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**F. No. 6/01/2025-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
(Directorate General of Trade Remedies)
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi 110001**

Dated: 18th March, 2026

FINAL FINDINGS

(Case No. ADD (OI) -01/2025)

Subject: Anti-dumping investigation concerning imports of “Elastomeric Filament Yarns” originating in or exported from China PR and Vietnam – reg.

F. No. 6/01/2025 -DGTR: Having regard to the Customs Tariff Act 1975, as amended from time to time (hereinafter also referred to as the 'Act') and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules 1995, as amended from time to time (hereinafter also referred to as 'the Rules' or 'AD Rules') thereof;

1. M/s Indorama India Private Limited (hereinafter referred to as the “applicant” or “domestic industry”) has filed an application before the Designated Authority (hereinafter referred to as the “Authority”), in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred as the “ Act”) and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred as the Rules) for imposition of anti-dumping duty on imports of Elastomeric Filament Yarn (hereinafter referred as the “subject goods” or “product under consideration”), originating in or exported from China PR and Vietnam (hereinafter referred to as the “subject countries”).
2. And whereas, in view of the duly substantiated application filed by the applicant, the Authority issued *vide* Initiation Notification F. No. 6/01/2025-DGTR, dated 28th March 2025, published in the Gazette of India, initiating anti -dumping investigation into imports of the product under consideration from the subject countries, in accordance with Rule 5 of the Anti-Dumping Rules to determine the existence, degree and effect of any alleged dumping of the subject goods and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the alleged injury to the domestic industry.
3. The Applicant alleged that dumped imports of the subject goods from subject countries is causing injury and has requested the imposition of anti-dumping duty on the imports of the subject goods from the subject countries.

A. PROCEDURE

4. The procedure described herein below has been followed by the Authority with regard to the subject investigation:

4.1. Initiation

- i. The Authority, under the above Rules, received a written application from the applicant on behalf of the domestic industry, alleging dumping of Elastomeric Filament Yarn from the subject countries.
- ii. The Authority notified the embassies of the subject countries in India about the receipt of the anti-dumping application before proceeding to initiate the investigation in accordance with Sub-Rule (5) of Rule 5 supra.
- iii. In accordance with Rule 6 of the Rules, the Authority issued a Notification No.6/01/2025-DGTR dated 28th March, 2025, published in the Gazette of India Extraordinary, initiating the anti-dumping investigation concerning the imports of the product under consideration from the subject countries.
- iv. In accordance with Rule 6(2) of the Rules, the Authority sent a copy of the initiation notification to the embassy of the subject countries in India, the known producers, and exporters from the subject countries, known importers and users in India, and the other interested parties, as per the email addresses made available by the applicant.

4.2. Circulation of non-confidential version of the application

- i. In accordance with Rule 6(3) of the Rules, the Authority provided a copy of the non-confidential version (NCV) of the application to the known producers/ exporters and to the Embassy of the subject countries in India.

4.3. Participation by Exporters of Subject Country

- i. In accordance with Rule 6(4) of the Rules, the Authority sent exporter's questionnaire to the known producers/exporters in subject countries.
- ii. The Authority sent questionnaires to the government of the subject countries through their embassy in India. The Government of the subject countries was also requested to forward the Initiation Notification and the questionnaires to the producers/exporters of the subject goods and advise them to respond to the questionnaire within the prescribed time limit.
- iii. The Authority sent exporter's questionnaire to the following known producers/exporters in the subject countries in accordance with Rule 6(4) of the Rules:
 - a. Hyosung Corporation
 - b. Yantai Tayho Advanced Materials Co., Ltd.
 - c. Invista
 - d. Huaфон Chemical Co., Ltd.
 - e. Hangzhou Qingyun Advanced Materials Co., Ltd.
 - f. Hyosung Spandex (Jiaxing) Co., Ltd.
 - g. Taekwang Synthetic Fiber (Changshu) Co. Ltd.
 - h. Hyosung Vietnam Co.
- iv. The following producers/exporters from the subject countries have filed exporter's questionnaire response:

- a. Xinxiang Chemical Fibre Co., Ltd.
- b. Zhuji Qingrong New Materials Co., Ltd. (China PR)
- c. Hangzhou Qingyun Advanced Materials Co., Ltd. (China PR)
- d. Fibre 2 Fashion L.L.C-FZ
- e. Hyosung Dong Nai Co. Ltd. (Vietnam)
- f. HS Hyosung Vietnam Company Limited ('HS HSVN Co. Ltd.')(Vietnam)

4.4. Participation by Importers/Users

- i. 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 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. Auro Spinning Mills
 - b. Aarvee Denims and Exports Ltd.
 - c. Alok Industries Ltd
 - d. BST Textile Mills Pvt Ltd
 - e. Blaumann Industries Pvt Ltd.
 - f. Bombay Rayon Fashions Ltd.
 - g. Deepak Impex Pvt. Limited
 - h. Confederation of Indian Textile Industry (C I T I)
 - i. Indian Spinners Association (I S A)
 - j. Indian Woollen Mills Federation
 - k. Federation of Indian Art Silk Weaving Industry
- ii. The following importers or consumers of the product have filed the importer's questionnaire response in the prescribed format:
 - a. Reaghan Fashions Pvt Ltd India
 - b. Suryalakshmi Cotton Mills Limited
 - c. Vardhman Textiles Limited
 - d. Sitaram Spinners Private Limited
 - e. Hyosung India Pvt. Ltd.
- iii. Hyosung India, the other producer has filed its submissions during the course of the investigation and supported the investigation for imposition of duties against China PR. In addition to aforesaid, legal submissions have been filed on behalf of the following importers / users:
 - a. Denim Manufacturing Association
 - b. Sangam India Limited
 - c. RSWM Limited
 - d. LNJ Denim
 - e. Jindal Worldwide Limited
- iv. Exporters, foreigner producers and other interested parties who have not responded to the Authority, or not supplied complete information relevant to this investigation, are treated as non-cooperating interested parties.

4.5. Period of Investigation and Injury Period

- i. The period of investigation (POI) for the present investigation is 1st October 2023 to 30th September 2024 (12 months). The injury investigation period for the present investigation is April 2021 to March 2022, April 2022 to March 2023, April 2023 to June 2024 and the POI.

4.6. Further procedures

- i. Request was made to the Directorate General of Commercial Intelligence and Statistics (DGCI&S) and the DG-Systems, to provide the transaction-wise details of imports of subject goods for the injury period. The Authority received the data and has relied upon DGCI&S data for the necessary analysis after due examination of the transactions.
- ii. The Authority issued an Economic Interest Questionnaire (EIQ) to assess public interest and the impact of the duties on the wider economy. The EIQ was also shared with the concerned administrative Ministry/Department. The relevant submissions made thereunder, has been appropriately examined in the final findings.
- iii. A list of all interested parties that registered themselves within the prescribed timeline was uploaded on the DGTR website. All registered interested parties were directed to circulate the NCV of all their submissions in the present proceedings with all other interested parties along with the Authority.
- iv. Information provided by interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority proposes to accept 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.
- v. The submissions made by the interested parties during the course of this investigation, to the extent supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority, in this final finding.
- vi. Opportunity was provided to all the interested parties to file their comments on the scope of PUC and Product Control Number (“PCN”) methodology within 15 days’ time from the date of the circulation of the NCV of the application. The Authority granted additional time up to 23.04.2025 for filing the comments on PUC/PCN considering the extension request received from the interested parties. Comments were filed by the interested parties regarding the scope of the PUC and PCN methodology. After examining the comments/ submissions submitted by interested parties, the Authority has modified the text of the PCN methodology to avoid any ambiguity. Thereafter, the final scope of PUC and PCN methodology was notified vide letter dated 21.05.2025 and thereafter provided 30 days for filing the questionnaire response.
- vii. In accordance with Rule 6(6), the Authority provided an opportunity to the interested parties to present their views orally in a hearing held on 16th October 2025.

Subsequently, due to a change in Designated Authority, a second oral hearing was held on 26th December 2025. The parties presenting their views in the oral hearing were directed to make written submissions of the views expressed orally, followed by rejoinder submissions.

- viii. In accordance with Rule 6(8) of the Rules wherever an interested party has refused access to or has otherwise not provided necessary information during the present investigation, or has significantly impeded the investigation, the Authority has considered such parties as non-cooperative and recorded the final findings based on the facts available.
- ix. In accordance with Rule 7, information provided by the interested parties on confidential basis was examined by the Authority with regard to the sufficiency of the confidentiality claimed. 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 NCV of the information filed on confidential basis.
- x. In accordance with Rule 8, the Authority conducted verification of the data provided by the domestic industry to the extent considered necessary for the present proceedings. The Authority has considered the verified data of the interested parties in its analysis in the present case.
- xi. The Authority calculated the non-injurious price (NIP) for the product under consideration so as to ascertain whether duties lower than the dumping margin would be sufficient to remedy the injury being suffered by the domestic industry. The NIP has been calculated based on the optimum cost of production and cost to produce and sell the domestic like article in India, based on the information furnished by the domestic industry and having regard to the Generally Accepted Accounting Principles (GAAP). The NIP has been determined in accordance with the principles laid down in Annexure III to the Anti-Dumping Rules.
- xii. A disclosure statement containing the essential facts of the investigation which have formed the basis of the final findings was issued to the interested parties on 5th March, 2026 and the interested parties were allowed time up to 12th March, 2026 to file comment on the same. The comments to disclosure statement received from the interested parties have been considered, to the extent found relevant and nonrepetitive, in these final findings
- xiii. The Authority examined the issues raised, information provided, and submissions made by the domestic industry and the other interested party during the course of the investigation, to the extent they were supported by evidence and considered relevant to the present purposes, in making the final findings.
- xiv. In this final findings, “****” represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.
- xv. The exchange rate adopted by the Authority for the subject investigation is US\$ 1 = ₹ 84.28.

B. PRODUCT UNDER CONSIDERATION (PUC) AND LIKE ARTICLE

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

“3. The product under consideration in the present application is

“Elastomeric Filament Yarns of all deniers excluding the following:

- a. Coloured Elastomeric Yarns except Black,*
- b. Elastomeric yarns on Beam,*
- c. Subject goods having brand name as "LYCRA®" and*
- d. Elastomeric Filament Yarn meant for diapers”*

4. According to the Applicant, the subject goods having brand name as "LYCRA®" are excluded as the same is a specialized and fine quality product manufactured under process control conditions, which are patent protected. Even commercially, the price of Lycra is much higher as compared to the other brands of elastomeric filament yarns available in the market.

5. In market parlance, the product is also known by various names, such as Spandex or Elastane. These are described in technical terms as segmented polyurethane composed of "soft", or flexible, segments bonded together with "hard", or rigid segments. This gives the fibre its built-in, lasting elasticity. It is an elastomeric fibre used widely as the minor component in stretch garments to provide stretch with recovery.

6. Spandex yarn is mainly used to make such garments that require great comfort and fit. As such, they find applications in manufacturing of hosiery, swimsuits, aerobic or exercise wear, ski pants, golfjackets, disposable diaper, waist bands, bra straps and bra side panels etc. They are even great for making shaped garments like bra cups. Spandex fabrics are also used to make compression garments, such as surgical hose, support hose, bicycle pants, foundation garments etc. Elastomeric Yarns are often blended with other fabrics, such as cotton, nylon and polyester to give a garment an additional level of comfort. Elastic properties of knitwear, namely stretch and recovery have a noticeable impact on comfort, adding flexibility and freedom of movement. Only a very small percentage of elastomeric yarn is used in the finished product, depending on its intended use. To improve elastic properties of cotton knitted fabrics, usually elastomeric yarn is fed into the fabric.

7. The subject products are classified under Chapter Heading 54 “Man-made filaments; strips and the like of man-made textile materials”. The classification at the 8-digit level is 54041100 even though the same are being classified and imported under various sub-headings like 5402, 5403 and 5404 of the Customs Tariff Act, 1975. It is also submitted that the custom classification is indicative only and in no way is binding upon the product scope of the present investigation.

6. The interested parties were granted time up to 23.04.2025 to file their comments on the scope of the PUC and PCN methodology. Subsequently, the Authority has analyzed the issues raised and final PCNs were notified vide letter dated 21.05.2025. Pursuant to the notification of PCNs, submissions were filed by the interested parties, which are as follows:

B.1. Submissions made by producers/exporters/importers/other interested parties

7. The other interested parties have made following submission in relation to the product under consideration and like article:
- i. That the application filed by the domestic industry, there are certain PCNs with negative injury margins, implies that those PCNs are not causing any injury to them. Therefore, inclusion of PCNs with negative injury margins within the scope of the PUC would distort and inflate the overall injury assessment and would result in the imposition of duties on product types that are imported at prices above fair value and are not injurious.
 - ii. The Product Under Consideration (PUC) in the present investigation is Elastomeric Filament Yarn. Hyosung India is a domestic manufacturer of the PUC and produces goods that are like articles to the imported product within the meaning of Rule 2(d) of the Indian Anti-Dumping Rules.
 - iii. There is no dispute with respect to product comparability. The domestically manufactured product and the imported product are comparable in terms of technical characteristics, manufacturing process, functions, and end -use applications. Accordingly, Hyosung India qualifies as a producer of the like article.

B.2. Submissions made by the domestic industry

8. The submissions made by the domestic industry with regard to the product under consideration and like article and considered relevant by the Authority are as follows:
- i. That, the domestic industry is producing complete range of the product under consideration. The product under consideration in the present application is "Elastomeric Filament Yarn of all deniers". These filament yarns are also commonly referred to as Spandex or Elastane. The subject goods are described in terms of the deniers and are sold generally in the range of 10 to 1680 deniers. The domestic industry has the capability to produce the entire range of these deniers.
 - ii. Following products, are excluded from the scope of the product under consideration:
 - a. Coloured Elastomeric Yarn except Black;
 - b. Elastomeric yarns on Beam;
 - c. Subject goods having brand name as "LYCRA®"
 - d. Elastomeric Filament Yarn meant for diapers
 - iii. According to the domestic industry, the subject goods having brand name as "LYCRA®" are excluded as the same is a specialized and fine quality product, manufactured under process control conditions, which are patent protected. Even commercially, the price of Lycra is much higher as compared to the other brands of elastomeric filament yarns available in the market.
 - iv. In market parlance, the product is also known by various names, such as Spandex or Elastane. These are described in technical terms as segmented polyurethane composed of "soft", or flexible, segments bonded together with "hard", or rigid segments. This gives the fibre its built-in, lasting elasticity. It is an elastomeric fibre

used widely as the minor component in stretch garments to provide stretch with recovery.

- v. Spandex yarn is mainly used to make such garments that require great comfort and fit. As such, they find applications in manufacturing of hosiery, swimsuits, aerobic or exercise wear, ski pants, golf jackets, disposable diaper, waist bands, bra straps and bra side panels etc. They are even great for making shaped garments like bra cups. Spandex fabrics are also used to make compression garments, such as surgical hose, support hose, bicycle pants, foundation garments etc. Elastomeric Yarns are often blended with other fabrics, such as cotton, nylon and polyester to give a garment an additional level of comfort. Elastic properties of knitwear, namely stretch and recovery have a noticeable impact on comfort, adding flexibility and freedom of movement. Only a very small percentage of elastomeric yarn is used in the finished product, depending on its intended use. To improve elastic properties of cotton knitted fabrics, usually elastomeric yarn is fed into the fabric.
- vi. The subject products are classified under Chapter Heading 54 “Man-made filaments; strips and the like of man-made textile materials”. The classification at the 8-digit level is 54024400 and 54041100. It is also submitted that the customs classification is indicative only and in no way binding upon the product scope.
- vii. In relation to the issue of removal of PCNs having negative injury margins, domestic industry submitted that excluding PCNs with negative injury margins would defeat the very purpose of the PCN methodology, which is only a tool for ensuring fair price comparison by accounting for product differences under Article 2.4 of the Anti-Dumping Agreement and Annexure I of the Rules, and not a mechanism to alter or modify the scope of the PUC. Injury margins calculated at the PCN level do not and cannot redefine the PUC, since it is well-settled jurisprudence that duties are imposed at the PUC level as a whole. There is no legal provision requiring exclusion of PCNs with negative margins, on the contrary, the available jurisprudence on the subject, including the Appellate Body ruling in the bed linen dispute before the World Trade Organization, confirms that anti-dumping duties can only be levied on the product as a whole. The request for selective exclusion of PCNs is therefore legally untenable and, in substance, amounts to impermissible zeroing, and will lead to higher margins.

B.3. Examination by the Authority

9. Submissions made by the domestic industry and other interested parties with regard to product under consideration, to the extent considered relevant, were examined by the Authority and addressed accordingly.
10. The product under consideration in the present application is “Elastomeric Filament Yarn of all deniers”. These filament yarns are also commonly referred to as Spandex or Elastane. The subject goods are described in terms of the deniers and are sold generally in the range of 10 to 1680 deniers. The domestic industry has the capability to produce the entire range of these deniers. Following products are excluded from the scope of the product under consideration:
 - a) Colored Elastomeric Yarns;
 - b) Elastomeric yarns on Beam;
 - c) Subject goods having brand name as “Lycra®
 - d) Elastomeric Filament Yarn meant for diapers.

11. In market parlance, the product is also known by various names, such as Spandex or Elastane. These are described in technical terms as segmented polyurethane composed of “soft”, or flexible, segments bonded together with “hard”, or rigid segments. This gives the fibre its built-in, lasting elasticity. It is an elastomeric fibre used widely as the minor component in stretch garments to provide stretch with recovery.
12. Elastomeric Yarns are often blended with other fabrics, such as cotton, nylon and polyester to give a garment an additional level of comfort. Elastic properties of knitwear, namely stretch and recovery have a noticeable impact on comfort, adding flexibility and freedom of movement. Only a very small percentage of elastomeric yarn is used in the finished product depending on the use. To improve elastic properties of cotton knitted fabrics, usually elastomeric yarn is fed into the fabric.



13. The subject products are classified under Chapter Heading 54 “Man-made filaments; strips and the like of man-made textile materials” of the Customs Tariff Act. The classification at the 8-digit level is 54041100 even though the same are being classified and imported under various sub-headings like 5402, 5403 and 5404 of the Customs Tariff Act, 1975. The custom classification is indicative only and in no way, it is binding upon the product scope and the product description prevails in circumstances of conflict.
14. The Domestic Industry proposed PCNs in their petition. The Authority has provided time to all the interested parties to provide comments on the same, so that PCNs can be finalized for the present investigation. The Authority after examining the comments/submissions submitted by interested parties, issued the following PCNs on 21.5.2025. The Authority has used the same PCNs for the purpose of present investigation.

S. No.	Type	Value	PCN Code
1	Cone	C	C
2	Denier Range (Illustrations given)	Upto 15 Denier	C00000015
3		Above 15 and upto 25 Denier	C00150025
4		Above 25 and upto 35 Denier	C00250035
5		Above 35 and upto 45 Denier	C00350045
6		Above 45 and upto 55 Denier	C00450055
7		Above 55 and upto 65 Denier	C00550065

S. No.	Type	Value	PCN Code
8		Above 65 and upto 75 Denier	C00650075
9		Above 75 and upto 85 Denier etc.	C00750085

15. In relation to exclusion of those PCNs which are having negative injury margins, it is noted that the request for exclusion is neither supported by law or logic and therefore, cannot be accepted. It is further noted that the interested parties have also failed to provide any legal basis to substantiated their claim of exclusion of those PCNs which are having negative injury margin. In view thereof, the Authority does not find credence in request and confirms that no exclusion is required in the present investigation.
16. Further, in terms of Rule 2 (d) of the Rules relating the Authority on the basis of information on record, proposes to hold that there is no known difference in product under consideration exported from the subject countries and the product produced by the Indian domestic industry. Product under consideration produced by the Indian domestic industry is comparable to the imported subject product in terms of characteristics such as physical & chemical characteristics, functions & uses, product specifications, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. Thus, the Authority proposes to hold that product produced by the domestic industry is like article to the subject product under consideration imported from the subject countries in accordance with the Rules

C. SCOPE OF DOMESTIC INDUSTRY & STANDING

C.1.Submissions made by other interested parties

17. The other interested parties have made the following submissions in relation to the scope of domestic industry & standing.
- i. Hyosung India is a domestic producer of the PUC and has formally extended its support to the application filed by the domestic industry (DI), to the extent it concerns imports from China PR. A support letter to this effect was submitted to the Hon'ble Designated Authority (DA).
 - ii. Hyosung India has invested in India for production of subject goods since incorporation in 2018 and commencement of production in October 2019. Installed capacity increased by 82% during the POI compared to the base year, while production and domestic sales increased by 54% and 50% respectively. Accordingly, Hyosung India satisfies the requirements of a domestic producer under the Rules and supports the present investigation insofar as it pertains to imports from China PR.

C.2 Submissions made by the domestic industry

18. The submissions made by the domestic industry during the course of the investigation with regard to scope of domestic industry & standing are as follows:
- a. The application has been filed by M/s Indorama India Private Limited. The production by the applicant constitutes a major proportion of total Indian production. The Applicants account for 100% of the total eligible production. The only other Indian producer namely, Hyosung India Pvt. Ltd., has themselves imported the

subject goods and they are also related to exporters from the subject countries and therefore, they are not eligible domestic industry in terms of Rule 2(b).

- b. The applicant has neither imported the subject goods from subject countries nor they are related to any exporter from the subject countries or importer of the subject goods in India during the entire injury investigation period.

C.3. Examination by the Authority

19. Rule 2 (b) of the Rules defines domestic industry as under:

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

20. The application has been filed by M/s Indorama India Private Limited, who is the major producer of the product under consideration in India, there is only one more producer of the subject goods in India namely HYOSUNG India Private Limited (HIPL).
21. As per evidence available on record, the Authority notes that Applicant is neither related to importers in India nor any exporters from the subject countries. The Authority further notes that Applicant has not imported the subject goods during the period of investigation. It is seen from the information provided by the HIPL that the related exporters from subject countries have exported subject goods (entirety of the exports from Vietnam are by their related company). Therefore, the Authority has considered HIPL as a domestic producer, but not domestic industry within the meaning of Rule 2(b).
22. Considering the information on record, the Applicant accounts for a major proportion of the Indian production. Accordingly, the Authority holds that the Applicant constitutes domestic industry within the meaning of Rule 2(b) of the Rules. Further, the Authority considers that the application satisfied the criteria of standing in terms of Rule 5(3) of the Rule.

D. Confidentiality

D.1. Submissions of other interested parties

23. The other interested parties have made following submissions:
 - i. That the domestic industry has not provided the information strictly in terms of the applicable Trade Notice 10/2018 dated 7th September 2018 and Rule 7 of the Anti-Dumping Rules.
 - ii. It is further submitted that the principles of natural justice and transparency require that non-confidential versions of the application should contain sufficient detail to enable a reasonable understanding of the substance of the confidential information. However, in the present case, the non-confidential disclosures are vague and generalized, lacking essential numerical details, thereby constraining the ability of other interested parties to make effective comments or rebuttals.

D. 2 Submissions made by the domestic industry

24. Following submissions have been made by the domestic industry:
- i. Response filed by participating producers fail to comply with 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.
 - ii. Exporters have even not provided details of their producers or their legal form apart from other details which cannot be allowed to keep confidential. The non-confidential version of their responses have seriously restricted the ability of the domestic industry to assist the Authority or protect their legitimate interest.
 - iii. Respondents have failed to comply with the requirements of the Trade Notice 10/2018 dated 7th September 2018.
 - iv. All the economic parameters considered by Authority for the purpose of arriving at the determination of injury have been provided in compliance with trade notice 10/2018 dated 7th September, 2018. Interested parties should establish prejudice caused on non-disclosure of other parameters. Moreover, domestic industry has provided justification for information claimed confidential.
 - v. The importers have not provided details of information which are inadequate for the purpose of investigation and has made blatant statements.

D.3. Examination by the Authority

25. Submissions made by the domestic industry and other interested parties with regard to confidentiality, to the extent considered relevant, were examined by the Authority and addressed accordingly. The Authority notes that domestic industry and other interested parties have provided non-confidential version of all the information that is relevant for the purpose of present investigation.
26. The Authority notes that the information provided by all 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 confidential and not disclosed to other interested parties. All interested parties have claimed their business-related sensitive information as confidential.

E. MISCELLANEOUS SUBMISSION

E.1.Submissions of other interested parties

27. Following miscellaneous submissions have been made by other interested parties:
- i. That the Hyosung India, the supporter Industry has not provided the data pursuant to the Trade Notice No. 13 of 2018. It is further apprehended that since the supporting industry is doing well and therefore, they have not filed the data as per requirement.
 - ii. That the proposal of the domestic industry to exclude imports from South Korea from the scope of the subject countries is not supported by any verifiable evidence on

record. In the absence of such proof, exclusion of South Korean imports would distort the analysis of total import volumes and artificially inflate the share of subject country imports. It is further submitted that if South Korean imports are not excluded, imports from Vietnam may fall below the *de-minimis* threshold of three per cent prescribed under Rule 14(b) of the Anti-Dumping Rules.

- iii. That the domestic industry is a regular user of trade remedy measures. The domestic industry has benefitted from anti-dumping duties on POY, PSF, FDY and subject goods. The duties have been in-force since decades.
- iv. It is submitted by Hyosung Group that Hyosung Korea was awarded nil duty in the first investigation as well in its sunset review investigation. It is further submitted that even duties from Vietnam were nominal which were challenged by them. The said challenge became redundant upon withdrawal of duties. Hyosung group also highlighted their long-term commitment to India through establishment and expansion of domestic manufacturing operations since 2019. It is emphasized that Hyosung India has increased capacity, production and domestic sales during the injury period, reflecting sustained investment under the Make in India initiative, while imports from Vietnam have been limited, product-specific, and undertaken only as a transitional measure during ramp-up and temporary technical disruptions.
- v. Hyosung India has supported the Domestic Industry's claim of injury from China. However, they have advocated that imports from Vietnam are non-dumped and non-injurious therefore, no duties should be recommended from Vietnam. They have further submitted that they are also facing injury from imports from China, being dumped and injurious.

E.2. Submissions of domestic industry

28. Following miscellaneous submissions have been made by the domestic industry:
- i. Response of participating associations cannot be accepted as they have not filed the information as they have failed to fulfil their obligation to be considered as interested parties in terms of Rule 2(c). It was further stated that none of the participating associations have even bothered to submit complete lists of all their members so as to enable the Hon'ble Authority to ascertain their status as an interested party. Since they have not followed prescribed guidelines, domestic industry requested to reject their submissions.
 - ii. In relation to anti-dumping duties against PSF, POY and FDY is concerned, domestic industry has submitted that since their inception, they are manufacturing only Elastomeric Filament Yarn and that they have never produced PSF, POY and FDY. In any case, domestic industry has submitted that present proceedings are required to be examined independently on the basis of verified data and prevailing market conditions, and therefore reliance on past investigations has no bearing on the present investigation.
 - iii. In relation to the submissions that Hyosung India has not provided the supporters information in terms of the applicable Trade Notices, it is submitted that they have supported to the extent it concerns imports from China PR, therefore, they cannot be treated as supporter of complete investigation. Since they are ineligible in terms of Rule 2(b), their support or oppose has no impact on the maintainability of the investigation.

- iv. In relation to submission of Hyosung India about their operations in India, domestic industry has submitted that presence of Hyosung India is a positive impact of anti-dumping duties earlier imposed. In relation to their past duties, domestic industry has not made any comments as those are not subject of present investigation.
- v. In relation to incorrect exclusion of imports from South Korea, domestic industry has submitted that the imports from South Korea were correctly excluded from the scope of the present investigation as dumping margin from Hyosung Korea was negative and the only other producer in South Korea, apart from Hyosung, has ceased operations, thereby eliminating any possibility of injurious dumped imports from Korea. Domestic industry has further submitted that the attempt of the interested parties to attribute injury to imports from South Korea, or to suggest that their exclusion vitiates the present investigation, is factually incorrect, legally untenable, and contrary to the evidence on record.

E.3.Examination by the Authority

29. As regard the submission regarding history of antidumping duty, it is noted that the Authority has carried out this investigation strictly in accordance with the anti-dumping Rules. The Authority is of the view that the domestic industry has every right to seek protection under the law, if exporters from the subject countries are proved to be dumping the subject goods causing material injury to the industry. It is also important to note that no duties can be levied if specific exporters demonstrate that they had not dumped the subject goods during the period of investigation. It is also noted that the domestic industry is not producing PSF, POY and FDY, therefore, any measures applicable to those products have no bearing on the current investigation.
30. As regards the submissions of the domestic industry that the responses filed by certain user associations ought to be rejected for non-compliance with the prescribed procedural requirements, the Authority has taken note of the legal arguments advanced therein and has examined and addressed the same at the appropriate places in the present findings.
31. In relation to incorrect exclusion of South Korea from the scope of the subject countries, it is noted that the petition/application filed by the domestic industry did not contain any allegation of dumping of subject goods from Korea RP. Further, it is also noted from the submissions of the domestic industry that producers from Korea have stopped manufacturing the subject goods, and therefore, the domestic industry has excluded Korea from the scope of the subject countries.

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

32. As per section 9A(1)(c) of the Act, the normal value in relation to an article means:
 - (i) *the comparable price, in the ordinary course of trade, for the like article when destined 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 to 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 (b):

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

Provisions relating to Non-Market Economy countries

33. Annexure-I to AD rules states as under:

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

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

(2) There shall be a presumption that any country that has been determined to be, or has been treated as, a non-market economy country for purposes of an anti-dumping investigation by the designated authority or by the competent authority of any WTO member 16country during the three year period preceding the investigation is a nonmarket economy country

Provided, however, that the non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the designated authority that establishes that such country is not a non-market economy country on the basis of the criteria specified in sub-paragraph (3)

(3) The designated authority shall consider in each case the following criteria as to whether:

(a) the decisions of the concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs substantially reflect market values;

(b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter trade and payment via compensation of debts;

(c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and

(d) the exchange rate conversions are carried out at the market rate.

Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the designated authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph”

F.1. Submissions made by other interested parties

34. The following submissions were made by the other interested parties with regard to normal value, export price or dumping margin.
- i. That the adoption of a surrogate country methodology or cost-plus approach for determination of normal value was legally impermissible, as the provisions enabling non-market economy treatment under Section 15(d) of China’s Accession Protocol had ceased to have effect upon their expiry on 11.12.2016.
 - ii. It is further submitted that as per India’s obligations under the WTO framework and the findings of the WTO Appellate Body, the Authority is required to determine normal value strictly in accordance with Article 2 of the WTO Anti-Dumping Agreement, based on the verified data of the responding Chinese producers, and not on any alternative methodology.
 - iii. That producers have filed their complete information with the DGTR in relation to normal value and dumping margin. Therefore, they have requested to use their verifiable information for the purpose of dumping margin.

F.2. Submissions by the domestic industry

35. The following submissions have been made by the domestic industry:
- i. The domestic industry submitted that the arguments advanced by the interested parties in reliance upon Section 15(a)(ii) of the Protocol on the Accession of the People’s Republic of China are misconceived, incomplete, and legally untenable. It was further submitted that the interested parties have failed to address how Annexures 7 and 8 of Annexure I to the Anti-Dumping Rules will not apply to them, which specifically prescribe the methodology for determination of normal value and the treatment of non-market economy situations under the Indian legal

framework. In view of this, they have requested to rejected the selective reliance on Article 15(a)(ii) which is also unsustainable in law.

- ii. That none of the Chinese producers in the present investigation have claimed Market Economy Status and therefore, in the absence of any such claim by the responding producers, the question of examining or granting market economy treatment does not arise. According to the domestic industry, this clearly demonstrates that reliance placed on Section 15(a)(ii) of China's Accession Protocol is misconceived, inconsistent with the applicable legal framework, and unsupported by the record of the present investigation, and therefore should not be considered for the present investigation.
- iii. The domestic industry has provided sufficient evidence to support their claim of normal value and export price in their application for the purpose of the initiation. It is further submitted that none of the Chinese exporter have claimed market economy statuses. Therefore, their normal value should be constructed in terms of Rule 6(8) read with paragraph 7 of Annexure I of AD Rules.
- iv. The normal value in China PR can thus be determined on the basis of (a) import price from third country into India, (b) selling price in India, and (b) cost of production in India, duly adjusted, including selling, general and administrative expenses and profit. It is also submitted that since these options for determination of normal value are available, the Designated Authority may not kindly consider "any other basis" because this is required to be applied only when other basis listed under the law cannot be applied.
- v. That the Authority should thoroughly examine the data / information provided by all the participating exporters before accepting their data.

F.3. Examination by the Authority

36. The Authority has analyzed the normal value and export price related issues in the following paragraphs:
37. As regards consideration of Korea as surrogate country, it is noted that none of the interested parties including domestic industry has substantiated the request with data. Therefore, the Authority has constructed the normal value for China PR in terms of guidance available in paragraph 7 of the Annexure I of the AD Rules for the purpose of the present investigation.
38. As regards cessation of Section 15(d) of China's Accession Protocol, it is noted that the Authority has constructed the normal value in terms of paragraph 7 of the Annexure I of the AD Rules.
39. The Authority sent questionnaires to the known producers/exporters from the subject countries, advising them to provide information in the form and manner prescribed by the Authority. The following producers/exporters from the subject countries have filed exporter's questionnaire response:
 - i. Xinxiang Chemical Fibre Co., Ltd. (China PR)
 - ii. Zhuji Qingrong New Materials Co., Ltd. (China PR)
 - iii. Hangzhou Qingyun Advanced Materials Co., Ltd. (China PR)
 - iv. Fibre 2 Fashion L.L.C-FZ

- v. Hyosung Dong Nai, Vietnam
- vi. HS Hyosung Vietnam Company Limited

Normal Value for all Producers in China PR

40. None of the producers have claimed market economy treatment in the present case. Accordingly, the normal value has been determined in accordance with paragraph 7 of Annexure I of the Rules which state as follows.

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

41. In the present case, there is no evidence of price or constructed value prevailing in a market economy third country brought forward by any interested party. Further, the product does not have a dedicated tariff code, to permit consideration of price of exports from a market economy third country to other countries, including India. The Authority has therefore, determined normal value as per the price payable in India, based on cost of production of the applicant, duly adjusted for selling, general and administrative expenses and reasonable profits. The normal value so determined is mentioned in the dumping margin table.

Export price for producers/exporters of China PR

i. Export price of Xinxiang Chemical Fibre Co., Ltd. (China PR)

42. Xinxiang Chemical Fibre Co., Ltd., is a company limited by shares incorporated in China under the Company Law of China. During the period of investigation, Xinxiang Chemical Fibre Co., Ltd., has sold *** MT of subject goods of invoice value *** US\$ indirectly through an unrelated exporters/trader namely, *** (on CIF basis). It is further noted that the subject goods sold to ***, have been resold to ***, an Indian importer. The chain of exports to India is as follows:

***.
|

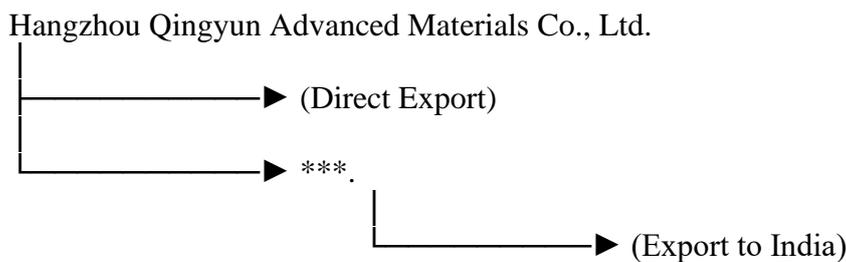
***.

43. The producer/exporter has claimed adjustments on accounts of Ocean freight, insurance, Inland transportation, port and other related expense and bank charges which has been accepted after desk verification. Accordingly, the weighted average of PCN-wise net export price at ex-factory level has been determined, and is shown in the Dumping Margin Table below.

i. **Export price of Hangzhou Qingyun Advanced Materials Co., Ltd. (Producer, China PR)**

44. During the period of investigation, Hangzhou Qingyun Advanced Materials Co., Ltd., has sold *** MT of subject goods of invoice value US\$ ***. Out of which company has directly sold *** MT to unrelated buyers in India and *** MT indirectly through a related exporter/trader namely, ***.

45. It is further noted that Hangzhou Qingyun Advanced Materials Co., Ltd., has also exported *** MT directly to unrelated buyers in India which is produced by ***. The chain of exports to India is as follows:



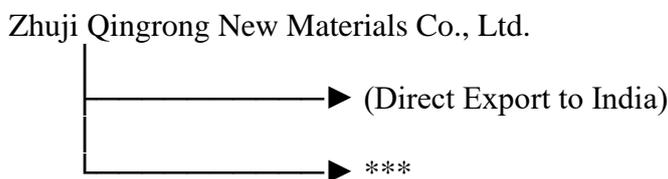
46. The producer/exporter has claimed adjustments on accounts of ocean freight, insurance, inland transportation, port and other related expenses, commission, bank charges and credit cost, and the same has been allowed after desk verification.

47. Accordingly, the weighted average of PCN-wise net export price at ex-factory level has been determined, and is shown in the Dumping Margin Table below.

ii. **Export Price of ZhujiQingrong New Materials Co., Ltd. (China PR)**

48. During the period of investigation, ***, has sold *** MT of subject goods of invoice value *** US\$. Out of which company has directly sold *** MT to unrelated buyers in India and *** MT indirectly through a related exporter/trader namely, ***.

49. It is further noted that ZhujiQingrong New Materials Co., Ltd., has also exported *** MT directly to unrelated buyers in India which is produced by ***. The chain of exports to India is as follows:





50. The producer/exporter has claimed adjustments on accounts of ocean freight, insurance, inland transportation, port and other related expenses, commission, bank charges and credit cost, and the same has been accepted after desk verification.
51. Accordingly, the weighted average of PCN-wise net export price at ex-factory level has been determined, and is shown in the Dumping Margin Table below.

For Non-cooperative Exporters from China PR

52. Export price in respect of any other exporters from China PR has been determined, as per facts available in terms of Rule 6(8) of the Rules. For the purpose, the Authority has considered imports as reported in the DGCI&S and the questionnaire response of the responding producer and exporters. The ex-factory export price for non-cooperative producers/exporters from China PR has been determined, and is given in the dumping margin table.

Normal value and export price determination for Vietnam

53. The Questionnaire response has been received from two producers in Vietnam covering the entirety of the Vietnamese exports to India. These two producers of the subject goods belong to Hyosung group i.e., HS Hyosung Vietnam Co. Ltd. and Hyosung Dong Nai Co. Ltd., both has exported the subject goods to India. However, the two producers in Vietnam are part of one group and have asked to be treated as single entity for analysis of dumping and injury. HS Hyosung Vietnam Co., Ltd. and Hyosung Dong Nai Co., Ltd. share “common ownership structure; administrative departments; technical service, sales team; sales management department; sales office; salary and human resource system etc”. Also, both the companies are located in the same geographical area and manufacture the same brand of subject merchandise (known as, “CREORA”). There is no difference in the production process and the products manufactured by Hyosung Vietnam and Hyosung DongNai. In view of the same, Hyosung Vietnam and Hyosung Dong Nai has requested that they should be considered as a single entity and therefore, these two entities should be provided a single dumping/injury margin.
54. The submissions from both the companies from Hyosung group Vietnam were considered and the Authority has decided to give both the producer companies in Vietnam a single dumping margin as they are related companies of the same group. Also, it has been the consistent practice of the Authority to consider related exporting producers or exporting producers belonging to the same group as one single entity for the determination of a dumping margin and thus to establish one single dumping margin for them.

Normal value and export price determination for HS Hyosung Vietnam Co. Ltd.

55. During the POI, Hyosung Vietnam has sold *** MT of the subject goods for *** US\$ in the domestic market to related and unrelated parties. The domestic sales are in sufficient volumes when compared with exports to India. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of subject goods. The Authority noted that if profit making transactions are more than 80%, all transactions in the domestic sales are being considered for the determination of normal value and in cases profit making transactions are less than 80%, only profitable domestic sales are

being taken into consideration for the determination of the normal value. With regard to Hyosung Vietnam, since the profit-making sales are below 80%, the Authority has considered only positive transactions in the domestic sales for the determination of normal value. Hyosung Vietnam, has claimed adjustment on account of Inland Transportation, credit cost and packing charges. The normal value determined is mentioned in the dumping margin table below.

Export Price of Hyosung Vietnam.

56. Hyosung Vietnam during the period of investigation, has sold *** MT of subject goods of invoice value *** US\$ directly to related and unrelated Indian importers. The producer/exporter has claimed adjustments on accounts of ocean freight, insurance, port and other related expenses, credit cost, bank charges, commission and packing expenses and the same have been allowed by the authority. Accordingly, the ex-factory export price has been determined and the same is shown in the Dumping Margin Table below.

Normal value and export price determination for Hyosung Dongnai Co.

57. During the POI, Hyosung Dongnai has sold *** MT of the subject goods for *** US\$ in the domestic market to related and unrelated parties. The domestic sales are in sufficient volumes when compared with exports to India. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of subject goods. The Authority noted that if profit making transactions are more than 80%, all transactions in the domestic sales are being considered for the determination of normal value and in cases profit making transactions are less than 80%, only profitable domestic sales are being taken into consideration for the determination of the normal value. With regard to Hyosung Dongnao, since the profit-making sales are below 80%, the Authority has considered only positive transactions in the domestic sales for the determination of normal value. Hyosung Dongnai, has claimed adjustment on account of Inland Transportation, credit cost and packing charges. The normal value determined is mentioned in the dumping margin table below.

Export Price of Hyosung Dongnai.

58. Hyosung Dongnai during the period of investigation, has sold *** MT of subject goods of invoice value *** US\$ directly to related and unrelated Indian importers. The producer/exporter has claimed adjustments on accounts of ocean freight, insurance, port and other related expenses, credit cost, bank charges, commission and packing expenses and the same have been allowed by the authority. Accordingly, the ex-factory export price has been determined and the same is shown in the Dumping Margin Table below.

Normal value and export price determination for other producers of Vietnam

59. The normal values and export price for all other non-cooperating producers and exporters of Vietnam is determined as per facts available considering the data provided by cooperating producer and is same is mentioned in the dumping margin table below.

Dumping Margin Table

Country	Producer / Exporters	Qty (MT)	Normal value (USD/MT)	Export Price (USD/MT)	Dumping Margin (USD/MT)	Dumping Margin (%)	Range
China	Xinxiang Chemical Fibre Co., Ltd.	***	***	***	***	***	60-70
	M/s Hangzhou Qingyun Advanced Materials Co., Ltd.	***	***	***	***	***	20-30
	M/s Zhuji Qingrong New Materials Co., Ltd	***	***	***	***	***	30-40
	Hangzhou Group	***	***	***	***	***	20-30
	Any producer	***	***	***	***	***	65-75
Vietnam	HS Hyosung Vietnam Co. Ltd.	***	***	***	***	***	5-15
	Hyosung Dongnai Co.	***	***	***	***	***	30-40
	Hyosung Group	***	***	***	***	***	25-35
	Any other producer	***	***	***	***	***	30-40

G. INJURY AND CAUSAL LINK**G.1. Submissions made by other interested parties**

60. Following submissions have been made by the other interested parties with regard to injury and the causal link.
- i. Imports from Vietnam has not caused injury to the domestic industry. It is further submitted that volume and price impact from Vietnam is negative and therefore, no injury can be attributed to Vietnam. Further, imports from China PR increased in line with overall demand growth and has taken share of other countries rather than displacing domestic production.
 - ii. That overall imports showed sharp declines during injury investigation period whereas domestic sales increased during the same period. This indicates absence of volume- injury.

- iii. That import prices moved broadly in tandem with domestic prices, reflecting global market trends rather than any price pressure.
- iv. That negative price undercutting for preceding years indicates that there is no adverse impact of imports on domestic prices. It is further submitted that reductions in domestic prices were driven by competition from the supporting industry rather than imports.
- v. That key performance indicators of the domestic industry showed improvement, including increases in installed capacity, production, capacity utilisation, employment, productivity, and sales volumes. Moreover, financial indicators such as profit, return on capital employed, cash profits, and market share improved during the injury period, contradicting the claim of material injury.
- vi. That the domestic industry is suffering mainly attributed to internal and structural factors rather than imports such as inefficiencies relating to plant operations, cost structures, logistics arrangements, and location-specific constraints may have adversely affected the domestic industry's competitiveness. It is further contended that high energy and overhead costs, dependence on imported inputs, and fluctuations in global raw material prices would have also impacted their financial performance.
- vii. It is further submitted that financial parameters such as interest burden, depreciation, and capital structure decisions cannot be attributed to imports. As they fall outside the scope of injury caused by dumping. The Authority should analyze these factors in the final findings.
- viii. That aggressive capacity expansion and market capture by the supporting industry exerted pricing pressure on the domestic industry, breaks any causal link with imports. They have also requested that the Authority must distinguish injury caused by other factors from that allegedly caused by subject imports.

G.2. Submissions by the domestic industry

61. The submissions of the domestic industry with regard to injury and causal link are reproduced below:
 - i. That allegations regarding structural inefficiencies, locational disadvantages, high logistics costs, overheads, and input volatility were unsupported by any evidence from interested parties and therefore cannot be considered. It is further submitted that sourcing and logistics decisions are commercially optimized through proper planning. Domestic industry has further submitted that since key raw materials are not available in India, imports is the only option available for their procurement and therefore, this cannot be considered as reasons for losses.
 - ii. The key raw materials required for production of the subject goods are not manufactured in India and therefore have to be imported. It was further submitted that such imports are sourced through the nearest port in Gujarat, reflecting commercially prudent sourcing decisions aimed at minimizing costs. Domestic industry has further submitted that any additional freight expenses are offset by advantages such as lower labour costs and operational efficiencies associated with its present location, and therefore cannot be treated as a factor contributing to injury.

- iii. Domestic industry has further submitted that since outbound freight costs were not included in the cost of production, therefore, it cannot have any impact on non-injurious price, or injury analysis. Moreover, fixed overheads constitute only a small share (about 5–8%) of total costs; hence, these elements are too insignificant to account for the sustained deterioration in financial performance.
- iv. The domestic industry has further submitted that the real cause of injury is the significant price undercutting, suppression, and depression resulting from dumped imports, and that references to freight and overhead costs are only made to divert the attention from the actual source of injury.
- v. That the period of decline of sales of the domestic industry coincided with a surge in exports from China PR to India. Domestic industry has further submitted that the timing and magnitude of this increase clearly indicate that the domestic industry is losing market share due to dumped imports, thereby establishing a strong causal relationship between the two. Domestic industry has further relied on the Global Spandex Outlook Report to submit that due to significant capacity expansion in China PR, there is huge over supply of the subject goods, which has created huge inventories. These huge inventories have compelled Chinese producers to increasingly divert surplus production into export markets including India.
- vi. It is further submitted that due to excess production and high inventories, Chinese producers are seeking to clear surplus stock through exports. In this situation, the domestic industry contended that India has become a major destination for such surplus supply, leading to low-priced imports that pose a serious threat of material injury to the domestic industry if corrective measures are not imposed.
- vii. There is positive price undercutting from subject countries as a whole, this shows that domestic industry is under price pressure. This situation clearly depicts the price pressure on the domestic industry wherein if they do not produce the subject goods their fixed costs will increase substantially, and their losses would also increase
- viii. There is significant difference between cost of sales and the selling price, which could not be filled due to aggressive pricing by the exporters of the subject goods from the subject countries. This has resulted in losses and negative return on capital.
- ix. The subject imports have continuously caused strain on the prices of the domestic industry as they were priced lower than the selling price of the domestic industry throughout the injury period. It is further submitted that during the period of investigation, the landed value of the subject goods was below the cost of sales and selling price of the domestic industry. This clearly shows the price pressure on the domestic industry.

G.3. Examination by the Authority

- 62. Rule 11 of the Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, ‘... taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles...’.

63. The Authority has examined the arguments and counter-arguments of the interested parties with regard to injury to the domestic industry. The injury analysis made by the Authority hereunder addresses the various submissions made by the interested parties.
64. The Authority has examined the issue of freight cost incurred by the domestic industry while bringing the raw material to their manufacturing facility and found that the freight cost incurred by the domestic industry during the POI was lowest as compared to the previous years. The same is shown in the Table below:

Year	Freight Cost / MT	
	PTMEG	MDI
2021-22	***	***
2022-23	***	***
2023-24	***	***
POI	***	***

65. From the above, it is noted that freight cost was lowest during the POI and therefore, this cannot be the reason for injury claimed by the domestic industry.

Cumulative assessment of imports

66. Article 3.3 of WTO agreement and Para (iii) of Annexure II of the AD provide that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, the Authority will cumulatively assess the effect of such imports, only if it determines that:

The margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent (or more) of the import of like article or where the export of individual countries is less than three percent, the imports collectively account for more than seven percent of the import of like article; and Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

67. The Authority has taken note of the submissions made by the interested parties. Annexure-II of the Anti-Dumping Rules provides for objective examination of both (a) the volume of dumped imports and the effect of the dumped imports on prices in domestic market for the like articles; and (b) the consequent impact on domestic producers of such products.
68. The Authority notes that it is not necessary that all parameters of injury show deterioration. Some parameters may show deterioration, while some others may not. The Authority has considered all injury parameters and, thereafter, concludes whether injury to the domestic industry continues, or recur, in case the antidumping duty is ceased. The Authority has examined the injury parameters objectively considering the facts and arguments submitted by the domestic industry and other interested parties.
69. The Authority has taken note of various submissions made by the domestic industry and other Interested parties on injury and causal link and analyzed the same considering the facts available on record and applicable laws. The injury analysis made by the Authority

in the succeeding preceding paras *ipso facto* addresses submissions made by the domestic industry and other interested parties.

G.3.1. Volume Effect of dumped imports and impact on domestic industry

i. Assessment of Demand/ Apparent Consumption

70. With regard to the volume of the dumped imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. Demand has been determined as the sum of domestic sales of all the domestic producers and the imports from all the countries. The apparent demand/consumption of the subject goods shows a positive trend throughout the injury period as can be seen from the table below:

Particulars	UoM	2021-22	2022-23	2023-24	POI
Domestic Industry sales	MT	***	***	***	***
Trend	Indexed	100	107	130	158
Sales of Other Domestic Producers	MT	***	***	***	***
Trend	Indexed	100	97	140	150
Total Domestic Sales	MT	***	***	***	***
Trend	Indexed	100	101	137	153
Imports from China	MT	1,828	2,067	2,737	3,889
Imports from Vietnam	MT	1,701	1,289	142	672
Imports from Subject Countries	MT	3,529	3,356	2,879	4,561
Imports from Other Countries	MT	4,364	3,333	1,833	1,003
Total Imports	MT	7,893	6,689	4,712	5,564
Total Demand	MT	***	***	***	***
Trend	Indexed	100	97	119	134

Source: Based on information filed by Domestic Industry, Hyosung India and DGCI&S import data

71. From the above, it is noted that:
- The demand of the subject goods has increased from *** MT in the base year to *** MT in the POI.
 - It is further noted from the submissions of domestic industry that since Hyosung India commenced their operations in India, imports from South Korea and Vietnam declined. It has further been noted that from the information available on record that during POI, one of the major producers from Korea i.e., T K Chemicals has stopped production of the product under consideration and therefore, there is no possibility of any further imports from T K Chemicals Korea.

ii. Import volume and Market Share

72. With regard to the volume of imports, the Authority is required to consider whether there has been a significant increase in the dumped imports from the subject countries, either in absolute terms or relative to production or consumption in India. The same is analysed in the table below.

Year	UoM	2021-22	2022-23	2023-24	POI
Imports from Subject Countries	MT	3,529	3,356	2,879	4,561
Production of Domestic Industry	MT	***	***	***	***
Trend	Indexed	100	91	131	147
Imports from subject Countries in relation to					
Domestic Industry Production	%	***	***	***	***
Trend	Indexed	100	104	62	88
Indian Demand	%	***	***	***	***
Trend	Indexed	100	98	68	97
Total Imports	%	***	***	***	***
Trend	Indexed	100	112	137	183

Source: Based on information filed by Domestic Industry, Hyosung India and DGCI&S import data

73. From the above, it is noted that:

- a. The volume of imports from subject countries has shown increase in absolute terms in the POI as compared to the base year and the preceding years. It is noted that share of subject imports in consumption/demand in India also increased in the POI as compared to the immediately preceding year.
- b. Imports from the subject countries in relation to Indian production decreased till 2023-24 but increased thereafter in POI.
- c. Imports from the subject countries in relation to total imports increased in the period of investigation as compared to any of the preceding years.

74. From the above, it is clear that imports have increased in absolute and relative terms.

G.3.2. Price effect of the Dumped Imports on the domestic industry

75. In terms of Annexure II (ii) of the Rules, the Designated Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like products 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. The impact of dumped imports on the prices of the domestic industry has been examined with reference to the price undercutting, price suppression and price depression, if any.

i. Price Undercutting

76. To determine price undercutting, a comparison has been made between the landed value of the product and the average selling price of the domestic industry, net of all rebates and taxes, at the same level of trade. The prices of the domestic industry were determined at the ex-factory level. It is seen that the price undercutting is negative on the basis of average of import prices and domestic prices. There are a large number of different product types sold by the domestic industry and foreign producers. However, the prices of the domestic industry are depressed, as is noted from the movement in the prices over the injury period.

ii. **Price suppression/depression**

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

Particulars	UOM	2021-22	2022-23	2023-24	POI
Landed value from Subject Countries	Rs/MT	6,84,637	5,92,397	4,60,718	4,01,159
Trend	Indexed	100	87	67	59
Domestic Selling price	Rs/MT	***	***	***	***
Trend	Indexed	100	55	40	41
Cost of Sales	Rs/MT	***	***	***	***
Trend	Indexed	100	104	80	68

78. It is noted from the above that due to decline in landed value, domestic industry is forced to reduce its prices. It is further noted that the domestic selling prices are lower than the cost of sales from 2022 to the POI. This shows that the prices of the domestic industry are depressed. The domestic industry has claimed price depression as the domestic selling prices have declined significantly during the injury period.

G.3.3. Economic parameters relating to the domestic industry

79. Annexure II to the Rules requires that the determination of injury shall involve an objective examination of the consequent impact of these imports on domestic producers of such products. With regard to consequent impact of these 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 utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.
80. Accordingly, various economic parameters of the domestic industry are discussed herein under:

a. Production, sales & capacity utilization

81. The performance of the domestic industry with regard to production, domestic sales, capacity and capacity utilization is as follows:

Particulars	UoM	2021-22	2022-23	2023-24	POI
Capacity	MT	***	***	***	***
Trend	Indexed	100	119	140	140
Total Production	MT	***	***	***	***
Trend	Indexed	100	95	134	150
Production PUC	MT	***	***	***	***
Trend	Indexed	100	91	131	147
Capacity utilization	%	***	***	***	***
Trend	Indexed	100	80	96	107

Particulars	UoM	2021-22	2022-23	2023-24	POI
Domestic Sales	MT	***	***	***	***
Trend	Indexed	100	107	130	158

82. The capacity, production and capacity utilization of the domestic industry has increased in the POI as compared to the preceding years. The Authority notes the submission of the domestic industry that it continued to produce at a high level of capacity utilization in order to reduce its fixed cost which is approximately ***% of the total cost of sales of the subject goods. This approach allowed the company to remain afloat despite lower prices from the subject countries. Despite lowering of the fixed costs by higher capacity utilization, the difference between cost of sales and the selling price, as shown, could not be bridged due to aggressive pricing by the exporters of the subject goods from the subject countries. Adhering to the remunerative level of price would lead to lower sales thereby increasing the average fixed costs, adding to the losses of the company.

ii. Market share

83. Market share of alleged dumped imports and domestic industry have been examined as below:

Market share of	Unit	2021-22	2022-23	2023-24	POI
Total Demand	MT	***	***	***	***
Trend	Indexed	100	97	119	134
Market share of Domestic Industry in Demand	%	***	***	***	***
Trend	Indexed	100	111	109	118
Market share of Other Domestic Producer in Demand	%	***	***	***	***
Trend	Indexed	100	100	118	112
% Share of Imports from Subject Countries in Demand	%	***	***	***	***
Trend	Indexed	100	98	68	97
% Share of Imports from Other Countries in Demand	%	***	***	***	***
Trend	Indexed	100	79	35	17

84. The market share of the domestic industry increased in the POI compared to the previous years. It is further submitted by the domestic industry that demand has increased by around *** MT in the POI as compared to the immediately preceding period i.e., 2023-24. During the same period imports (*** MT) from subject countries captured substantial part of this increased demand. The domestic industry has further submitted that the apparent decline in the imports is because of the fact that one of the exporters namely Hyosung group has started producing the subject goods in India.

iii. Profits, Return on Investment and Cash Profit

85. Performance of the domestic industry with regard to profits, return on investment and cash flow is as follows:

Particulars	UoM	2021-22	2022-23	2023-24	POI
Profit/loss Rs. Lacs	Rs. Lacs	***	***	***	***
Trend	Indexed	100	-45	-49	-20

Profit/loss per MT	Rs./MT	***	***	***	***
Trend	Indexed	100	-42	-37	-13
Depreciation Rs Lacs	Rs. Lacs	***	***	***	***
Trend	Indexed	100	119	142	155
Cash Profit Rs Lacs	Rs. Lacs	***	***	***	***
Trend	Indexed	100	-30	-31	-4
Capital Employed	Rs. Lacs	***	***	***	***
Trend	Indexed	100	114	121	119
ROCE	%	***	***	***	***
Trend	Indexed	100	-27	-24	-3

86. It has been noted that profitability parameters indicate that the domestic industry has been incurring losses in order to maintain sales volumes. It is also noted that the domestic industry was earning profits in 2021-22. However, the profitability of the domestic industry declined sharply and it faced financial losses in 2022-23, 2023-24 and the POI.
87. Domestic industry is suffering from cash losses in the POI. Domestic industry was earning positive returns in the base year, since then, the domestic industry has earned negative returns on its capital employed.

iv. Inventories

88. Inventories with the domestic industry is as follows:

Particulars	UOM	2020-21	2021-22	2022-23	POI
Opening Inventory	MT	***	***	***	***
Trend	Indexed	100	210	250	270
Closing Inventory	MT	***	***	***	***
Trend	Indexed	100	119	231	204
Average Inventory	MT	***	***	***	***
Trend	Indexed	100	148	237	226

89. The level of inventory of the applicant is at a high level during the POI. Domestic industry has submitted that although their production has increased but their increased inventory clearly portrays the injurious impact of imports from the subject countries.

v. Employment, Productivity and Wages

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

Particulars	UoM	2021-22	2022-23	2023-24	POI
Employees	Nos	***	***	***	***
Trend	Indexed	100	114	124	132
Wages	Rs. Lacs	***	***	***	***
Trend	Indexed	100	127	126	133
Wages/employee	Rs. Lacs/No.	***	***	***	***
Trend	Indexed	100	111	101	101
Productivity per day	MT	***	***	***	***
Trend	Indexed	100	91	131	147

Particulars	UoM	2021-22	2022-23	2023-24	POI
Productivity per employee	MT	***	***	***	***
Trend	Indexed	100	83	109	113

91. It is noted from the below table that:

- i. Productivity has increased in the POI as compared to the preceding years.
- ii. The number of employees engaged by the domestic industry has increased throughout the injury investigation period.
- iii. Wages paid to employees remains in the same band.

vi. Growth

92. The parameters such as profits, profit before interest, return on capital employed, market share were significantly adverse even in absolute numbers. Despite growth in terms of production and domestic sales, the domestic industry continues to incur losses on account of low value dumped imports from the subject countries.

Particulars	UoM	2021-22	2022-23	2023-24	POI
Installed Capacity	%		19%	17%	0%
Production	%		-9%	44%	12%
Domestic Sales	%		7%	21%	21%
Profit / (Loss)	%		-145%	8%	-59%
Cash profits	%		-130%	-4%	88%
Return on capital employed	%		-127%	10%	88%

vii. Ability to raise capital/investments

93. The applicant has also claimed that presence of significantly low-priced imports in the market has impacted its ability to raise investments for any additional capacity expansions. It has been submitted that if the present scenario continues, its investment is likely to be highly unutilized and no new investment will come.

viii. Factors affecting domestic prices

94. The applicant has claimed that, the domestic industry has not been able to increase its prices in relation to the increase in cost of sales. The subject imports from China PR and Vietnam have forced the domestic industry to sell the goods below cost of sales. Further, such imports have significantly undercut the domestic prices, creating a strain on the prices of domestic industry, which has resulted in a decline in profitability and return on capital employed. Moreover, dumped imports from subject countries are also priced lower than the cost and selling price of the domestic industry. Thus, the subject imports from China PR and Thailand have affected the prices of the domestic industry.

ix. Magnitude of dumping

95. Magnitude of dumping is an indicator of the extent to which the imports are being dumped in India and are consequently causing injury to the domestic industry. The dumping margin from the subject countries is positive.

H. CAUSAL LINK AND NON-ATTRIBUTION ANALYSIS

96. As per the Rules, it is, *inter alia*, required to be examined 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. It has been examined below whether factors other than dumped imports could have contributed to injury to the domestic industry.

a. Volume and price of imports from third countries

97. It has been submitted by the domestic industry that imports from the countries other than subject countries except South Korea and Thailand are below 3% individually and even 7% collectively. This implies that imports from other countries are below the de-minimis levels. The domestic industry has further submitted that one of the major producers from Korea, i.e., T K Chemicals has stopped production and therefore, there is no possibility of imports from them. The Authority has further noted that apart from imports from Korea excluding imports from T K Chemicals is below 3%. Apart from them, the prices from another major producer, namely Hyosung Corporation are very high and are neither dumped nor injurious. As regards, Thailand, their prices are also very high and are also neither dumped nor injurious. Therefore, these imports cannot be a cause of injury to the domestic industry. The same is shown in the Table below:

Particulars	Qty -MT	Landed value RS.	Price Rs/MT	Share in Imports
Hyosung Corporation	122	5,70,07,818	4,67,898	2%
Tk Chemical Corp,	198	7,06,22,734	3,57,497	4%
Total South Korea	319	12,76,30,551	3,99,612	6%
Thai Asahi Kasei Spandex Co., Ltd	474	35,35,07,725	7,45,950	9%

b. Contraction of demand and/or changes in the pattern of consumption

98. The demand in India increased throughout the injury investigation period. Therefore, the decline in demand cannot be a cause of injury.

c. Trade restrictive practices

99. The sales of the PUC are not restricted in any manner and no restrictive practices have been brought to the notice of the Authority.

d. Developments in technology

100. The Authority notes that there has been no known material change in the technology for the production of the PUC.

e. Productivity

101. The productivity per day, productivity per employee increased in the POI as compared to the previous years and salaries & wages of the domestic industry have remained same during the entire injury investigation period. It is therefore noted that domestic industry has not suffered injury on this account.

f. Export performance

102. It is submitted by the domestic industry has exported marginal quantities and therefore, the same could not be cause of injury to the domestic industry. In any case, the domestic industry has claimed injury on account of domestic sales only. Therefore, the claimed injury is not on account of possible injury in export performance.

g. Performance of other products

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

h. Causal link between dumping and injury

104. As per the assessment of all the information available on record, the following parameters show that injury to the domestic industry has been caused by dumped imports:
- a) The volume of imports has increased in the POI;
 - b) Positive injury margin clearly establishes that domestic industry is not getting fair selling price;
 - c) Due to the increase in import volumes and decline in the import prices, the domestic industry is forced to incur losses in the POI.
 - d) The growth of the domestic industry became negative in terms of number of price related economic parameters like profit, return on capital employed and cash profits etc. as a direct result of dumped imports of the subject goods from the subject countries.
105. It is, therefore, observed that the domestic industry suffered material injury due to dumped imports from the subject countries.

Injury Margin

106. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in Anti-Dumping Rules read with Annexure III, as amended. The NIP of the product under consideration has been determined by adopting the information/data relating to the cost of production provided by the domestic industry and duly certified by the practicing accountant for the period of investigation. The NIP has been considered for comparing the landed price from the subject countries for calculating injury margin. For determining the non-injurious price, the best utilisation of the raw materials and utilities has been considered over the injury period. Best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from the cost of production.
107. Based on the landed price and NIP determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is determined in the table below:

Country	Producer / Exporters	Qty (MT)	NIP (USD/MT)	Landed Value (USD/MT)	Injury Margin (USD/MT)	Injury Margin (%)	Range
China	Xinxiang Chemical Fibre Co., Ltd	***	***	***	***	***	40-50
	M/s Hangzhou Qingyun Advanced Materials Co., Ltd.	***	***	***	***	***	25-35
	M/s ZhujiQingrong New Materials Co., Ltd	***	***	***	***	***	40-50
	Hangzhou Group	***	***	***	***	***	30-40
	Any producer	***	***	***	***	***	50-60
Vietnam	HS Hyosung Vietnam Co. Ltd.	***	***	***	***	***	(-)5-15
	Hyosung Dongnai Co.	***	***	***	***	***	20-30
	Hyosung Group	***	***	***	***	***	10-20
	Any other producer	***	***	***	***	***	25-35

Analysis on Injury

108. The examination of the imports of the subject product and the performance of the domestic industry clearly shows that the volume of dumped imports from the subject countries has increased in both absolute and relative terms. The imports from the subject countries are undercutting the prices of the domestic industry. It is also noted that the imports of subject goods from the subject countries are suppressing the prices of the domestic industry. The performance of the Domestic Industry has been severely impacted due to dumped and injurious imports.

I. ISSUES OF THE INDIAN INDUSTRY

I.1 Submissions made on behalf of the other interested parties.

109. The other interested parties have made following submissions with regard to the Indian industry's interest.

- i. The downstream industries argue that higher costs could lead to reduced due to less competitive pricing in domestic markets.
- ii. That trade remedy measures can affect competitiveness, employment, and costs across both domestic and downstream industries and therefore must be assessed from a broader public interest perspective.

- iii. That the product under consideration is an essential input for stretch-based garments with limited substitutes, and imposition of ADD would raise input costs and reduce competitiveness of downstream manufacturers.
- iv. That the textile and apparel sector is a major contributor to India's exports and employment, and higher input costs could adversely affect production, exports, and jobs.
- v. Concerns were raised that reduced access to imported material could affect product quality and performance, thereby impacting consumer satisfaction and the reputation of Indian manufacturers.

I.2 Submissions made on behalf of the domestic industry

110. The domestic industry has made the following submissions with regard to the Indian industry's interest:
- i. The domestic producers have the capacity to cater around 100 % of the Indian demand.
 - ii. As regards submission that imposition of anti-dumping duty would be against public interest is not correct, as the anti-dumping framework itself balances the interests of domestic industry, users, and consumers, and duties are imposed only where dumping, injury, and causal link are established; in the present case, ADD would merely restore fair competition rather than restrict supply or inflate prices.
 - iii. The Domestic Industry has provided calculations to show that the proposed duty would have less than 0.5% impact on the final product price, which is economically negligible and will not put extra burden on downstream users or consumers.
 - iv. Domestic Industry has further submitted that historical pricing evidence shows that due to presence of the domestic industry, prices have significantly reduced from about USD 14/kg in 2010 to around USD 4/kg in 2023, thereby expanding consumption, improving affordability, and benefitting downstream industries, which confirms that a healthy domestic industry contributes to, rather than undermines, public interest.
 - v. The establishment of manufacturing facilities in India by global producers such as Hyosung demonstrates that a stable and fair trade-remedial regime encourages investment, strengthens domestic supply, generates employment, and enhances supply security, all of which are consistent with broader public interest considerations.
 - vi. If the current situation continues, the domestic industry will have no option but to permanently shut down its operations and India will once again become import dependent.
 - vii. Domestic Industry has also submitted that these duties would significantly contribute towards creating a local supply chain for a critical component and also to achieve the larger goal of "Atmanirbhar Bharat" in this strategically important sector besides saving the foreign exchange outgo and create jobs. Therefore, the duties are in interest of Indian users.

I.3 Examination by Authority

111. The Authority underscores that the primary objective of anti-dumping duties is to rectify the injury inflicted upon the domestic industry by the unjust trade practices of dumping, thereby fostering an environment of open and equitable competition in the Indian market.

The imposition of anti-dumping measures is not designed to curtail imports from the subject countries arbitrarily. Rather, it is based on a detailed analysis regarding dumping, injury and the causal link between the two and is a mechanism to ensure a level playing. The Authority acknowledges that the presence of anti-dumping duties may influence the price levels of the product in India. However, it is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the imposition of these measures. Far from diminishing competition, the imposition of anti-dumping measures serves to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the subject goods. Thus, anti-dumping duties are not a hindrance but a facilitator of fair-trade practices.

112. The Authority issued initiation notification inviting views from all the interested parties, including importers, consumers and others. The Authority also prescribed a questionnaire for the users/ consumers to provide relevant information about the present investigation. An Economic Interest Questionnaire was also prescribed to allow various stakeholders, including the domestic industry, producers/exporters and importers/users/consumers to furnish pertinent information related to the ongoing investigation including the possible effect of anti-dumping duty on their operations.
113. The Authority sought information on, *inter-alia*, interchange ability of the product supplied by various suppliers from different countries. Ability of the domestic industry to switch sources, effect of anti-dumping duty on the consumers, factors that are likely to accelerate or delay the adjustment to the new situation caused by imposition of antidumping duty.
114. In relation to the high impact of the duties on users, it is noted that the users have not provided any evidence how it will impact their financial performance or the impact of duties on the final consumer. No analysis / data / working was also provided to substantiate their claim. The Authority, however, notes that the domestic industry has provided an estimate of the possible impact of the anti-dumping duties on the end consumers in the following table:

Details	Fabric Type used	Avg price/unit	Value of Spandex Contend	Increase in cost @20% duty	Impact
		INR	%	INR	%
Pair of socks	Knitted	***	***	***	0.15%
Stretch denim (fabric)	Woven	***	***	***	0.25%
Suiting Fabric	Woven	***	***	***	0.08%
Ladies Brassiere	Woven/knits	***	***	***	0.10%
T-shirt	Knitted	***	***	***	0.14%
Jeans	Woven	***	***	***	0.07%
Legging	Knitted	***	***	***	0.26%

Source: Application filed by domestic industry.

115. The Authority notes that the imposition of anti-dumping duty will not lead to scarcity of the subject goods in India. It is noted that anti-dumping duty does not restrict imports but ensures that imports are available at fair prices. The imposition of duty would, therefore, not affect the availability of the product.

116. The Authority recognizes that the aforementioned economic parameters are indicative of severe injury, warranting the need of robust remedial measures.

J. POST-DISCLOSURE SUBMISSIONS

117. 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:

J.1. Submission made by the Domestic Industry

118. The submissions made by the Domestic Industry are as under:

- a. That the price effects analysis should be undertaken on the basis of verified data of the participating exporters rather than aggregated DGCI&S import statistics, as the latter may not accurately reflect product characteristics and price behaviour. It was also apprehended that certain exporters from China PR may have mis-declared Product Control Numbers (PCNs) above 150 deniers to avoid scrutiny, particularly since earlier investigations largely covered PCNs below 150 deniers where the majority of demand exists. The Domestic Industry therefore requested the Authority to undertake a detailed PCN-wise price comparison based on verified data of the exporters to determine the true price impact of imports.
- b. That in commercial reality, Domestic Industry is compelled to align its prices with the landed value of imports in order to retain market share, which has resulted in price suppression and erosion of profitability. It also highlighted that rising costs during the period of investigation have further strained its financial position, creating dual pressure due to increasing input costs and continued price suppression caused by low-priced imports.
- c. That the Authority should revisit the price effects analysis based on verified exporter data and confirm in the final findings the existence of dumping, injury to the domestic industry, and the causal link between the two. It was also submitted that the impact of anti-dumping duties on user industries would be minimal, while ensuring a stable domestic supply, and requested the Authority to share the non-confidential version of comments submitted by other interested parties on the disclosure statement.

J.2. Submissions made by the other interested parties

119. The submissions made by the other interested parties are as under:

- d. That the Disclosure Statement has been issued in violation of Rule 16 of the Anti-Dumping Rules as the Authority has not disclosed the essential facts forming the basis of its determination. It is further contended that the methodology and detailed computations relating to normal value, cost of production (COP), landed price and dumping margin have not been shared. It is further submitted that the

DGTR while determining COP, has made several adjustments to the reported cost data; however, the basis and reasoning for such adjustments, along with the computation sheets, have not been provided, thereby preventing the exporters from verifying the calculations and offering meaningful comments.

- e. That the exporters are not able to appreciate the significant modifications made in the submitted data that too when no deficiency or clarification letters were issued during the investigation. Since these modifications directly impacts the margins and duties, their non-submission is contrary to the principles of natural justice.
- f. The exporters have raised concerns that regarding computations of dumping margin and injury margin and requested re-examinations of the same as it also impacts their margin calculations
- g. That Hyosung India Pvt. Ltd. has been excluded from the definition of domestic industry under Rule 2(b) due to its relationship with exporters from the subject country, which has created a significant gap in the injury analysis. it is further submitted that HIPL is the only other Indian producer of the product under consideration and has shown substantial growth during the POI. It was contended that if HIPL's data had been included in the injury analysis, the combined performance of the domestic producers would not have indicated injury
- h. That the exclusion of imports of South Korea from total import statistics has distorted the assessment of market share of subject imports and that inclusion of such imports would reduce the share of Vietnamese imports to below the de minimis threshold. They also argued that imports from Vietnam have shown a declining trend and therefore cannot be considered responsible for injury to the domestic industry. In addition, it was submitted that price undercutting is negative, indicating that imports are not suppressing domestic prices, and that the decline in domestic prices is attributable to competition from Hyosung India rather than subject imports.
- i. That the product under consideration is a critical input for downstream textile industries, and imposition of duties would increase production costs, reduce export competitiveness of Indian textile manufacturers and create supply constraints. They submitted that the domestic industry continues to remain the primary supplier to major user industries, and imports are resorted to only when specific denier specifications are unavailable domestically or when domestic supply is insufficient. Finally, it was argued that imposition of duties may create a duopoly in the domestic market between Indorama and HIPL, potentially affecting competition, pricing and supply conditions.
- j. The exporters contended that the continued application of the non-market economy methodology to China PR lacks legal basis after the expiry of Article 15(a)(ii) of China's Accession Protocol to the WTO in December 2016. They

argued that the normal value should be determined on the basis of actual domestic prices and costs of Chinese exporters rather than surrogate country methodology.

- k. That the domestic industry has not suffered material injury as domestic sales increased during the injury period while imports from China PR increased only marginally and imports from Vietnam declined. According to them, these trends indicate that imports have not displaced domestic production. It was argued that the financial difficulties of the domestic industry are attributable to internal factors such as higher logistics costs, operational inefficiencies, overhead expenses and raw material price volatility rather than dumped imports
- l. That the adoption of a 22% return on capital employed for determination of the Non-Injurious Price, is excessive and inconsistent with the requirement of a reasonable return under Annexure III of the Anti-Dumping Rules and leads to inflation of the injury margin.

J.3. Examination by the Authority

120. The Authority notes that most of the submissions made by interested parties are repetitive in nature and were already addressed earlier in the disclosure statement final findings. The findings above *ipso facto* deal with these arguments of interested parties. Further, the Authority has examined submissions of interested parties herein below to the extent relevant and not addressed elsewhere.
121. As regards the submissions of the Domestic Industry concerning the methodology for price effects analysis, the Authority notes that a PCN-wise comparison based on verified data of the participating exporters provides a more accurate assessment of the price behaviour of imports. Accordingly, the Authority has also made analysis based on the verified information furnished by the cooperating exporters, while undertaking the analysis of price undercutting so as to appropriately reflect the actual market situation and the price impact of dumped imports on the Domestic Industry.
122. After analysis, when compared the prices of the domestic industry with the landed value of the participating exporters, it is noted that the price undercutting from overall subject countries and China is positive, whereas the undercutting from Vietnam is negative. The price undercutting data also establishes the fact that domestic industry is forced to match the prices offered by the exporters from the subject countries in order to retain their customers. Positive price pressure has restricted the ability of the domestic industry to increase its prices to the remunerative levels.
123. As regards the contention of the Domestic Industry that it was compelled to align its prices with the landed value of imports in order to retain market share, resulting in price suppression and erosion of profitability, the Authority notes that the said submissions have been examined. The Authority has analysed the impact of dumped imports on the price and profitability of the Domestic Industry in the relevant sections of the final findings. Accordingly, the issues raised by the Domestic Industry stand addressed at the appropriate places in these final findings.
124. As regards the request of the Domestic Industry to revisit the price effects analysis and confirm the existence of dumping, injury and causal link, the Authority notes that the

submissions have been duly examined. The Authority has analysed the impact of dumped imports and the associated price effects based on the verified information on record. Accordingly, the issues raised by the Domestic Industry have been addressed at the appropriate places in these final findings.

125. As regards the contention that the Disclosure Statement has been issued in violation of Rule 16 of the Anti-Dumping Rules on account of non-disclosure of methodology and detailed computations, the Authority notes that the allegation is misconceived. The determination of normal value, export price and cost of production has been carried out strictly on the basis of verified information submitted by the participating exporters and maintained in their books of accounts, in accordance with Annexure I of the Anti-Dumping Rules. The Authority has relied only on such verified records, submitted and explain by the exporter during desk verification. Further, the Disclosure Statement provided the relevant parameters, including export price, cost of production and landed value as applicable to the Hyosung group, thereby adequately informing the exporters of the essential facts forming the basis of the determination, as required under Rule 16.
126. The Authority further notes that the exporters have, in fact, filed comments on the Disclosure Statement and also sought interaction with the Authority, which was duly granted. Thus, the exporters were afforded full and meaningful opportunity as mandated under the Rules to present their views both during the course of the investigation and after issuance of the Disclosure Statement. In view of the above, the Authority finds no merit in the contention that there has been any denial of due opportunity or violation of principles of natural justice. The Authority has relied only on verified information and has provided adequate opportunity to the participating exporters; accordingly, the contention raised is incorrect and warrants no further consideration.
127. As regards the contention that the Authority made modifications in the cost and margin calculations without prior communication, the Authority notes that the exporters were provided full opportunity during the course of the investigation to submit complete and verifiable information, which was duly examined and verified by the Authority. The determination of cost and price parameters has been undertaken on the basis of the verified information available on record and in accordance with the provisions of the Anti-Dumping Rules. The Authority is required to undertake an independent assessment of the information submitted and to make appropriate adjustments wherever necessary to ensure accuracy, consistency and comparability of the data. Therefore, the mere absence of a deficiency letter does not preclude the Authority from examining the data and making appropriate adjustments based on verified records.
128. As regards the allegation concerning allocation of selling expenses, the Authority notes that the cost analysis has been carried out based on the verified data and the facts of the case, with a view to ensure a reasonable and consistent determination of the cost of production. The Authority is not bound to adopt the allocation methodology proposed by the exporters where the same is found to be inappropriate or inconsistent with the data on record. The Authority has adopted the methodology considered appropriate on the basis of the verified information and the requirements of the Anti-Dumping Rules. Accordingly, the Authority finds the contention of the exporters regarding alleged distortion of cost structure and inconsistency with the Manual of Operating Practices to be without merit.
129. As regards the contention about packing costs, the Authority notes that the cost and price information submitted by the exporters was duly examined and cross-checked during the course of the investigation. Upon receipt of the exporters' comments on the Disclosure

Statement, the Authority again examined the adjustments claimed by the exporters in their questionnaire responses and subsequent submissions. Based on such examination, the Authority has verified the treatment of packing costs and made appropriate adjustments wherever considered necessary to ensure consistency between the cost and price parameters used in the analysis.

130. Accordingly, the Authority has incorporated the revised figures, wherever warranted, in the dumping margin calculations. The revised numbers are reflected in the dumping margin determination mentioned above. Therefore, the Authority finds no merit in the contention that the determination suffers from double counting or distortion on account of the treatment of packing costs.
131. As regards the contention that the Authority has adopted a mixed methodology by relying on COGS data for certain manufacturing costs and trial balance figures for SG&A and financial expenses, the Authority notes that the cost determination has been undertaken on the basis of verified financial and cost records maintained by the exporters in the ordinary course of business. The Authority has examined the information submitted, including the cost statements and the trial balance, to ensure that the cost elements considered are consistent, reliable and supported by the exporters' audited financial records. Where necessary, the Authority has relied on trial balance figures to ensure completeness and accuracy of the cost data forming part of the cost of production. The Authority notes that such examination and reconciliation of financial and cost records is part of the standard analytical process in anti-dumping investigations. Accordingly, the Authority finds no merit in the contention that the methodology adopted has resulted in any distortion in the cost attributed to the product under consideration.
132. All the essential facts and the cost of production (COP), Normal Value, Net Exports price including the major changes made were duly disclosed to the producers / exporters. As requested by the exporter (Hyosung group), they were also provided with the opportunity to explain their concerns to the Authority after issuance of disclosure. The exporters submitted certain overheads cost based on sales value ratio in-spite of availability of actual cost incurred shown in their books of accounts. As per the consistent practice of the Authority, the cost of production has been worked out based on the actual cost which is in line with the costing principals. The method of allocation of cost is followed only in cases where the entities doesn't maintain the actual cost incurred for the product. However, the exporter is maintaining the actual cost incurred and submitted to Authority. It may be noted that details of the actual cost incurred on account of admin overheads, finance cost and indirect selling overheads has been submitted by the exporter which has been taken into consideration.
133. Following the principles of Natural Justice, based on their request, after issuance of disclosure statement an opportunity was accorded to the exporter to present his submission on the working of cost of production. However, they exporter couldn't provide any cogent reply as to why the actual cost should not be considered which is reflecting in their books of accounts.
134. As regards the contention concerning alleged inconsistency in the injury margin determination, the Authority notes that the injury margin calculations have been duly re-examined and cross-checked. Wherever required, necessary corrections have been made in the injury margin table based on the verified PCN-wise data and the methodology adopted by the Authority. Accordingly, the Authority finds no merit in the allegation that the injury margin determination suffers from any mathematical inconsistency.

135. As regards the request for disclosure of complete computation sheets and methodology, the Authority notes that the Disclosure Statement has already provided the essential facts forming the basis of the proposed determination, in accordance with Rule 16. The Authority has relied on verified data submitted by the participating exporters and has duly examined the comments received, including those relating to packing costs, allocation of expenses and injury margin calculations. Necessary verification and corrections, wherever warranted, have already been undertaken by the Authority. Accordingly, the Authority finds that adequate opportunity has been provided to the Respondent even post verification, and therefore, request for further disclosure or reconsideration does not merit consideration or acceptance.
136. It is noted that the exclusion of Hyosung India Pvt. Ltd. (HIPL) from the definition of domestic industry is fully consistent with the mandatory requirements of Rule 2(b) of the Anti-Dumping Rules, as HIPL has admittedly imported the product under consideration and maintains a relationship with exporters from the subject countries. In such circumstances, the Authority is legally bound to exclude the said entity while determining the scope of the domestic industry. Further, HIPL itself has acknowledged that it is suffering injury due to dumped imports, which clearly demonstrates that the presence of imports does not negate the existence of injury to the domestic producers. Accordingly, the submissions of the interested parties on this issue are devoid of merit both on facts and in law and therefore warrant no further consideration
137. As regards the contentions of the users have already been comprehensively examined in the disclosure statement. It has been clearly established therein that imports from Vietnam are above the *de minimis* threshold and are entering the Indian market at dumped and injurious prices. Further, the assessment of price effects and injury has been carried out based on verified data on record, which demonstrates the adverse impact of dumped imports on the domestic industry. Accordingly, the arguments raised by the users merely reiterate issues already addressed in the disclosure statement and therefore do not warrant any further consideration
138. As regards, the submissions made by the users regarding the potential impact of duties on downstream textile industries, it is noted that none of the users have neither provided any details of how the duties would impact their operations nor they have provided any evidence to show that the impact analysis made by the Authority is erroneous. Moreover, the purpose of anti-dumping measures is to address unfair trade practices and restore fair competition in the domestic market, and not to restrict legitimate imports required by user industries. The investigation has established that dumped imports are causing material injury to the domestic industry. Accordingly, the apprehensions expressed by the users regarding supply constraints, export competitiveness, or the creation of a duopolistic market are speculative in nature and are not supported by evidence on record.
139. The Authority notes that the methodology adopted for determination of normal value in respect of China PR is consistent with the provisions of the Anti-Dumping Rules and the established practice followed by the Authority. The normal value has been determined based on the information available on record in accordance with the applicable legal framework. Accordingly, the contention of the exporters in this regard is not tenable.
140. The Authority notes that the determination of material injury has been carried out after examining the relevant economic parameters of the domestic industry and the volume and price effects of dumped imports during the injury period. The analysis on record clearly establishes that dumped imports have had an adverse impact on the performance

of the domestic industry. Therefore, the contention that the domestic industry has not suffered material injury is not supported by the evidence on record

141. The Authority notes that the investigation has examined the possible impact of factors other than dumped imports on the performance of the domestic industry. However, the analysis indicates that the injury suffered by the domestic industry is attributable to dumped imports and not to the internal factors alleged by the exporters.
142. With regard to the adoption of a 22% return on capital employed for determination of the Non-Injurious Price, the Authority notes that the same has been determined in accordance with the principles laid down under Annexure III of the Anti-Dumping Rules and the consistent practice of the Authority. Therefore, this contention lacks merit.

K. CONCLUSION

143. The Authority, upon examination of the issues raised in the course of the proceedings, arguments advanced by all interested parties and the facts and evidence on record, concludes as follows:
 - a. The product under consideration in the present application is "Elastomeric Filament Yarn of all deniers". Following products, are excluded from the scope of the product under consideration:
 - i.* Coloured Elastomeric Yarn except Black;
 - ii.* Elastomeric yarns on Beam;
 - iii.* Subject goods having brand name as "LYCRA®"
 - iv.* Elastomeric Filament Yarn meant for diapers
 - b. These filament yarns are also commonly referred to as Spandex or Elastane. The subject goods are described in terms of the deniers and are sold generally in the range of 10 to 1680 deniers. The domestic industry has the capability to produce the entire range of these deniers
 - c. The product is sold in different PCNs and those PCN has been considered for fair comparison between the two types of the product in order to ensure fair determination of dumping margin and injury margin.
 - d. The subject products are classified under Chapter Heading 54 "Man-made filaments; strips and the like of man-made textile materials" of the Customs Tariff Act. The classification at the 8-digit level is 54041100 even though the same are being classified and imported under various sub-headings like 5402, 5403 and 5404 of the Customs Tariff Act, 1975. The custom classification is indicative only and in no way, it is binding upon the product scope and the product description prevails in circumstances of conflict.
 - e. The article manufactured by the domestic industry and the subject goods exported from the subject country are like article to each other in terms of Rule 2 (d) of the anti-dumping rules.

- f. The applicant accounts for 100% of the eligible domestic production in the investigation period. Further, the applicant satisfies the requirements stipulated under Rule 2 (b) of the Rules and the application satisfies the standing requirements under Rule 5(3) of the Rules.
- g. Chinese producers have been considered as operating in a non-market economy country. Further, none of the participating exporters have rebut this presumption as mentioned in para 8 of Annexure – I of the Rules.
- h. The normal value for China PR has been calculated based on optimized cost of production of the domestic industry with a reasonable addition of selling, general and administrative expenses and profits. For Vietnam normal value, the Authority has used the verified data filed by the participating exporters post making appropriate adjustments
- i. The Authority has determined the net export price on the basis of verified data of the participating exporters.
- j. Comparison of normal value with export price shows that there is significant dumping of the product in the country.
- k. The volume of imports has increased in absolute and relative terms.
- l. After comparing the prices of the domestic industry with the landed value of the participating exporters, it is noted that the price undercutting from overall subject countries and China is positive, whereas the undercutting from Vietnam is negative. The price undercutting data also establishes the fact that domestic industry is forced to match the prices offered by the exporters from the subject countries in order to retain their customers. Positive price pressure has restricted the ability of the domestic industry to increase its prices to the remunerative levels.
- m. The domestic industry has suffered price suppression during the injury period.
- n. The level of inventory of the domestic industry has increased significantly during the injury period.
- o. The injury parameters shows both volume as well as price injury to the Domestic Industry.
- p. That since domestic producers have idle capacity, therefore, capacity is not constraint in supply of the subject countries.
- q. Profitability parameters of the domestic industry indicate that the domestic industry has been incurring losses in order to maintain sales volumes. It is also noted that the domestic industry was earning profits in 2021-22. However, the profitability of the

domestic industry declined sharply and it faced financial losses in 2022-23, 2023-24 and the POI.

- r. The Domestic industry is suffering from cash losses in the POI. Domestic industry was earning positive returns in the base year, since then, the domestic industry has earned negative returns on its capital employed.
- s. The investigation has not shown any factor other than dumped imports which could have caused injury to the domestic industry.
- t. On the basis of the detailed examination as mentioned in the final findings, it is noted that the domestic industry has suffered material injury on account of dumped exports of subject goods from subject countries.
- u. The impact of recommended anti-dumping duty on downstream industries is insignificant. Anti-dumping duty would ensure that the imports are entering the Indian market at fair prices and a level playing field is maintained between the foreign exporters and the domestic industry.
- v. The imposition of anti-dumping duty would not create a monopoly for the domestic industry and would be consistent with the larger public interest.

L. RECOMMENDATIONS

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

Duty Table

S. No.	Tariff Heading/ Subheading	Description of Goods	Country of Origin	Country of Export	Producer	Duty	UoM	Currency
1	2	3	4	5	6	7	8	9
1	54024400 and 54041100*	Elastomeric Filament yarn	China PR	Any country including China PR	Xinxiang Chemical Fibre Co., Ltd.	1,664	MT	US\$
2	-do-	-do-	China PR	Any country including China PR	Hangzhou Qingyun Advanced Materials Co., Ltd.	880	MT	US\$
3	-do-	-do-	China PR	Any country including China PR	Zhuji Qingrong New Materials Co., Ltd.	880	MT	US\$
4	-do-	-do-	China PR	Any Country including China PR	Any producer other than S. No.1 to 3	2,033	MT	US\$
5	-do-	-do-	Any Country other than China PR and Vietnam	China PR	Any	2,033	MT	US\$
6	-do-	-do-	Vietnam	Any Country including Vietnam	HS Hyosung Vietnam Company Limited	794	MT	US\$
7	-do-	-do-	Vietnam	Any Country including Vietnam	Hyosung Dong Nai Co. Ltd.	794	MT	US\$
8	-do-	-do-	Vietnam	Any Country including Vietnam.	Any producer other than S. No. 6 and 7	1,262	MT	US\$

S. No.	Tariff Heading/ Subheading	Description of Goods	Country of Origin	Country of Export	Producer	Duty	UoM	Currency
1	2	3	4	5	6	7	8	9
9	-do-	-do-	Any Country other than China PR and Vietnam	Vietnam	Any	1,262	MT	US\$

* *Elastomeric Filament Yarn of all deniers*". Following products, are excluded from the scope of the product under consideration:

- i. Coloured Elastomeric Yarn except Black;
- ii. Elastomeric yarns on Beam;
- iii. Subject goods having brand name as "LYCRA®"
- iv. Elastomeric Filament Yarn meant for diapers

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

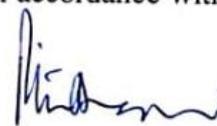
Note:

The application of the individual duty rates specified for the companies mentioned in the above shall be conditional upon presentation to customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: "I, the undersigned, certify that the (volume) of (product concerned) sold for export to the India covered by this invoice was manufactured by (company name and address) in (country name). I declare that the information provided in this invoice is complete and correct." If no such invoice is presented, the duty applicable to all other companies shall apply.

This requirement is without prejudice to the verification procedures independently undertaken by the Customs authorities under the applicable customs law and regulations.

M. FURTHER PROCEDURE

146. An appeal against the order of the Central Government arising out of these findings shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the Customs Tariff Act, 1975.



Amitabh Kumar
Designated Authority
