
- t) M/s Mahaveer Mirror - Vishakhapatnam
- u) M/s Nutan Glass Hs(P) Ltd. – Bangalore
- v) M/s Prakash Glass – Hyderabad
- w) M/s Prashanth Trading – Mumbai
- x) M/s Rajat Glass Traders – Karad
- y) M/s Ridhi Sidhi – Jaipur
- z) M/s Samarth Industries – Mumbai
- aa) M/s Saraf Glass P Ltd. - Kolkata
- bb) M/s Sheesh Mahal Tuff - Rohtak
- cc) M/s Shiv Shakti – Roorkee
- dd) M/s Southern Auto Products (P) Ltd. - Bangalore
- ee) M/s Sure Safe Group/ Ganeriwala Glass Traders - Kolkata
- ff) M/s T. L. Verma – Chandigarh
- gg) M/s Tough Glass India- Bangalore
- hh) M/s Uma Industries – Bangalore
- ii) M/s Yesho Float Glass (P) Ltd. - Hyderabad

x. None of the users/ importers / consumers have filed the importer's questionnaire response in the prescribed format.

xi. Exporters, producers, importers and other interested parties, who have neither responded to the Authority nor supplied information relevant to this investigation, have been treated as non-cooperating interested parties by the Authority.

- xii. The Authority issued the Economic Interest Questionnaire (EIQ) to all interested parties and the concerned line Ministry/ Department. Response to EIQ was submitted by the domestic industry and responding exporters. None of the users or importers filed any EIQ.
- xiii. 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 investigation team.
- xiv. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) and from 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.
- xv. The Non-injurious Price (NIP) based on the optimum cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules has been worked out so as to ascertain whether anti-dumping duty lower than the dumping margin would be sufficient to remove injury to the domestic industry.
- xvi. The period of investigation (POI) for the purpose of present investigation is from 1st October 2023 to 30th September 2024 (12 months). However, the injury investigation period covers the data of the previous three years, i.e. April 2021 to March 2022, April 2022 to March 2023, April 2023 to March 2024 and POI.
- xvii. Verification/ desk verification of the information provided by the applicant, responding producers and exporters from the subject country to the extent deemed necessary, was carried out by the Authority. Only such verified information with necessary modification/ rectification, wherever applicable, has been relied upon for the purpose of present notification.
- xviii. In accordance with Rule 6(6) of the Rules, the Authority provided an opportunity to all interested parties to present their views orally during the hearing held on 1st July, 2025. All parties who presented their views were requested to submit written submissions by 8th July, 2025, to enable opposing interested parties to file rejoinders, if any, by 15th July, 2025.
- xix. A disclosure statement containing the essential facts in this investigation which have formed the basis of the final findings was issued to the interested parties on 29.10.2025. The interested parties were allowed time up to 04.11.2025 to comment on the same. The disclosure on the disclosure statement received from the interested parties have been considered, to the extent found relevant, in these final findings.
- xx. Information provided by the interested parties on confidential basis was 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 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 of the information filed on confidential basis.
- xxi. Wherever an interested party has refused access to, or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has considered such parties as non-cooperative and recorded the final findings on the basis of the facts available.

- xxii. In these final findings, ‘***’ denotes information provided by an interested party on a confidential basis, and considered as such by the Authority in accordance with the Rules.
- xxiii. The exchange rate adopted by the Authority for the subject investigation is: US\$ 1 = ₹ 84.28.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

- 8. The initiation notification defined the product under consideration as follows:

Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)", the nominal thickness being as per BIS 14900:2000 (hereinafter referred to as the "subject goods" or the "Product under Consideration").

- 9. The present application being a sunset review investigation, the product under consideration (PUC) remains the same as defined in the original final finding notification.

C.1. Submissions made by the other interested parties

- 10. That the initiation notification refers to BIS 14900:2000, but this standard has been revised to BIS 14900:2018 (Reaffirmed 2023) and therefore, it is requested to clarify and update the reference to reflect the current standard.
- 11. That the notification specifies thicknesses from 4 mm to 12 mm, as per BIS 14900:2000. However, BIS 14900:2018 covers a broader range from <2 mm to 25 mm, and even the older BIS 14900:2000 covers 1.9 mm to 19 mm. Interested parties have requested a precise clarification on the applicable thickness range.
- 12. The exporter produces coated glass and multiple-walled (insulating) glazed glass. As per Section 1.3 of BIS 14900:2018, tinted, coated, frosted, and heat-absorbing glass are explicitly excluded from its scope. Therefore, the interested parties have requested confirmation on whether these exclusions also apply to the product under consideration (PUC). A similar clarification has been requested regarding multiple-walled glazed glass.

C.2. Submissions made by the domestic industry

- 13. It is submitted that reference of BIS is only to clarify/ specify the range of nominal thickness covered in the PUC. Since this is a sunset review investigation, domestic industry has not changed the scope of the PUC. However, in case, the authority, wishes to change the reference point to revised standards, domestic industry has no objection.
- 14. Domestic industry has reconfirmed that the scope of nominal thickness in the PUC is limited to thickness from 4 mm to 12 mm.
- 15. In relation to exclusion requested by interested parties, domestic industry has submitted that in a sunset review investigation, the scope of the PUC remains the same (unless curtailed by the Authority), there is no need to revisit this issue. However, for the sake of clarity, the domestic industry confirms that following products are outside the scope of the PUC:
 - i. Tinted glass,
 - ii. Coated,
 - iii. Frosted,
 - iv. Heat absorbing and
 - v. Multiple walled glazed glass or insulating glass

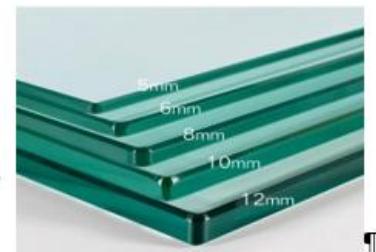
16. The PUC in the present investigation is “Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)”, the nominal thickness being as per BIS 14900:2000 (*hereinafter referred to as the “subject goods” or the “Product under Consideration”*).

C.3. Examination of the Authority

17. The PUC in the original investigation as well as in the present investigation was defined as “*Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)*”. However, following the PUC/PCN methodology meeting, a notification was issued on 5th May, 2025. Based on this notification, the scope of the PUC being considered in the present investigation is as follows:

“The product under consideration (PUC) in the present investigation is “Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)”, with tolerances prescribed as per BIS 14900:2000 (as amended).”

18. It is further clarified that the scope of PUC does not cover tinted, coated, frosted, heat absorbing, multiple walled glazed glass and insulating glass.



UNIT OF MEASUREMENT

19. The product is typically sold on the basis of square meter (SQM). However, for the purpose of uniformity the unit of measurement (UOM) for the purpose of current investigation is considered as Kilograms (KGs) or Metric Ton (MT), as done in the original investigation. Conversion formula from SQM to MT is as follow:

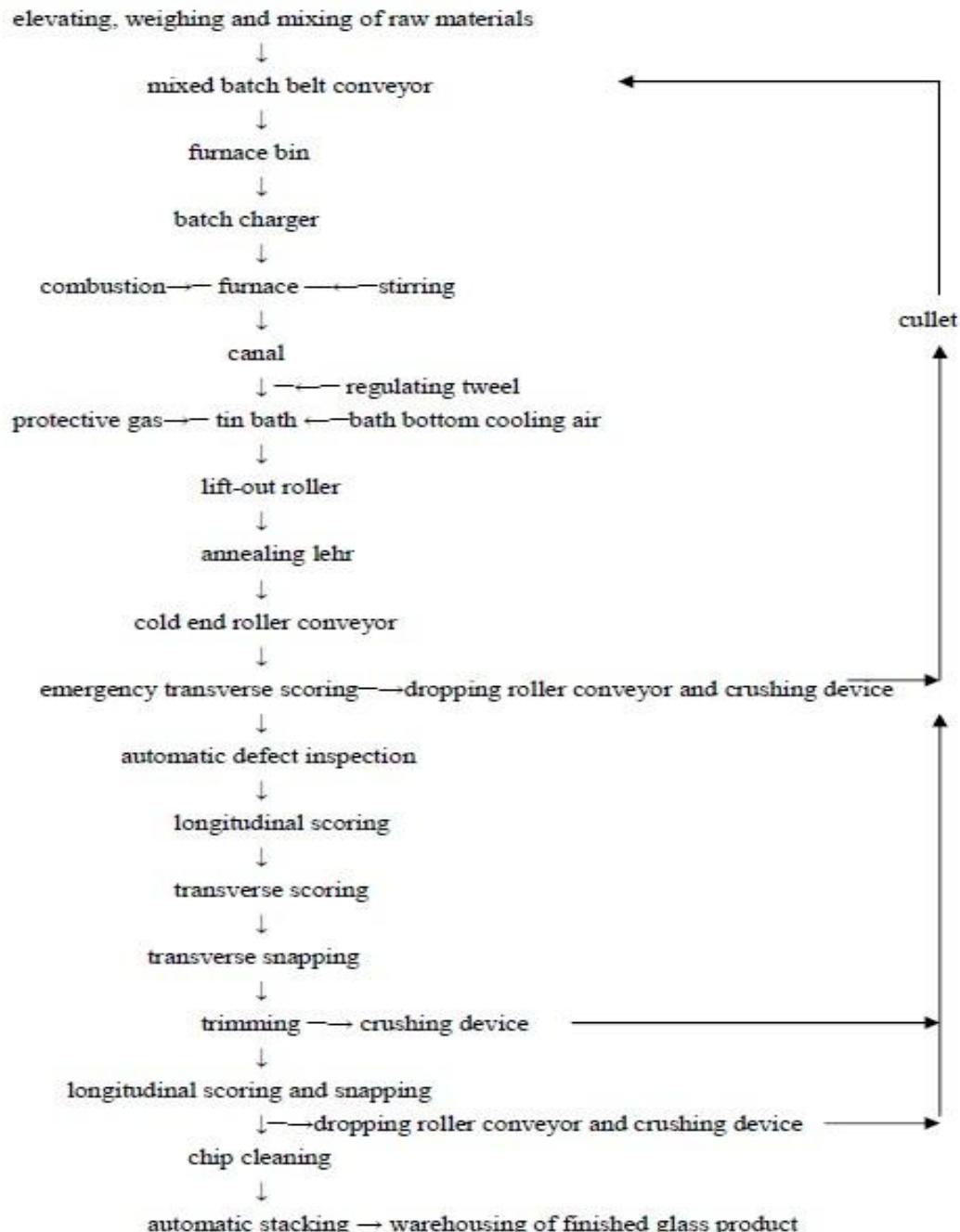
Length x Width x Thickness x Density (2.5 mm) ÷ 1,000.

MANUFACTURING PROCESS:

20. Clear float glass is manufactured by melting raw materials namely soda ash, silica sand, feldspar, dolomite, etc. which are then floated onto a bath of molten tin to create a continuous ribbon of flat glass. This ribbon is then annealed to remove internal stress, inspected for defects, and cut to size.

21. The manufacturing process of the subject goods is as follows:

For production technological process flow, refer to the chart as follows:



CUSTOMS CLASSIFICATION/ HS CODE

22. The PUC is classified under Chapters 70 *viz.*, “Glass and glassware” of the Customs Tariff Act, 1975 under the ITC HS Codes: 7005 10 90 even though the same are being classified and imported under various sub-headings like 7003, 7004, 7005, 7009, 7019, 7013, 7015, 7016, 7018 and 7020. The HS Code is indicative only and not binding on the scope of the PUC for the present investigation.

BASIC CUSTOM DUTY

23. The basic customs duty on the subject goods from Malaysia is Nil (0) due to existence of Free Trade Agreement (FTA) between India and Malaysia. The subject goods are freely importable and there is no restriction on imports.

LIKE ARTICLE

24. With regard to like article, Rule 2(d) of the Anti-dumping Rules provides as under:

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

25. It was examined whether the product produced by the domestic industry is a like article to the goods imported from the subject country. It is seen that the product produced by the domestic industry and imported from the subject country are comparable in terms of physical & chemical properties, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The imported goods and the goods produced by the domestic industry are used interchangeably. In view of the same, the product manufactured by the domestic industry is considered as like article to the product imported into India, within the scope and meaning of Rule 2(d) of anti-dumping Rules.

26. No other argument has come across to the Authority regarding the PUC and like article issue. The Authority, therefore, confirms that the scope of the PUC in the present review remains the same as that of the initiation notification.

D. SCOPE OF DOMESTIC INDUSTRY AND STANDING

27. The current application has been filed by M/s Asahi India Glass Ltd (AIS), M/s Gold Plus Glass Industry Ltd., M/s Gold Plus Float Glass Pvt. Ltd., and M/s Saint-Gobain India Pvt. Ltd, who collectively command 83% share in Indian production of the subject goods during the period of investigation. As per the information available with the Authority, other known producers of the PUC in the country are M/s Sisecam Flat glass India Pvt. Ltd. and M/s Gujarat Guardian Ltd. It is also noted that the said companies have neither supported nor opposed to the investigation.

28. As per the available information, applicants have neither imported the subject goods from Malaysia nor they are related to the importers of the subject goods. In view of the above, the applicants fulfil the criteria of domestic industry and the standing as laid down under the Indian Anti-dumping Rules.

29. There is no opposition to the domestic industry's application from any other producer in the country in the present investigation.

30. None of the producers/exporters and other interested parties have made any submissions with regard to scope and standing of the domestic industry.

31. In view of the above, the Authority has considered the applicants as domestic industry within the meaning of the Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

E. CONFIDENTIALITY

E.1. Submissions made by other interested parties

32. The producers/exporters and other interested parties have made the following submissions with regard to confidentiality claims of the domestic industry.

- The applicants have claimed excessive confidentiality with respect to information filed by them.
- The domestic industry has not made available import data in the same form and manner in which it was taken on record.
- The domestic industry has claimed supporting evidence for normal value, export price as confidential, which ought to be provided for comments from the interested parties.
- That the responses filed by them are in accordance with the practice followed by the Authority. Moreover, DGTR has not sought clarification on any of the confidentiality issues, indicating that DGTR has accepted confidentiality claims of the producers/exporters from Malaysia.

E.2. Submissions made by the domestic industry

33. The domestic industry has made the following submissions with regard to confidentiality claims of the respondents:

- The applicants have claimed that as far as their submissions/ information are concerned, confidentiality has been claimed in accordance with the provisions of Rule 7 of the Anti-dumping Rules and the Trade Notices issued in this regard.
- All the economic parameters considered by the Authority for the purpose of arriving at the determination of injury have been provided in compliance with Trade Notice 10/2018 dated 07.09.2018.
- The response filed by participating producers/exporters fail to comply with the requirements laid down by the Authority with regard to confidentiality. Response to most of the questions in questionnaire have been claimed completely confidential with no meaningful summary provided.
- Excessive confidentiality has been claimed by the exporters in as much as the non-confidential versions of the questionnaire response were not the exact replica of the confidential version filed by the exporters as required under the Rules and the instructions on the issue.
- Exporters have even claimed confidentiality on the narrative portion of their response, which has made impossible for the domestic industry to defend their legitimate interest or to assist the Authority in the best possible manner.

E.3. Examination by the Authority

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

“Confidential information: (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, sub-rule (4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course

of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.

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

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

35. Submissions made by the domestic industry and the other interested parties with regard to confidentiality, to the extent considered relevant, were examined by the Authority and addressed accordingly. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to the other interested parties. All interested parties have claimed their business-related sensitive information as confidential.
36. The Authority notes that the domestic industry and the other interested parties have provided non-confidential version of all the information that is relevant for the purpose of present investigation.

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

F.1. Normal Value and Export Price

F.1.1. Submissions by the other interested parties

37. The interested parties have made the following submission with regard to normal value:
 - i. The application does not contain adequate evidence of dumping to justify the initiation of the investigation.
 - ii. Estimates made by the domestic industry regarding normal value cannot be accepted, as the same has been claimed as confidential in the petition.
 - iii. The domestic industry had exaggerated the deductions in the export price and same should not be used for the any calculations whatsoever.
 - iv. It is contended by M/s Kibing Group (M) Sdn. Bhd., Malaysia that there is no basis to treat Malaysia as a non-market economy based on Chinese investment.
 - v. It is clarified by M/s Kibing Group (M) Sdn. Bhd., Malaysia that they have not obtained any interest free loans or bank guarantees from any holding company, as alleged by the domestic industry.
 - vi. M/s Kibing Group (M) Sdn. Bhd., Malaysia also clarified that they have provided information in relation to their related entities, as required under the Trade Notice and prescribed questionnaire format and therefore, contention of the domestic industry is

incorrect. They have also requested the Authority to determine dumping margin based on their submitted data.

- vii. M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. also clarified that the allegations made by the domestic industry are baseless and that they have provided complete and accurate information in full compliance with the relevant trade notices and anti-dumping rules they have also requested dumping margin based on their data submitted with the Authority.

F.1.2. Submissions by the domestic industry

- 38. The following submissions have been made by the domestic industry:
 - i. Domestic industry has proposed normal value in Malaysia on the basis of best information available with them for the purpose of the initiation.
 - ii. The questionnaire responses filed by producers/exporters are grossly deficient and not filed in terms of the relevant trade notice and therefore, needs to be rejected.
 - iii. Domestic industry has contested that no submission on behalf of M/s Kibing Group (M) Sdn. Bhd., Malaysia can be taken on record, as their related party has not filed the complete response, despite specific requirement of the Authority. Since this has direct bearing on the computation of normal value and export price, domestic industry has requested the Authority to outrightly reject the response filed by M/s Kibing Group (M) Sdn. Bhd., Malaysia.
 - iv. Domestic industry has submitted that response of M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. cannot be accepted as they have withheld the information that Xinyi Holding is involved in the soliciting business enquiries, and marketing of their group company's products which include subject goods manufactured by M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. Moreover, they have also not provided details of their related parties involved in providing raw material and other service to them. Since their information has direct bearing on the calculation of dumping margin, their responses cannot be accepted.
 - v. Domestic industry has further requested the Authority to carefully examine the data submitted by the exporters, particularly in light of the significant volume of transactions conducted with related parties. Given the potential impact of tax benefits on pricing, the domestic industry has submitted that such transactions should be evaluated based on prevailing market prices rather than the book values reported.
 - vi. Domestic industry has also urged the Authority to direct the exporters to furnish the responses submitted by them before other investigating authorities. This would enable the Authority to assess any discrepancies or inconsistencies in the data or information provided to different agencies, including the DGTR.
 - vii. Domestic industry has also requested the Authority to scrutinize the data of importers to find the real landed value of the subject goods, as it believes that the current prices of the exporters from Malaysia is influenced by the reference price-based duties.

F.1.3. Examination by the Authority

- 39. Under Section 9A(1)(c), normal value in relation to the article means:

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

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

40. The domestic industry, in its application had provided the import data obtained from market sources. However, the Authority had called for and relied on DGCI&S transaction wise data for the purpose of initiation. Further, the Authority has relied on the data procured from exporters data for the purpose of computing normal value and export price for the cooperating producers and exporters from Malaysia. Further, an onsite verification was conducted by the Authority at the premises of the cooperating producers/exporters, and verification report was also shared with the respective producers and exporters. The normal value and export prices for all other exporters from subject country have been determined on the basis of facts available.

M/s Kibing Group (M) Sdn. Bhd., Malaysia (Kibing)

(i) Normal Value for M/s Kibing Group (M) Sdn. Bhd., Malaysia

41. It is noted from the response that M/s Kibing Group (M) Sdn. Bhd., Malaysia, during the POI, has sold *** MT of the subject goods having invoice value *** MYR (Malaysian Ringgit) in the domestic market. Out of this quantity they have sold *** MT to their related party and *** MT to unrelated customers. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority would consider all the transactions in the domestic market for the determination of the normal value. Where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. The cost of production as claimed by the Kibing has been revised subsequent to verification. Based on the ordinary course of trade test, it is found that the profitable sales were less than ***%. It is further noted that since their profitable sales were only 1%, the authority has constructed the normal value by reasonable addition of SG&A expenses and profits in the cost of production.

42. Accordingly, constructed normal value for M/s Kibing Group (M) Sdn. Bhd., Malaysia has been determined, and the same is mentioned in dumping margin table below.

(ii) Export Price for M/s Kibing Group (M) Sdn. Bhd., Malaysia

43. M/s Kibing Group (M) Sdn. Bhd., Malaysia, has exported directly *** MT of the subject goods having invoice value *** US\$ to Indian buyers. The producer/exporter has claimed adjustments on account of ocean freight, ocean insurance, inland transportation, port and other related expenses, bank charges and the same has been allowed after verification. The net export price after these adjustments is given in the dumping margin table.

M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia

(i) Normal value for M/s Xinyi Energy Smart Sdn. Bhd., Malaysia

44. It is noted from the response that **M/s Xinyi Energy Smart Sdn. Bhd.**, Malaysia, during the POI, has sold *** MT of the subject goods having invoice value *** MYR (Malaysian Ringgit) to unrelated customers in the domestic market. Based on their response, it is noted that their domestic sales are in sufficient quantity in the domestic market. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority would consider all the transactions in the domestic market for the determination of the normal value. Where profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value. The cost of production as claimed by the Xinyi has been revised subsequent to verification. Based on the ordinary course of trade test, it is found that the profitable sales were less than 80%. Hence, only profitable domestic sales are taken into consideration for the determination of normal value.

45. M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia, has claimed adjustments on account of ocean freight, insurance, inland transportation, credit cost, promotion expenses and bank charges, and the same has been accepted after verification. Accordingly, normal value for M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia, has been determined, and the same is mentioned in dumping margin table.

(ii) Export Price for M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia

46. M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd., Malaysia (Xinyi), has exported directly *** MT of the subject goods having invoice value *** to Indian buyers. The producer/exporter has claimed adjustments on account of ocean freight, insurance, inland transportation, rebate, promotion fees, credit cost, bank charges.

47. With regard to the claims made by domestic industry that Xinyi Holding is involved in the soliciting business enquiries, and marketing of their group company's products which include subject goods manufactured by M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. During the verification, it was clarified by the sales team of Xinyi Energy that Xinyi Glass, headquartered in Hong Kong, assists the producer/exporter in selling float glass (CFG) products through Mr. Rajesh Singh, an employee of Xinyi Group (Glass) Company Limited, Hong Kong, who assists Xinyi Energy in sales activities related to the Indian market as and when required. Since this issue is pending before the Hon'ble Delhi High Court, the Authority has not to make any adjustment in this regard. The net export price after adjustments as claimed by the exporters and after verification, is given in the dumping margin table below.

Other Malaysian exporters

(i) Normal Value for other Malaysian exporters

48. It is noted that no other producers/exporters from Malaysia have cooperated in the present sunset review investigation. In view of such non-cooperation, the Authority has determined normal value for such other producers/exporters based on facts available under Rule 6(8) of the Rules, and the same is mentioned in the dumping margin table.

(ii) Export Price for other Malaysian exporters

49. It is noted that no other producers/exporters from Malaysia have cooperated in the present sunset review investigation. In view of such non-cooperation, the Authority has determined export price for such other producers/exporters based on facts available under Rule 6(8) of the Rules, and the same is mentioned in the dumping margin table.

F.2. Dumping Margin

50. Comparing the normal value and the export price at ex-factory level determined as above, the dumping margin for the producers/ exporters in Malaysia is determined as follows:

Dumping Margin

Table - 1

Name of the Producer/Exporter	Normal Value	Export Price	Dumping Margin		
	US\$/MT	US\$/MT	US\$/MT	%	Range
M/s Kibing Group (M) Sdn. Bhd.	***	***	***	***	20-30
M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd.	***	***	***	***	0-10
Others	***	***	***	***	50-60

G. ASSESSMENT OF INJURY, CAUSAL LINK & LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING AND INJURY

G.1. Submissions made by the other interested parties

51. Following submissions related to the injury has been made by the other interested parties during the course of the present investigation before the Authority.

- The respondents argue that the domestic industry's performance has improved significantly across key economic parameters during the injury period. It is also submitted that overall, the data indicates that the industry is robust and competitive, undermining any claim of material injury.
- Any decline in profits or margins is temporary and attributable to expansion-related costs such as depreciation and finance costs.
- M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. has submitted that they went to CESTAT against the original final findings given by the Designated Authority, as the Authority had made adverse adjustments to their export price based on liaison activities in India. They have further submitted that despite multiple reminders, the Authority has not implemented this binding order even when no stay has been granted by the Delhi High Court. Given that the matter is sub judice, M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. submits that the Authority must either comply with the CESTAT directions or await the High Court's decision before continuing with the sunset review.

- d. The domestic industry has been under long-term protection since decades, with multiple rounds of anti-dumping investigations including duties against many countries.
- e. Prices are not suppressive and are benchmarked by the reference price regime. Domestic industry has benefited from strong demand growth, further reducing vulnerability.

G.2. Submissions made by the domestic industry

52. The following are the injury related submissions made by the domestic industry during the course of the present investigation and considered relevant by the Authority:

- a. The landed value of the subject goods from Malaysia is substantially lower as compared to the cost and selling price of the domestic industry. This has resulted in significant losses and negative cash profitability.
- b. The positive price underselling and price undercutting clearly indicates the adverse price pressure on the domestic industry.
- c. The dumping margins are positive from the data on record, and therefore, there is clear likelihood of increase in the demand of the imported subject goods in India from Malaysia in the event of cessation of anti-dumping duty.
- d. The domestic industry is still suffering losses because of low price imports from Malaysian exporters. It has been further submitted that because of low priced imports, the domestic industry has not been able to recover its full cost despite its best efforts. Low-priced imports from the subject country have created significant price pressure on the domestic industry.
- e. The domestic industry has submitted that since causal link has already been established in the original investigation, the Authority is required to examine whether cessation of anti-dumping duty would lead to continuance or recurrence of dumping and injury.
- f. That the domestic industry could not increase its capacity utilisation despite increase in demand of the subject goods.
- g. That due to the reference price base duties, exporters have pegged their prices near the reference prices and therefore, the same cannot be accepted on its face value. The Authority should compare the prices to India with their export sales to other countries.
- h. That the Authority should call the exporters to provide their costing and related party information filed in other trade remedial investigations. It is further requested to call for dumping margin computation.
- i. The domestic industry has submitted that M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. has challenged against the Final Findings Notification dated 20th August 2020, issued pursuant to the original anti-dumping investigation. The Hon'ble CESTAT had made limited remand back to DGTR. The said remand is presently under appeal before the Hon'ble Delhi High Court, where substantial questions of law are yet to be framed. In light of the pendency of the appeal, the matter is *sub judice*, and any implementation of the CESTAT's order at this juncture would be in derogation of the settled principles of judicial discipline and propriety. It is further submitted that the exporters have not approached any appropriate forum seeking implementation of its order, and as such, their present request is *ex facie* belated and devoid of merit.

j. It is further submitted that the scope of the remand is confined to the original investigation proceedings and has no nexus with the ongoing sunset review, which constitutes a distinct and independent proceeding under Section 9A(5) of the Customs Tariff Act, 1975, read with Rule 23 of the Anti-Dumping Rules. The Designated Authority is neither vested with the jurisdiction nor empowered to undertake a remand exercise within the framework of a sunset review, the nature of which is prospective and contingent upon a likelihood analysis.

G.3. Examination by the Authority

53. Annexure-II of the AD Rules provides for an objective examination of both, (a) the volume of dumped imports and the effect of the dumped imports on prices, in the domestic market, for the like articles; and (b) the consequent impact of these imports on domestic producers of such products. With regard to the volume effect of the dumped imports, the Authority is required to examine whether there has been a significant increase in dumped imports, either in absolute term or relative to production or consumption in India. With regard to the price effect of the dumped imports on prices, the Authority is required to examine whether there has been significant price undercutting by the dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress the prices to a significant degree, or prevent price increases, which would have otherwise occurred to a significant degree.

54. The Authority notes that M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. has submitted that it had approached the Hon'ble CESTAT challenging the original final findings on account of adjustments made by the Designated Authority due to liaison activities in India. It has been further submitted that, despite repeated requests, the Authority has not implemented the binding directions of the Hon'ble CESTAT, even though no stay has been granted by the Hon'ble Delhi High Court in the appeal preferred by the domestic industry. Accordingly, M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd. has submitted that the Authority ought either to give effect to the CESTAT's order or defer further proceedings in the present sunset review until the final decision of the Hon'ble High Court.

55. In response, the domestic industry has submitted that the order passed by the Hon'ble CESTAT is currently under challenge before the Hon'ble Delhi High Court, where substantial questions of law are pending consideration. Therefore, the matter is *sub judice*, and implementation of the said order would be premature and unwarranted at this stage. The domestic industry has further submitted that the remand pertains exclusively to the original investigation and has no relevance to the present sunset review, which is a distinct and independent proceeding governed by a different legal framework and focused on assessing the likelihood of continuation or recurrence of dumping and injury.

56. In view of the above, the Authority is of the considered view that the present sunset review is an independent proceeding under Section 9A(5) of the Customs Tariff Act, 1975, read with Rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995. This proceeding is distinct in nature and scope from the original investigation, being prospective in character and directed towards examining the likelihood of continued or recurring dumping and injury to the domestic industry in the event of expiry of the existing duties. Accordingly, the directions issued by the Hon'ble CESTAT in the context of the original investigation have no bearing on the conduct or outcome of the present sunset review. However, any decision of the Authority in this matter will be subject to decision of Hon'ble Delhi High Court in the appeal filed by the domestic industry.

57. With respect to submissions that any decline in profits or margins show by DI is temporary and attributable to expansion-related costs such as depreciation and finance costs, it is noted interest and depreciation cost taken together has increased by meagre 0.56% of cost of sales

from the base year. In addition, it is further noted that even without considering the impact of these two elements, PBDIT has drastically declined in the POI as compared to the base year.

58. For the examination of the impact of the dumped imports on the domestic industry in India, 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 utilisation 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 or investments have been considered in accordance with Annexure II of the Rules. All economic parameters affecting the domestic industry as indicated above have been examined as under: -

Volume Effect of Dumped Imports and impact on the domestic industry

i. Assessment of Demand

59. For the purpose of the present investigation, demand or apparent consumption of the subject goods has been defined as the sum of domestic sales of the applicants, sales of other domestic producer and imports from all sources. The demand so assessed is given in the table below:

Table - 2

Particulars	UoM	2021-22	2022-23	2023-24	POI
Imports from Malaysia	MT	1,33,608	3,46,139	3,61,898	3,61,426
Imports from other countries	MT	87,021	56,507	94,992	65,067
Total Imports	MT	2,20,629	4,02,645	4,56,890	4,26,493
Sales of the domestic industry	MT	***	***	***	***
Sales of other domestic producers	MT	***	***	***	***
Total Indian producers sale	MT	13,32,723	13,27,771	15,39,741	15,79,050
Total Demand/ Consumption	MT	15,53,352	17,30,417	19,96,632	20,05,543

60. The above data indicates that the demand for the subject goods show a healthy growth over the injury investigation period and has grown by about 28% during the POI as compared to the base year i.e., 2021-22. It is further noted from the import data that around 85% of the imports are from Malaysia, which is significant despite existence of the anti-dumping duties.

ii. Imports volume and share of the imports from Malaysia

61. With regard to the volume of dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. The volume of imports of the subject goods from Malaysia has been analysed as under:

Table - 3

Particulars	UoM	2021-22	2022-23	2023-24	POI
Imports from Malaysia	MT	1,33,608	3,46,139	3,61,898	3,61,426
Total Production ~ PUC	MT	12,38,122	12,09,748	15,06,803	15,08,703
% age share of imports from Malaysia in production of DI	%	11	29	24	24
Trend	Indexed	100	265	223	222
Demand	MT	15,53,352	17,30,417	19,96,632	20,05,543
% age share of imports from Malaysia in demand in India	%	9	20	18	18
Trend	Indexed	100	233	211	210

62. From the above table, it is noted that-

- a. Imports of subject goods from Malaysia accounts for significant percentage in the total imports into India, despite existence of the anti-dumping duties.
- b. The domestic industry has submitted that imports from Malaysia increased in absolute terms as well as relative terms during the POI as compared to the base years.
- c. The consistent surge in imports from Malaysia, both in absolute terms and relative to production and demand demonstrates a clear adverse impact on the domestic industry.

iii. Price effect of dumped imports on the domestic industry

63. With regard to the effect of the dumped imports on prices, the Designated Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared to the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.
64. The impact on the prices of the domestic industry on account of imports of the subject goods from the subject country has been examined with reference to price undercutting, price suppression and price depression. For the purpose of this analysis the cost of production and the net sales realisation (NSR) of the domestic industry have been compared with landed value of imports from the subject country. A comparison for subject goods during the POI was made between the landed value of the dumped imports and the domestic selling price. In determining the NSR of the domestic industry, taxes, rebates, discounts and commission incurred by the domestic industry have been adjusted.
65. It is further noted that for the sake of proper price analysis the Authority has considered the principles of fair comparison while comparing imported goods and products produced by the domestic industry.

a. Price Undercutting

66. The price undercutting based on the available import information is positive during the POI. The details of price undercutting are provided in the table given below:

Table - 4

Particulars	UoM	2021-22	2022-23	2023-24	POI
Landed price of imports	₹/MT	30,708	29,939	22,323	19,322
Exchange rate	US\$/₹	75.34	81.15	83.69	84.28
Landed price of imports	US\$/MT	408	369	267	229
Domestic selling price	₹/MT	29,309	35,196	28,696	27,411
Price undercutting	₹/MT	-1,398	5,257	6,374	8,088
Price undercutting	%	-4.55	17.56	28.55	41.86
Price undercutting	Range	Negative	10-20	20-30	35-45

67. It is noted that the landed value from Malaysia was above the selling price of the domestic industry during the base year i.e., 2021-21. However, thereafter, price undercutting was positive in remaining periods i.e., 2022-23, 2023-24 and POI. It is also important to note that price undercutting was highest during the POI where the volume of imports was very significant.

b. Price Suppression and Depression

68. In order to determine whether the imports from Malaysia 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 in normal course, the Authority considered the changes in the costs and prices over the injury period, as detailed below:

Table - 5

Particulars	UoM	2021-22	2022-23	2023-24	POI
CIF Value of Imports	₹ Lakh	41,028	1,03,632	80,785	69,836
CIF Price of Imports	₹/MT	30,708	29,939	22,323	19,322
Landed Value/ Price	₹/MT	30,708	29,939	22,323	19,322
Trend	Indexed	100	97	73	63
Domestic Selling Price	₹/MT	29,309	35,196	28,696	27,411
Trend	Indexed	100	120	98	94
Cost of Sales	₹/MT	***	***	***	***
Trend	Indexed	100	124	114	125

69. From the above table, it is noted that the selling price of the domestic industry is below its cost of the sales and also declined during the POI as compared to the preceding years. It is also noted that landed price of subject goods from Malaysia is lower than the selling price except first two years and since 2023-24, cost of sales is higher than the landed value of the subject goods from Malaysia.

70. In view of the aforesaid, it is noted that the selling price and cost of sales of the CFG is above the landed value of PUC from Malaysia, indicating that the domestic industry is under pressure due to dumped imports of subject goods from Malaysia.

71. It is evident from the analysis of price trends that the domestic selling price of the domestic industry has consistently remained below its cost of sales, and has further declined during the POI as compared to the previous years. Moreover, since 2023-24, the landed price of the subject goods from Malaysia has been lower not only than the domestic selling price but also than the cost of sales, thereby intensifying the price pressure on the domestic industry.

72. The Authority notes that concerns have been raised regarding the reliability of import prices from Malaysia. During the oral hearing, certain Malaysian exporters confirmed that their CIF prices are based on a reference price mechanism, rather than actual market-driven pricing. The Authority further notes that such imports have consistently undercut both the domestic selling prices and the cost of production of the domestic industry.

iv. Economic Parameters of the domestic industry

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

i. **Capacity, Production, Capacity utilisation and Sales:**

74. The details of capacity, production and capacity utilisation are given in the table below:

Table - 6

Particulars	UoM	2021-22	2022-23	2023-24	POI
Capacity	MT	17,54,509	18,37,950	22,96,848	24,72,794
Trend	Indexed	100	105	131	141
Total Production	MT	16,66,436	17,35,382	20,85,344	21,57,728
Trend	Indexed	100	104	125	129
Production ~ PUC	MT	12,38,122	12,09,748	15,06,803	15,08,703
Trend	Indexed	100	98	122	122
Capacity Utilisation	%	95	94	91	87
Trend	Indexed	100	99	96	92
Domestic Sales	MT	10,40,768	10,19,132	12,76,114	13,00,845
Trend	Indexed	100	98	123	125

75. The data indicates that, in response to rising domestic demand, Indian producers undertook capacity expansion, demonstrating their intent and ability to serve the growing market. It has been submitted that the imposition of anti-dumping duties on dumped sources had a positive impact, enabling the domestic industry to maintain reasonable levels of capacity utilisation during the injury period. However, despite this, it is observed that capacity utilisation dropped to its lowest level during the POI, coinciding with the surge in dumped imports from Malaysia.

ii. **Market share:**

76. The details of imports, domestic sales and the market share of the domestic industry is as below:

Table - 7

Market share of	UoM	2020-21	2021-22	2022-23	POI
Total Demand	MT	15,53,352	17,30,417	19,96,632	20,05,543
Trend	Indexed	100	111	129	129
Total Domestic Sales	%	86	77	77	79
Trend	Indexed	100	89	90	92
Malaysia	%	9	20	18	18
Trend	Indexed	100	233	211	210
Other Countries	%	6	3	5	3
Trend	Indexed	100	58	85	58

77. The data establishes that the increase in domestic demand i.e., approximately 28% during the POI compared to the base year has been captured by imports from Malaysia, rather than benefiting the domestic industry. This indicates that the surge in demand has not translated into higher market share or sales for domestic producers, thereby highlighting the adverse impact of dumped imports from Malaysia.

78. Furthermore, the market share of imports from Malaysia more than doubled during the POI, while the market share of the domestic industry declined over the same period.

iii. **Productivity:**

79. The productivity of the domestic industry is given in table below:

Table - 8

Particulars	UoM	2021-22	2022-23	2023-24	POI
Employees	Number	3,700	3,513	4,375	4,410

Average number of Working Days	Days	365	365	365	365
Nos. of Man-Days	Man-Days	10	10	12	12
Productivity	MT/Man-Days	1,22,139	1,25,692	1,25,708	1,24,875
Trend	Indexed	100	103	103	102

80. The data shows that productivity, measured as total production per man-day, has remained consistent across the period under consideration, indicating stable operational efficiency. This clearly establishes that decline in the performance of the domestic industry is not attributable to productivity-related factors, and therefore, the losses suffered cannot be linked to inefficiencies in production.

iv. **Inventories:**

81. The inventory of the subject goods is shown in the following table:

Table - 9

Particulars	UoM	2021-22	2022-23	2023-24	POI
Average Inventory	MT	34,200	42,209	70,223	96,722
Trend	Indexed	100	123	205	283

82. The data clearly indicates a substantial increase in inventory levels during the POI as compared to previous years. This significant buildup of unsold stock reflects the adverse impact of low-priced dumped imports from Malaysia, which have curtailed the domestic industry's ability to sell its products in the market.

v. **Employment and Wages:**

83. The position with regard to employment and wages is given in table below:

Table - 10

Particulars	UoM	2021-22	2022-23	2023-24	POI
Employees	Nos.	3,700	3,513	4,375	4,410
Trend	Indexed	100	95	118	119
Wages	₹ Lakh	***	***	***	***
Trend	Indexed	100	98	109	113
Wages/employee (₹ per annum)	₹/Nos.	***	***	***	***
Trend	Indexed	100	104	92	95

84. The data reflects that while the number of employees increased during the POI, in line with the expansion in capacity, the total wages paid per employee in the POI declined as compared to the base year. This deviation from the general wage growth trend in the country clearly indicates that the domestic industry has been unable to proportionately compensate its workforce, despite higher operational scale. Such a scenario underscores the adverse financial strain faced by the industry due to dumped and injurious imports from Malaysia, further evidencing the injury caused during the POI.

vi. **Profitability:**

85. The profits, return on investment and cash flow of the domestic industry has been examined as below:

Table - 11

Particulars	UoM	2021-22	2022-23	2023-24	POI
Landed Value from Malaysia	₹/MT	30,708	29,939	22,323	19,322
Sales of domestic industry	MT	10,71,239	10,36,641	12,93,858	13,16,814
Trend	Indexed	100	97	121	123
Sales Value	₹ Lakh	3,05,044	3,58,696	3,66,198	3,56,570
Trend	Indexed	100	118	120	117
Domestic Selling Price	₹/MT	29,309	35,196	28,696	27,411
Trend	Indexed	100	120	98	94
Cost of Sales	₹ Lakh	***	***	***	***
Trend	Indexed	100	121	140	157
Cost of Sales	₹/MT	***	***	***	***
Trend	Indexed	100	124	114	125
Profit/ (Loss)	₹ Lakh	***	***	***	***
Trend	Indexed	100	102	34	(53)
Profit/ (Loss)	₹/MT	***	***	***	***
Trend	Indexed	100	104	28	(42)
Depreciation	₹ Lakh	***	***	***	***
Trend	Indexed	100	99	129	140
Depreciation	₹/MT	***	***	***	***
Trend	Indexed	100	101	105	112
Cash Profit	₹/MT	***	***	***	***
Trend	Indexed	100	103	50	3
Interest	₹ Lakh	***	***	***	***
Trend	Indexed	100	74	255	364
Interest	₹/MT	***	***	***	***
Trend	Indexed	100	75	208	291
Capital Employed	₹ Lakh	***	***	***	***
Trend	Indexed	100	95	176	177
ROCE	%	***	***	***	***
Trend	Indexed	100	105	25	(19)

86. It is noted from the above that the cost of sales increased significantly from ₹***/MT in the base year (2021–22) to ₹***/MT in the POI, while the selling price declined from ₹29,309/MT to ₹27,411/MT over the same period. This adverse price-cost movement led to a reversal from profitability to losses during the POI.

87. Furthermore, cash profits consistently declined throughout the injury investigation period, indicating deteriorating financial health. The return on capital employed (ROCE) also mirrored this downward trend, reinforcing that the domestic industry's financial performance was severely impacted by the continued presence of dumped imports, thereby justifying the need for continued protection through anti-dumping duties.

vii. **Growth:**

88. There was negative growth of the domestic industry in terms of selling price, profitability, cash profit and ROCE in the POI. The same is reflected in the Table below:

Table - 12

Particular	UoM	2021-22	2022-23	2023-24	POI
Demand	%	-	11	15	0
Market Share ~ domestic industry (DI)	%	-	-9	0	2

Average Inventory of DI	%	-	23	66	38
Profit/Loss (₹/MT)	%	-	4	-73	-252
Cash Profit (₹/MT)	%	-	3	-51	-94
ROCE	%	-	1	-16	-9

89. The above indicators demonstrate that the domestic industry suffered significant adverse growth in key volume and financial parameters during the POI.

viii. **Magnitude of Dumping:**

90. 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 against Malaysia is above *de minimis* and significant.

ix. **Ability to raise Capital Investment:**

91. The Authority notes that the domestic industry is suffering financial losses in the period of investigation. With the competition being faced by the domestic industry because of the dumped imports, it has been claimed that the future investment in the sector is impacted by the presence of the dumped imports from Malaysia. The significant decline in profitability and return on investment indicates that the ability of the domestic industry to raise capital investments for the sector would be adversely affected due to dumped imports from Malaysia.

x. **Factors affecting domestic prices:**

92. The data above indicates that there is a healthy growth in demand. The dumped imports from the subject country, though low in volume, are still entering the Indian market. It is further noted that since anti-dumping duties are applicable for the imports from Malaysia, the quantities of imports are low and the fact that due to various thickness issue, the import prices cannot be considered to be reflective of likely prices. However, the export prices from Malaysia gives the fair idea of the likely prices in the event duties are not extended for Malaysia. Thus, it can be concluded that the principal factor affecting the domestic prices is the dumped imports of subject goods from Malaysia and the countries from where anti-dumping duties are applicable.

v. **Analysis of Material Injury**

93. An examination of the various parameters of injury along with the volume and price effects of imports reveals that imports of subject goods from the subject country during the POI remained significant despite to the existence of the anti-dumping duties. Moreover, as stated above, it is seen that there is an adverse price effect from the table showing price undercutting and price suppression and depression. It is also noted that capacity utilisation has declined whereas, the inventory levels has increased in the POI as compared to the previous years despite increase in demand. Further, it is also noted that profitability, cash profit and ROCE of the domestic industry has been adversely affected on account of dumped imports of subject goods from the subject country.

vi. **Magnitude of Injury and Injury Margin**

94. The Authority has determined NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure-III to the Rules, as amended from time to time. The NIP of the domestic like product has been determined by adopting the verified information/data relating to the cost to make and sell for the POI. The NIP of the domestic industry has been worked out in accordance with Annexure III to the Rules. For determining

NIP, the best utilisation of the raw materials by the domestic industry over the injury period has been considered. The same treatment has been done with the utilities. The best utilisation of production capacities over the injury period has been considered. The production in POI has been calculated considering the best capacity utilisation and the same production has been considered for arriving per unit fixed costs. It is ensured that no extraordinary or non-recurring expenses were charged to the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (*i.e. Average Net Fixed Assets plus Average Working Capital*) for the PUC was allowed for recovery of interest, corporate tax and profit to arrive at the NIP as prescribed in Annexure-III. The NIP so determined has been compared with the landed prices of imports from the subject country to determine the injury margin.

Injury Margin

Table - 13

Name of the Producer/ Exporter	NIP	Landed value	Injury Margin		
	US\$/MT	US\$/MT	US\$/MT	%	Range
M/s Kibing Group (M) Sdn. Bhd.	***	***	***	***	20-30
M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd.	***	***	***	***	40-50
Others	***	***	***	***	60-70

vii. Non-Attribution Analysis

95. 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. Factors which may be relevant in this respect include, *inter alia*, the volume and prices of imports not sold at dumped prices, contraction in 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 to the domestic industry.

(i) Volume and price of imports from third countries

96. The imports from the countries other than Malaysia are not significant in volume terms so as to cause or threaten to cause injury to the domestic industry. Imports from other countries accounted for less than 3% in total imports. Thus, it cannot be said that imports from other countries are currently causing injury.

(ii) Export Performance

97. It is noted that the injury information examined by the Authority is for domestic operations and therefore possible changes in exports volume have not caused injury to the domestic industry.

(iii) Development of Technology

98. 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 industry.

(iv) Performance of other products of the company

99. The Authority notes that the performance of other products being produced and sold by the domestic industry does not appear to be a possible cause of injury to the domestic industry.

(v) Trade Restrictive Practices and Competition between the foreign and domestic producers

100. The import of the subject goods is not restricted in any manner and the same are freely importable in the country. No evidence has been submitted by any interested party to suggest that the conditions of competition between the foreign and the domestic producers have undergone any change.

(vi) Productivity of the domestic industry

101. It is noted that the productivity of the domestic industry in terms of production per employee as well as production per day has increased over the period.

(vii) Contraction in Demand and Changes in pattern of consumption

102. It is noted that the demand of the subject goods has increased consistently over the entire injury period. Thus, it can be concluded that the injury to the Domestic industry was not due to contraction in demand.

H. ASSESSMENT OF LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING AND INJURY

H.1. Submissions made by the Other Interested Parties

103. The producer/exporters have made the following submissions with regard to the likelihood of continuation/recurrence of dumping and injury.

- a. Both the participating exporters have strongly contested the domestic industry's claim that dumping and injury are likely to continue or recur if duties are removed.
- b. Exporters have specifically challenged the domestic industry's assertion of massive surplus capacity in Malaysia, clarifying that their actual installed capacity is incorrectly stated, which is far from reality and data submitted on record. They emphasised that the capacity figures presented by the domestic industry are grossly exaggerated and unsupported by credible evidence.
- c. Participating exporter also argued that the mere presence of capacity in Malaysia or growing demand in India cannot justify a presumption of future dumping. It highlighted that it has been operating at near-optimal capacity utilisation with no significant idle capacity available to divert exports to India. They have further submitted that the Indian market continues to attract imports because of demand growth, but this by itself does not indicate injurious dumping.
- d. Both the exporters emphasised that the performance of the domestic industry during the injury investigation period has been robust, further weakening the claim of likely injury. They also submitted that the allegation of price manipulation is baseless as they are selling the subject goods above the reference price mechanism set by the Authority.

- e. The have also asserted that there is no legal or factual basis to justify continuation of anti-dumping duties, and any such decision must be based on current and verifiable evidence rather than speculative assumptions.

H.2. Submissions made by the domestic industry

104. The following submissions have been made by domestic industry with regard to likelihood of continuation or recurrence of dumping and injury:

- i. There is a clear likelihood of the continued dumping being further intensified by exporters from Malaysia leading to a situation of further intensified injury to the domestic industry, if the existing duty is withdrawn.
- ii. Domestic industry has submitted that the producers in Malaysia have huge surplus capacities. Such surplus capacities have been created on account of installment of capacities by the producers in Malaysia much in excess of demand or market requirement.
- iii. India continues to be a highly preferred export destination for Malaysian producers, owing to its steadily increasing demand and strong capacity to absorb the subject goods.
- iv. In light of trade remedial measures imposed by several countries on imports from Malaysia, removal of the existing duties at this juncture would likely divert increased volumes to India, thereby exacerbating injury. Accordingly, continuation of the current anti-dumping duty is imperative for safeguarding the domestic industry.
- v. Exporters from Malaysia continue to price the subject goods marginally above the reference price, despite rising costs of sales and freight. This conduct reflects their pricing intent and signals the likely price suppression should the existing price band be withdrawn. Given that the domestic industry is already incurring injury at prevailing prices, any further price depression would significantly aggravate current injury.
- vi. The prevailing injury to the domestic industry, caused by dumped and non-remunerative imports from Malaysia, clearly establishes the likelihood of continued injury in the absence of duty extension. In view thereof, the domestic industry respectfully requests the Authority to continue the imposition of anti-dumping duties and further seeks enhancement of the applicable margins.
- vii. It has further been submitted that Malaysia has huge capacity which is multifold the Indian demand. It is also important to note that despite capacities more than local demand, Malaysian exporters are constantly increasing their capacities. This clearly shows their export orientation.
- viii. The domestic industry has submitted that the demand of the subject goods in India has increased throughout the injury investigation period.
- ix. India is an attractive market for the Malaysian producers/exporters, as the ITC Trade Map shows India hold first position as the preferred destination for the exporters from Malaysia.
- x. Indian market for the subject goods continues to have a healthy demand for the product which is in line with the general economic growth. However, the price scenario of the past indicates that it would continue to remain a low-price market and attractive for the global players with surplus capacity to export at marginal cost pricing. However, if the

duties are removed the Indian market will become much more attractive and clearly, injury will further aggravate.

H.3. Examination by the Authority

105. All factors brought to the notice of the Authority have been examined to determine as to whether there is a likelihood of continuation or recurrence of dumping and injury in the event of cessation of the duty. The Authority has considered various information, as made available by the domestic industry and other interested parties in order to evaluate the likelihood of continuation or recurrence of dumping and injury.

106. The present investigation is a sunset review of anti-dumping duties earlier imposed on the imports of subject goods from Malaysia. Under the Rules, the Authority is required to determine whether continued imposition of anti-dumping duty is warranted. This also requires a consideration of whether the duty imposed is serving the intended purpose of eliminating injurious dumping. There are no specific methodologies available to conduct such a likelihood analysis. However, Clause (vii) of Annexure II of the Rules provides, *inter alia*, factors which may be taken into consideration *viz.*,

- A significant rate of increase of dumped imports into India indicating the likelihood of substantially increased importation;
- Sufficient freely disposable, or an imminent, substantial increase in, capacity of the exporter indicating the likelihood of substantially increased dumped exports to Indian markets, taking into account the availability of other export markets to absorb any additional exports;
- Whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports; and
- Inventories of the article being investigated.

107. Further, the Authority has also examined other relevant factors having a bearing on the likelihood of continuation or recurrence of dumping and consequent injury to the domestic industry. The examination of the parameters of likelihood is as follows:

(i) Surplus Capacity with the exporters

108. The domestic industry has provided information of the huge surplus capacities existing with the producers of the subject goods in Malaysia. The Authority has corroborated the submissions of the domestic industry with the data filed by the exporters and other submissions on this issue. From the data on record, it is noted that:

Table - 14

Particular	UoM	Exporter
Capacity*		
M/s Kibing Group (M) Sdn. Bhd.	MT	***
M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd.	MT	***
Total Capacity in Malaysia		
Production*		
M/s Kibing Group (M) Sdn. Bhd.	MT	***
M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd.	MT	***
Total Production		
Inventory*		
M/s Kibing Group (M) Sdn. Bhd.	MT	***
M/s Xinyi Energy Smart (Malaysia) Sdn. Bhd.	MT	***
Total Inventory*		

Particular	UoM	Exporter
Total Surplus Capacity*	MT	***
Total Surplus Capacity including inventory	MT	***

* - Data based on data submitted by exporters

109. From the above, it is noted that the exporters in Malaysia have substantial disposable quantity which can be diverted to India given the price attractiveness.

(ii) Attractiveness of Indian market

110. Indian market for the subject goods continues to have a healthy demand for the product which is in line with the general economic growth. It is noted that despite the anti-dumping duty in force, the significant import of the subject goods from Malaysia continues to be at dumped prices and significant in the Indian market. Indian demand for the subject goods has notably increased and there is prospective growth in the demand. These factors make India a suitable and attractive market for the foreign producers.

(iii) ADD duties levied by other countries on Malaysia

111. It has also been brought to the notice of the Authority that duties have been imposed by Brazil, Taiwan, Vietnam, South Africa, United States of America and Mexico. The above record is a clear and conclusive demonstration of the systemic dumping practices engaged in by Malaysian exporters, including those exporting Clear Float Glass and similar commodities. These actions by multiple WTO Members reflect a pattern of injurious trade behavior, corroborating the position of the Indian domestic industry that there exists a likelihood of continuation or recurrence of dumping and consequent injury if duties are discontinued in the present case. The domestic industry has also added that in all the regimes, Malaysian exporters have huge duties.

Table - 15

Country	Action Taken	Duty Range
Brazil	Anti-dumping investigation concluded in 2024	Dumping margins of 22%–63%
Taiwan	Final anti-dumping duties imposed for 2023–2028	20.9%–129.3%
South Africa	Provisional anti-dumping duties imposed (2021–22)	25.31%
United States	Simultaneous anti-dumping and countervailing duty investigations (2024)	Dumping margins of ~344%
Mexico	Anti-dumping investigation concluded; duties recommended	More than 14%
Vietnam	Producers of Vietnam had filed application	

112. On the basis of information placed on record, it is noted that in the event of cessation of ADDs, the Indian market will become much more attractive for the exporters.

(iv) Likely Quantities below the Non-injurious Price of the domestic industry

113. It is noted from the responses of the cooperative exporters that Malaysian exporters have exported 8,38,503 MT of the subject goods to countries other than India. Out of this quantity, 7,98,173 MT is priced below the NIP computed by the Authority. The details are provided in the Table below:

Table - 16

Particulars	UoM	Xinyi	Kibing	Total
Quantity exported to third countries	MT	***	***	***
Quantity exported below NIP	MT	***	***	***

% of quantity below NIP (injurious quantity)	%	***	***	***
Index	%	90-100	90-100	90-100

(v) Likely Quantities below the Domestic Sales price of the domestic industry

114. It is noted from the responses of the cooperative exporters that Malaysian exporters have exported 8,38,503 MT of the subject goods to countries other than India. Out of this quantity, 7,98,173 MT is priced below the domestic sales prices of the domestic industry. The details are provided in the Table below:

Table - 17

Particulars	UoM	Xinyi	Kibing	Total
Quantity exported to third countries	MT	***	***	***
Quantity exported below Net Sales Realisation (NSR)	MT	***	***	***
% of quantity below Net Sales Realisation	%	***	***	***
Index	%	90-100	90-100	90-100

(vi) Analysis on Likelihood

115. The above analysis of various likelihood aspects of dumping and injury indicates that Malaysia continues to have a dominant position in the float glass manufacturing in the global market with huge capacities. With anti-dumping duty on the subject goods imposed several other countries in the recent past, Malaysia would have a distinct advantage to increase the quantum of dumped goods in India of higher volumes if duties are revoked.

I. POST DISCLOSURE STATEMENT COMMENTS

116. The post disclosure submissions have been received from the interested parties, and it is noted that the most of the issues raised are reiterations and have already been raised earlier and also addressed appropriately. Additional submissions have been analyzed as under:

I.1 Submission by the domestic industry

117. The Domestic Industry submits that the response of Xinyi Energy Smart (Malaysia) Sdn. Bhd. should be rejected outright for their failure to provide full and truthful information to the Authority as a part of their questionnaire response. Attention was drawn to para 47 of the disclosure statement.

118. It is submitted that the observations of the Authority in the verification report clearly negate the submissions made by the exporter in their questionnaire response. While the Authority discovered during the verification visit that Xinyi Hong Kong assists Xinyi Malaysia in selling float glass products in India, the position explained in the questionnaire response seems to be quite contrary. It is understood from response to question 6 of Section E of Xinyi's questionnaire response, as was also affirmed during the oral hearing, that Xinyi Malaysia has claimed that the sales to India are direct without the involvement of any intermediary. Further, the position is corroborated by the fact that no questionnaire response has been filed by Xinyi Glass Hong Kong, as prescribed by the Authority.

119. That the exporter deliberately attempted to mislead the Authority is apparent from the response provided by them to Question 7 of Section A of the exporter's questionnaire. The Domestic Industry submits that Question 7 seeks information with regard to the financial / contractual links with any other entity with regard to various aspects of business such as research and development, production, sales, licensing, technical and patent agreements. In

response to this specific query, the exporter has stated that they do not have any financial or contractual links, or joint ventures on matters mentioned in the question, which is a complete misrepresentation of the factual position as confirmed in the disclosure statement.

120. The Domestic Industry relies upon paragraph 47 of the disclosure statement to assert that another related entity, Xinyi Hong Kong, has been actively facilitating the sales operations of Xinyi through its employee, Mr. Rajesh Singh. It is an admitted and undisputed fact that Mr. Rajesh Singh is a paid employee of Xinyi Hong Kong and is stationed in India. This clearly establishes that Xinyi Hong Kong is directly and substantively involved in the sales activities of the group in India, as Mr. Singh, being an employee, acts entirely on behalf of and under the authority of Xinyi Hong Kong, and has no independent standing of his own. Therefore, it becomes abundantly clear that Xinyi Energy has deliberately concealed the crucial fact that a related company is playing an active and material role in its sales. While the invoicing may not have been formally routed through Xinyi Hong Kong, the Domestic Industry emphatically submits that the mere routing of financial documents is immaterial for an accurate determination of the dumping margin, particularly when the intermediary is a related entity. It is therefore, imperative that Xinyi Hong Kong submitted a full exporter questionnaire response to the Authority as per the prescribed guidelines and requirement of law. The deliberate omission of this information by the exporter is, therefore, a serious breach of disclosure requirements, warranting rejection of the exporter's response in its entirety
121. It is pertinent to emphasize that the involvement of Xinyi Hong Kong in facilitating sales transactions to India came to light solely due to the diligence and efforts of the verification team. This revelation establishes the fact that the exporter's misconduct would have remained concealed had it not been for the on-site verification conducted by the DGTR. It is also worth recalling that in the original investigation, the exporter had similarly suppressed material facts from both the DGTR and the Hon'ble Appellate Tribunal, demonstrating a consistent pattern of non-transparency and evasion. In light of these facts, there exists no justification whatsoever for granting any concession or leniency to the exporter.
122. As regards the response filed by the Kibing Group, kind attention of the Authority is invited to paragraph 41 of the disclosure statement wherein it has clearly recorded that the exporter has sold the subject goods to its related entity in the domestic market during the Period of Investigation. Despite the existence of such related-party transactions, the Kibing Group failed to file a corresponding response for its related entity, as mandated under the Rules and established DGTR practice. This omission is not a minor procedural lapse, but a serious concealment that directly affects the determination of normal value, export price, and consequently, the dumping margin.
123. The Domestic Industry points out that the participating exporters, including the Kibing Group, have deliberately withheld the responses of their related entities, thereby obstructing the Authority's ability to conduct a proper verification and determine the true extent of dumping. It must be appreciated that, in the absence of such related party information, the Authority is in no position to validate or verify the essential facts relating to pricing, transfer arrangements, etc. which form an integral part of the exporter's cost and pricing structure.
124. The Domestic Industry submits that the response of Kibing Group cannot be considered as full and complete in the absence of requisite questionnaire response from their related entities to whom the subject goods have been sold in the domestic market. Even if it assumed that these related parties have used these goods for captive consumption, a questionnaire response ought to have been filed by such related parties for the Authority to ascertain the facts and come to its own conclusions as the so-called cooperating exporter is legally not in a position either to make any declarations or submissions on behalf of its related company's

operations. In such circumstances, any information provided or statements made by the Kibing Group on behalf of another legal entity have no evidentiary value and cannot be relied upon.

125. Without prejudice to the above, it is submitted that the Authority must appreciate the fact that anti-dumping investigations are solely dependent upon the disclosures made by the responding parties in the form of exporter questionnaire response and / or subsequent information / clarifications. Unlike, other investigating agencies, the Designated Authority does not have any legal Authority to compel the interested parties to provide the information considered necessary to arrive at the correct the decisions. Thus, it is absolutely necessary that the disclosure of information by the interested parties is comprehensive. Keeping in mind the contours of investigation procedures prescribed under Anti-Dumping Agreement and Indian laws, investigating Authority around the world takes a very serious view if it comes to their notice that any interested party has failed to disclose the relevant information in full earnest.
126. Such rejection would be consistent with the established practices of other leading investigating authorities also such as the U.S. Department of Commerce (USDOC) and the European Commission (EC), which routinely disregard responses where a related company fails to cooperate or submit mandatory data. It is also in line with the precedents set by the DGTR in several earlier cases, where non-submission of related-party information has led to the rejection of the exporter's response and application of residual or facts-available duties.
127. It is further submitted that the DGTR, in several past cases has consistently rejected exporter responses found to be incomplete, inaccurate, or inconsistent with verified facts irrespective of the stage of the investigation. The Domestic Industry, therefore, reiterates its request to reject the so-called cooperating exporters and continue the duty at the reference price as may be determined by the Authority.

I.2 Submissions by producers/exporters/importers and other interested parties

128. Xinyi Energy group acknowledges support of Xinyi Glass (Hong Kong) to Xinyi Energy Smart in India through Mr. Rajesh Singh and the fact that since the matter is sub judice before the Delhi High Court, no adjustment was made. They also requested to retain this position and make no adjustment to export price or dumping margin.
129. Xinyi Energy requested the Authority that should consider the verified cost and not increased cost considered in the disclosure statement post verification. They have also requested to consider entire domestic sales made in the ordinary course of trade.
130. Xinyi Energy submitted that there appears to be a variation between its verified dumping margin and the margin reflected in the Disclosure Statement and requests clarification for such difference in the interest of transparency and natural justice. It further submitted that continuation of duties on clear float glass from Malaysia may increase input costs for key downstream sectors and affect public interest objectives. Alternatively, if duties are continued, Xinyi requests that they be imposed in fixed form and that the exporter's name be correctly recorded as "Xinyi Energy Smart (Malaysia) SDN BHD" in the final findings.
131. Kibing Group has alleged that the issuance of the verification report and disclosure in close succession limited its opportunity to comment on the cost of production used for normal value determination.

I.3 Examination by Authority

132. The Authority notes that most of the submissions by parties are repetitive in nature and have been examined and addressed appropriately in the present findings. The Authority has, however, examined the submissions herein below to the extent relevant and not addressed elsewhere.

133. The Authority has carefully examined the responses filed by the exporter as well as the comments made by the Domestic Industry with regard to individual dumping margins, the Authority examines the information relating to the concerned exporter which includes the corporate structure, sales channel, detailed costing, prices in various markets, sales & distribution channels in the domestic market as well as sales to India. Such information is necessary to determine the individual dumping margin as well as injury margin and the Authority has prescribed various formats in order to obtain the requisite information. The Authority, whenever considered necessary, also undertakes physical verification of the information provided by the responding parties by way of on-site verification visit. It is important to note that the entire investigation process and the consequent decision of the Authority is based on the information it collects by way of questionnaire responses and follow-up queries etc. Unlike other investigating agencies, this is the only mechanism available to the Authority to obtain information from the interested parties. It also needs to be mentioned that the option to provide the information is also voluntary on the part of the interested parties. Considering the legal provisions and the investigation mechanism provided, it is of utmost importance that the interested parties who seek individual treatment in terms of Rule 10 of the Anti-dumping Rules, provide complete and truthful information to the Authority. Any lapse in the process, which can have a material bearing on the outcome of the case, cannot be accepted.

134. In the facts of this case, it is noted that Xinyi Energy has filed the questionnaire response claiming individual treatment. As pointed out by the Domestic Industry, Xinyi Energy has not disclosed certain aspects of their operations which have a direct bearing on the investigation process. It is observed that Xinyi Energy has failed to disclose that their related party namely, Xinyi Glass Hong Kong is also involved in the sales process. It was only during the verification visit, it was revealed, in response to a question asked, that one Mr. Rajesh Singh, who admittedly is an employee of Xinyi Glass Hong Kong, was assisting Xinyi Energy in the Indian sales process. Thus, it is clear that the related company namely Xinyi Glass Hong Kong was actively involved in the sales of the Product under Consideration. Under the circumstances, the Authority agrees with the contention of the Domestic Industry that even Xinyi Glass Hong Kong ought to have filed a proper questionnaire response so that the Authority would have been in a position to determine the individual dumping margin. In the absence of a questionnaire response from the intermediary, it is not possible to arrive at the correct export price and the consequent dumping margin.

135. It is also noted that the information provided by Xinyi Energy in response to Questions 3 of Section B and Questions 1 of Section E, is misleading in as much as the information relating to Xinyi Glass Hong Kong has been withheld. Thus, there was no occasion for the Authority to point out the lapse during the proceedings. Also, the questionnaire response does not indicate the expenses paid by Xinyi Energy to the Indian employee of their related company namely, Xinyi Glass Hong Kong, which is also indicative of the fact that the response of Xinyi Energy cannot be considered as complete or truthful. Post verification, the exporter *vide* its email dated 17-10-2025, has contradicted the acceptance of involvement of Xinyi Glass Hong Kong through its employee Mr. Rajesh Singh by stating that *Mr. Rajesh Singh is not involved in any export activities of Xinyi Energy Smart (Malaysia) and all export sales to India are made directly by Xinyi Energy Smart*. However, in their post disclosure submissions, Xinyi Energy has not disputed this fact and, on the contrary, acknowledges the observations made post onsite verification. Due to this constant change in their submissions, the Authority is of the view that their response cannot be accepted.

136. In view of the foregoing, it is evident that Xinyi Energy has not cooperated fully with the present investigation. Further, the producer also suppressed material information in the original investigation, based on which the Authority granted them individual duties. The suppression of material information in original as well as present investigation, failure to submit requisite documents, inconsistent disclosures, and non-compliance with specific instructions constitute non-cooperation under Rule 6(8) of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (Anti-Dumping Rules). Under the circumstances, the Authority determines that Xinyi Energy cannot be given an individual dumping or injury margin for want of full and truthful representation.
137. With regard to the submission of Xinyi Energy that the issue of adjustments, cannot be revisited as the matter is sub-judice before the Delhi High Court. The Authority notes that it is no longer remains a relevant issue in view of the above observations and findings.
138. With regard to the argument of the domestic industry that a related buyer of Kibing Group (M) Sdn. Bhd., Malaysia has not filed the Questionnaire Response and hence the response of Kibing Group (M) Sdn. Bhd., shall be rejected, it is noted that Kibing Group (M) Sdn. Bhd., has duly disclosed in their response that that their related entity namely CS Eco Glass (M) Sdn. Bhd. is a producer of downstream products using the PUC, and the PUC purchased from Kibing has not been sold further.
139. In relation to Kibing group contention that the Authority has erroneously inflated cost of production for them, without providing any justification, in this regard it is noted that exporter had provided comments on the verification report issued. However, the exporter instead of providing comments to verification report, had provided entirely new submissions in the comments to verification report which are contrary to the exporter questionnaire response filed and submissions made at the time of onsite verification. During the course of investigation and on onsite verification, exporter was provided ample opportunity to provide justification for variation in cost of production and cost of sales claimed and to explain details of inventory adjustment from system. However, exporter could not provide any justification for the same. It was noted that inventory adjustment as per system (extracted from SAP system at onsite verification) and as claimed were substantially differed, for which no justification could be provided during verification. In spite of having sufficient opportunity, exporter has failed to disclose all the facts to the Authority at appropriate stage. It needs to be appreciated that post verification of the data, no new changes in the data can be accepted, as same can neither be further verified nor additional comments can be sought at such belated stage. In view thereof, the authority has considered data information that is substantiated by them and verified by the Authority for the purpose of these findings, and therefore, no prejudice can be caused to any interested party including Kibing Group. Accordingly, the Authority therefore finds no merit in the request to revise the verified cost or dumping margin and maintains that the figures adopted in the disclosure statement are fair, reasonable, and fully consistent with the verified data.

J. CONCLUSION

140. Having regard to the contentions raised, information provided and submissions made by the interested parties and facts available before the Authority, as recorded in the above findings, and on the basis of above analysis of the likelihood of continuation or recurrence of dumping and injury to the domestic industry, the Authority concludes as follows:
 - a) The product under consideration is "Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)", with tolerances prescribed as per BIS

14900:2000 (as amended)" originating in or exported from Malaysia and the same is like article to the product imported from Malaysia.

- b) Based on the verified information on record, the normal value, export price and the dumping margin for the subject goods have been determined and same is found to be positive and above *de-minimis* level.
- c) After analysing volume and price effect of dumped imports from subject country, and its impact on the domestic industry, it is noted that the domestic industry has suffered material injury during the present period of investigation. The price undercutting based on available verified data on record is positive.
- d) There is a likelihood of recurrence of dumping and injury in the event of cessation of anti-dumping duty, as established by the following factors;
 - i. The dumping of the subject goods has continued despite the anti-dumping duties in force.
 - ii. The volume of imports has also remained significant and in fact has increased, in absolute and relative to consumption.
 - iii. The market share of the subject imports has increased and that of the domestic industry declined.
 - iv. There exist significant surplus capacities for the subject goods in Malaysia. It is further submitted that significant portion of the exports to other countries is below the NIP and NSR of the domestic industry, indicates the likelihood of increase in imports in case duties are not continued.
 - v. The responding producers/exporters in the subject country are holding significant inventories.
 - vi. The producers in the subject country are not only dumping in India, but are also exporting the subject goods to third countries at prices that are dumped and injurious, compared to the normal value and non-injurious price based on the information submitted by the responding exporters.
 - vii. India is a price attractive lucrative market for the producers from Malaysia.
 - viii. Exports of subject goods is subject to several trade remedial actions by various countries. The excess capacities as noted coupled with trade barriers in other countries are likely to increase exports at dumped prices in the event of expiry of present duties.
- e) In view of the foregoing, it can be concluded that in the event of expiry of the existing anti-dumping duty, there is every likelihood that the imports of the subject goods from Malaysia would increase at dumped and injurious prices.
- f) The investigation had not brought to light any considerations demonstrating that continuation of anti-dumping duty would not be in the public interest. As noted, India has the capacity to meet the entire demand for the product in India and the existing anti-dumping duties alone is being recommended to be continued on imports of the subject goods from Malaysia.

141. The Authority found that the Xinyi Energy has not provided information in the form and manner prescribed, failed to adhere to directions given by the Authority, and have not acted

to the best of their ability. The Authority notes that interested parties are required to provide complete information in a timely manner, and truthfully disclose all relevant information and documents. It is global practice that the investigating authorities prescribe time limits and strictly adhere to the same. Further, investigating authorities globally accept questionnaire responses and determine individual dumping margin only when the exporters have acted to the best of their abilities, and truthfully and completely disclosed relevant information. It is also noted that the investigating authorities globally view material withholding of information seriously. In the instant case, significant information was either withheld or not disclosed truthfully and therefore, Xinyi Energy response is rejected.

142. In view of the above the Authority concludes that there is a clear likelihood of continuation or recurrence of dumping and consequent injury in the event of cessation of the existing anti-dumping duties, and therefore, the Authority recommends continuation and modification of anti-dumping duties on imports of subject goods from Malaysia for a further period of five (5) years.

K. RECOMMENDATIONS

143. The Authority notes that the investigation was initiated and notified to all the interested parties and adequate opportunity was given to the domestic industry, the exporters, the importers, the users and the other interested parties to provide information on the aspects of dumping, injury and the causal link and also on likelihood of dumping and injury to the domestic industry.
144. Having concluded that there is positive evidence of likelihood of dumping and injury if the existing antidumping duties are allowed to cease, the Authority is of the view that the anti-dumping duty in force on the imports of the product under consideration from the subject country is required to be continued further. Considering the facts and circumstances of the case, as established hereinabove, the Designated Authority considers it appropriate to recommend continuation and enhancement of the anti-dumping duties on the imports of the subject goods from the subject country. Accordingly, the anti-dumping duty from Malaysia are recommended as per duty table below.
145. Having determined that there is likelihood of dumping and injury in the present matter if the anti-dumping duty is withdrawn. In this context, it is appropriate to continue benchmark/reference form of anti-dumping duties on import of subject goods from Malaysia keeping in view the factual matrix of the present investigation. The Authority also notes that responses of Xinyi Energy is rejected and they are now subject to residual duty. In relation to Kibing Group, the Authority deems it appropriate to recommend revised duty based on their verified information, considering the facts and circumstances of the present investigation.
146. Thus, in terms of the provision contained in Rule 17(1)(b) read with Rule 23 (1B) and Rule 23 (3) of the Anti-dumping Rules, the Authority recommends imposition of the anti-dumping duty equal to the lesser of margin of dumping and the margin of injury, so as to remove the injury to the Domestic Industry. Taking into account factual matrix of the case, and having regard to information provided, and submissions made by interested parties, it is considered appropriate to recommend benchmark/reference form of anti-dumping duties. The Authority recommends imposition of definitive anti-dumping duties on import of subject goods originating in or exported from subject country, for five (5) years from the date of notification to be issued in this regard by the Central government as the difference between the landed value of subject goods and the reference price indicated in column 7 of the table below, provided the landed value is less than the value indicated in column 7.

Duty Table

Sl. No.	HS Code	Description of Goods	Country of Origin	Country of Export	Producer	Duty (\$/MT)
1	2	3	4	5	6	7
1.	7005	<i>Clear Float Glass*</i>	Malaysia	Malaysia	Kibing Group (M) Sdn. Bhd.	366
2.	-do-	-do-	Malaysia	Malaysia	Any other than S No 1 above	374
3	-do	-do	Malaysia	Any	Any	374
4	-do-	-do-	Any country not attracting antidumping duties	Malaysia	Any	374

* *Clear Float Glass of nominal thicknesses ranging from 4 mm to 12 mm (both inclusive)", with tolerances prescribed as per BIS 14900:2000 (as amended)*

147. Landed value of imports for the purpose of this Notification shall be the assessable value as determined by the customs under Customs Tariff Act, 1962 and applicable custom duties, except duties levied under Section 3, 8B, 9, 9A of the Customs Tariff Act, 1975, as amended from time to time.

L. FURTHER PROCEDURE

148. An appeal against the order of the Designated Authority arising out of this final finding shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975.



(Siddharth Mahajan)
Designated Authority