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F. No. 6/48/2024-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: 19.03.2026

FINAL FINDINGS
Notification

Case No. – AD(OI) – 45/2024

Subject: Anti-Dumping Investigation concerning imports of Nylon Filament Yarn originating in or exported from China PR and Vietnam.

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 "Anti-Dumping Rules" or the "Rules");

A. BACKGROUND OF THE CASE

1. Whereas, Century Enka Limited, Gujarat Polyfilms Private Limited and Oriilon India Private Limited (hereinafter referred to as the "applicants") filed an application before the Designated Authority (hereinafter also referred to as the "Authority"), in accordance with the Act and the Rules for initiation of anti-dumping investigation concerning imports of Nylon Filament Yarn (hereinafter also referred to as the "product under consideration" or the "subject goods") from China PR and Vietnam (hereinafter also referred to as the "subject countries").

2. And whereas, in view of the duly substantiated application filed by the applicants, the Authority issued a public notice vide Notification No. 6/48/2024-DGTR dated 26th December 2024, published in the Gazette of India, Extraordinary initiating anti-dumping investigation into imports of the product under consideration from China PR and Vietnam 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.

B. PROCEDURE

3. The procedure described below has been followed with regard to the investigation:

3.1 Initiation

a. The Authority notified the Embassies of the subject countries in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with section 9A sub-rule (5) of Rule 5.

b. The Authority issued a public notice dated 26th December 2024, published in the Gazette of India, Extraordinary, initiating anti-dumping investigation concerning import of subject goods from the subject countries.

c. The Authority sent a copy of the initiation notification to the Governments of the subject countries, through their Embassies in India, known producers and exporters from the subject countries, known importers / users and the domestic industry as well as other domestic producers, as per the addresses made available by the applicants and requested them to make their views known in writing within the prescribed time limit.

3.2 Circulation of non-confidential version of the application

a. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the Governments of the subject countries, through their Embassies in India, in accordance with Rule 6(3) of the Anti-Dumping Rules. A copy of the non-confidential version of the application was made available to other interested parties, wherever requested.

3.3 Participation by Producer/Exporter

a. The Embassies of the subject countries in India were requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time limit.

b. The Authority sent exporter's questionnaire to the following known producers/exporters in accordance with Rule 6(4) of the Rules:

i. Barbarik International Logistic, Hongkong, China PR
ii. Bestory Checmical Fiber Co Ltd, China PR
iii. Bharat Green - Tech Global PTE Ltd
iv. Bhavvishyaa Private Limited
v. Bosca Enterprise Ltd
vi. Changle Highsun Synthetic Fiber Technologies Co Ltd, China PR
vii. Changshu Polyester Co Ltd, China PR
viii. Changzhou Gather Imp Exp Co Ltd, China PR
ix. Danx Viet Nam Industrial Co Ltd, Vietnam

x. Dynasty Asia International Ltd, Hong Kong, China PR
xi. For You Win International Limited, China PR
xii. Frontier Development Co Ltd
xiii. Fujain Wanhong Textile Co Ltd, China PR
xiv. Fujian Highsun Synthetic Fiber Technology Co Ltd, China PR
xv. Fujian Jiayi Chemical Fiber Co Ltd, China PR
xvi. Fujian Jinfeng Technology Co Ltd, China PR
xvii. Fujian Kaibang Polyamide Technology Co Ltd, China PR
xviii. Fujian Xinsen Synthetic Fiber Technology Co Ltd, China PR
xix. Fuzhou City Tian Fang Technology Co Ltd, China PR
xx. Fuzhou Dewei Industrial Co Ltd, China PR
xxi. Fuzhou Henghe New Material Co Ltd, China PR
xxii. General Tex Crossing Co Ltd, China PR
xxiii. Global Best Industrial Co Ltd, Hong Kong, China PR
xxiv. GTW International Co Limited, China PR
xxv. Guangdong Xinhui Media Nylon Co Ltd, China PR
xxvi. Guangzhou Hiwide Trading Co Ltd, China PR
xxvii. Haian Jinhong Chemical Fibre Co Ltd, China PR
xxviii. Haiyang Technology Co Ltd, China PR
xxix. Hangzhou Dikai Industrial Fabrics Co Ltd, China PR
xxx. Hangzhou Dikai Industrial Fabrics Co Ltd, China PR
xxxi. Hangzhou Hengniu Fancy Yarn Co, China PR
xxxii. Hehler Engineered Products Suzhou, China PR
xxxiii. Hi-Tech Textile Company Ltd, Vietnam and China PR
xxxiv. Hongkong CYX International Limited, Hong Kong, China PR
xxxv. Hunan Nat Trading Co Ltd, China PR
xxxvi. Invista China Investment Co, China PR
xxxvii. Jiangsu Onetouch Business Service Co Ltd, China PR
xxxviii. Jiangsu Tongxin Chemical Fibres Co Ltd, China PR
xxxix. Jiangsu Wenfeng Chemical Fiber Group Co Ltd, China PR
xl. Jiaxing Skytime Imp and Exp Co Ltd, China PR
xli. Jinjiang Xinglilai Yarns Co Ltd, China PR
xlii. Junma Tyre Cord Company Limited, China PR
xliii. Junma Tyre Cord Hongkong Co Limited, Hong Kong, China PR
xliv. Kohyei Trading Co Ltd, China PR
xlv. Linked Fiber Co Limited, China PR
xlvi. M S Bestory Chemical Fiber Co Ltd, China PR
xlvii. M S Changle Highsun Synthetic Fiber, China PR
xlviii. M S Changzhou Dahua Imp and Exp G, China PR
xlix. M S Fujian Jingfeng Technology Co, China PR
l. Maptrasco
li. Media Nylon Company Limited, China PR

lii. Mehler Engineered Products, China PR
liii. Meida Nylon Company Limited, China PR
liv. Minky International Trading Co Ltd, China PR
lv. Nanjing Finetex Technology Co Ltd, China PR
lvi. Nantong Beilian Imp Exp Co Ltd, China PR
lvii. Nantong Jinhong Import and Export Co Ltd, China PR
lviii. Nantong Pufeite Fiber Twisting Co Ltd, China PR
lix. Nantong Suyuan Chemical Fiber Co Ltd, China PR
lx. Nantong Xuanfei International Trading Co Ltd, China PR
lxi. Nilit Nylon Technologies Suzhou, China PR
lxii. Ningbo Haoyue Textile Tech Co Ltd, China PR
lxiii. Ningbo Hoshare Import and Export Co Ltd, China PR
lxiv. Ningbo Huayi Import and Export Co Ltd, China PR
lxv. Ningbo Topwin Co Ltd, China PR
lxvi. Nontong Suyuan Chemical Fiber Co Ltd, China PR
lxvii. Orient Industries Suzhou Ltd, China PR
lxviii. Orient Techtex Solutions Pte Ltd
lxix. Oriental Industries Suzhou Ltd, China PR
lxx. Pioneer Elastic Hong Kong Limited, China PR
lxxi. Pioneer Elastic Hong Kong Ltd, Hongkong, China PR
lxxii. Prutex Nylon Co Ltd, China PR
lxxiii. Qin Xiang Industrial Co Limited, China PR
lxxiv. Qingdao Bangyu Industries Co Ltd, China PR
lxxv. Qingdao Topfibre Co Ltd, China PR
lxxvi. Qingdao Very Fiber Technologies Co Ltd, China PR
lxxvii. Qingyuan Wanjiali High Technology Co Ltd, China PR
lxxviii. Radiant International Ventures Pte Ltd, China PR
lxxix. Raidy Security Technology Limited, China PR
lxxx. Revlog International Trading FZE
lxxxi. Seven Stars International, China PR
lxxxii. Shandong Rifa Textile Machinery, China PR
lxxxiii. Shandong Shifeng Group Co Ltd, China PR
lxxxiv. Shanghai Everbright Imp and Export Trading Co Ltd, China PR
lxxxv. Shanghai Shileju Textile Co Ltd, China PR
lxxxvi. Shanghai Vico Industrial Co Ltd, China PR
lxxxvii. Shaoxing Hengniu Textile Co Ltd, China PR
lxxxviii. Shaoxing Rain Home Textile Co Ltd, China PR
lxxxix. Shaoxing Shiffon Textile Co Ltd, China PR
xc. Shaoxing Xingji Import and Export Co Ltd, China PR
xci. Shaoxing Yaonu Textile Co Ltd, China PR
xcii. Sherry Industrial Hk Co Limited, China PR
xciii. Shinhan Trading Co Ltd

xciv. Shishi Yiming Dyeing and Weaving Co Ltd, China PR
xcv. Shitech Zhangjiagang Technology, China PR
xcvi. Shuangyi Industries Holding Limited, China PR
xcvii. Shuangyi Industries Holding Ltd, China PR
xcviii. Supreme Materials Limited
xcix. Suzhou Develop Trading Co Ltd, China PR
c. Suzhou Harry Machinery Co Ltd, China PR
ci. Suzhou Rhz Textile Technology Co Ltd, China PR
cii. Suzhou Sunnywear New Material Co Ltd, China PR
ciii. Taekwang Industrial Co Ltd, China PR
civ. Taizhou Tianfang Packaging Material Co Ltd, China PR
cv. Tas Commodities Pte Ltd
cvi. Tonna International Trading HK Co Ltd, Hong Kong, China PR
cvii. Toray International Singapore
cviii. United Raw Material Pte Ltd
cix. Unitex Equipment Co Limited, China PR
cx. Vekstar Textile Shanghai Co Ltd, China PR
cxi. Wenzhou Walker Import And Export Co Ltd, China PR
cxii. Wuxi Longshine International Trade Co Ltd, China PR
cxiii. Wuxi Taiyu International Trading Co Ltd, China PR
cxiv. Xiamen ITG Group Corp Ltd, China PR
cxv. Xin Ji Da Pte Ltd
cxvi. Xin Ji Da PTE Ltd
cxvii. Xinhui Dehua Nylon Chips Co Ltd, China PR
cxviii. Yiwu Huading Nylon Co Ltd, China PR
cxix. Yiwu Yoojump Import Export Co Ltd, China PR
cxx. Zhangjiagang Forbus Trading Co Ltd, China PR
cxxi. Zhangjiagang Hengmei Textile Co Ltd, China PR
cxxii. Zhangjiagang Holyain Imp and Exp Co Ltd, China PR
cxxiii. Zhangjiagang Kaierben Fiber Co Ltd, China PR
cxxiv. Zhangjiagang Obis Trading Co Ltd, China PR
cxxv. Zhangjiagang Wellhow Trading Co Ltd, China PR
cxxvi. Zhangjiagang Xinyuanda Textile Co Ltd, China PR
cxxvii. Zhejiang Free Trade Zone Solead Commerce & Trading Co., Ltd, China PR
cxxviii. Zhejiang Guxiandao Polyester Dope Dyed Yarn Co. Ltd, China PR
cxxix. Zhejiang International Trading Supply Chain Co Ltd, China PR
cxxx. Zhejiang Qida Textile Co Ltd, China PR
cxxxi. Zhejiang Summer Plus Trading Co Ltd, China PR
cxxxii. Zhejiang Xiangxi Import Exoprt Co Ltd, China PR
cxxxiii. Zhuji Baiti Import Export Co Ltd, China PR
cxxxiv. Zhuji Yueqiang Knitting Machinery, China PR

cxxxv. Zhuji Yusheng Import and Export Co Ltd, China PR
cxxxvi. Zhuji Zhuotai Import and Export Co Ltd, China PR
cxxxvii. Apollo Tyres Holdings Singapore Pte Ltd
cxxxviii. Areva Industries PTE Ltd, Singapore
cxxxix. Brotex Vietnam Co Ltd, Vietnam
cxl. Chain Yarn Vietnam Co Ltd, Vietnam
cxli. Hyosung Dong Nai Co Ltd, Vietnam
cxlii. Hyosung Vietnam Co Ltd, Vietnam
cxliii. Indotech Textile Trading L L C
cxliv. Italon Company Ltd, Vietnam

c. In response to the initiation of the subject investigation, the following producers/exporters from the subject countries have responded by filing questionnaire response:

i. Fujian Betterlife Supply Chain Management Co., Ltd, China PR
ii. Fujian Changle Yongda Textile Co., Ltd, China PR
iii. Fujian Highsun Synthetic Fiber Technology Co., Ltd, China PR
iv. Fujian Kaibang Polyamide Technology Co., Ltd, China PR
v. Fujian Liheng Polyamide Industrial Co. Ltd, China PR
vi. Fujian Wanhong Textile Co., Ltd, China PR
vii. Hangzhou Dikai Industrial Fabrics Co., Ltd, China PR
viii. Yiwu Huading Nylon Co., Ltd, China PR
ix. Hyosung Dong Nai Co. Ltd, Vietnam
x. Hyosung Dong Nai Nylon Co. Ltd, Vietnam
xi. Prutex Nylon Co., Ltd, China PR
xii. Shinhan Trading Co. Ltd., South Korea (related Trader)

3.4 Participation by Importers/Users

d. The Authority sent Importer's and User's Questionnaire to the following known importers / users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules.

i. Agarwal Fabtex Pvt Ltd
ii. Aglon Industries Private Limited
iii. Aym Syntex Ltd
iv. Bhadresh Yarn Traders
v. Brothers Stretch Yarn Pvt Ltd
vi. Chandak Expo International
vii. Chidambaram Fishnets Private Limited
viii. Chidambaram Fishnets Pvt Ltd
ix. Coreflow Chemi Opc Pvt Ltd
x. DCM Shriram Industries Ltd
xi. Eagle Fashions Private Limited
xii. Eagle Fashions Pvt Ltd

xiii. Element Knitts
xiv. Filink Exim Private Limited
xv. Garware Technical Fibres Limited
xvi. Garware Technical Fibres Ltd
xvii. Ginza Industries Ltd
xviii. Glofil Fibres Plastics
xix. Hydraguard International Private Limited
xx. Jai Sobhagya Textile
xxi. K K Fishnet Company
xxii. K R Composites Private Limited
xxiii. Kob Medical Textiles Pvt Ltd
xxiv. Kothari Rayons Pvt Ltd
xxv. Krishna Fashion
xxvi. Kumaran Filaments Private Limited
xxvii. Kumaran Filaments Pvt Ltd
xxviii. Kusumgar Corporates Pvt Ltd
xxix. M S Synthetics
xxx. Madura Industrial Textiles Ltd
xxxi. Mecords India Ltd
xxxii. Meher Filaments
xxxiii. Meher International
xxxiv. Pratiman Textiles Private Limited
xxxv. Pratiman Textiles Pvt Ltd
xxxvi. Prime Weave Tex Pvt Ltd
xxxvii. R S Processors
xxxviii. S G P India
xxxix. Sakshi Yarns Private Limited
xl. Sakshi Yarns Pvt Ltd
xli. Sangam India Limited
xlii. Sangam India Ltd
xliii. Sanrhea Technical Textiles Ltd
xliv. Seal Nets Private Limited
xlv. Shree Sai Chem
xlvi. Sky Industries Limited
xlvii. SPG International
xlviii. SRF Limited
xlix. Tufropes Private Limited
l. Tufropes Pvt Ltd
li. Valson Polyester Pvt Ltd

e. In response to the initiation of the subject investigation, following the importers/users have responded by filing questionnaire response.
   i. Ginza Industries Limited

ii. Jigisha Fibres Private Limited
iii. Sky Industries Limited

3.5 Period of Investigation and Injury Period

a. The period of investigation (POI) for the purpose of present investigation is 1st April 2023 to 30th June 2024. The examination of trends in the context of injury analysis covered the periods 2020-21, 2021-22, 2022-23 and the period of investigation.

3.6 Further Procedure

a. The Authority sent the application proforma and economic interest questionnaire to the following other domestic producers of the subject goods in India calling for necessary information and participation in the present investigation.
   i. PNP Polymers Private Limited
   ii. Aglon Industries Private Limited
   iii. Todi Rayon Private Limited
   iv. Shiven Yarn Private Limited
   v. Prafull Overseas Private Limited
   vi. AYM Syntex Limited
   vii. Sarla Performance
   viii. Salasaar Polytex Private Limited
   ix. J Korin
   x. Kejriwal Industries Private Limited
   xi. JP Fibers
   xii. Varda Atmanirbhar
   xiii. Garden Vareli
   xiv. Eagle Synthetics Private Limited

b. In response to the initiation of the subject investigation, on 17th February 2025, PNP Polymers Private Limited ("PNP") responded by filing its injury and costing information and requested to be considered as part of domestic industry in the subject investigation.

c. The Authority invited comments on the injury information circulated after including information of PNP.

d. A copy of the initiation notification and non-confidential version of the application was sent to the following known associations of users in India.
   i. ASSOCHAM
   ii. Federation of Gujarat Weavers Association
   iii. Federation of Indian Art Silk Weaving Industry
   iv. Surat Grey Kapada Utpadak Sangh

e. The Authority issued an Economic Interest Questionnaire to the Embassies of the subject countries, all the known exporters/producers, importers/users, domestic industry as well as the other known producers in India. The following parties responded to the Economic Interest Questionnaire.

i. Domestic industry (including PNP Polymers Private Limited)
ii. Yiwu Huading Nylon Co., Ltd.
iii. Prutex Nylon Co., Ltd
iv. Fujian Wanhong Textile Co., Ltd

f. The Authority invited views from the interested parties regarding the PCN methodology proposed by the domestic industry. All the interested parties were requested to make their views known in writing within the time limit prescribed. Based on the comments received from the other interested parties, the Authority notified PCN methodology vide notification dated 7th March 2025.

g. The Authority made available non-confidential version of the evidence presented by various interested parties. A list of all interested parties was uploaded on the DGTR website, along with the request to all of them to email the non-confidential version of their submissions to all the other interested parties.

h. Request was made to DG Systems to provide the transaction-wise details of imports of subject goods for the injury period and also the period of investigation. The Authority has relied upon the DG Systems data for computation of the volume of imports and required analysis after due examination of the transactions.

i. In accordance with Rule 6(6) of the Rules, the Authority provided opportunity to the interested parties to present their views orally in a public hearing held on 24th July 2025 and 2nd December 2025. The parties, which presented their views in the oral hearing, were requested to file written submissions of the views expressed orally, followed by rejoinder submissions.

j. Submissions were filed in the subject investigation on behalf of the following interested parties including producers, exporters, users and importers as well as association of users.

i. Domestic industry (including PNP)
ii. Yiwu Huading Nylon Co., Ltd.
iii. Prutex Nylon Co., Ltd
iv. Fujian Wanhong Textile Co., Ltd
v. Hangzhou Dikai Industrial Fabrics Co., Ltd.
vi. Fujian Changle Yongda Textile Co., Ltd.
vii. Fujian Betterlife Supply Chain Management Co., Ltd.
viii. Hyosung Dong Nai Nylon Co. Ltd.
ix. Hyosung Dong Nai Co. Ltd.
x. Jigisha Fibres Private Limited

xi. Knitters Association of Western India
xii. Pandesara Weavers Co-operative Society Limited
xiii. Ginza Industries Limited
xiv. Sky Industries Limited

k. The non-injurious price (NIP) based on the optimum cost of production and cost to make & sell the subject goods in India, based on the information furnished by the domestic industry and having regard to Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules, has been worked out so as to ascertain whether anti-dumping duty lower than the dumping margin would be sufficient to remove injury to the domestic industry.

l. An email was sent to line ministry informing about the application filed for anti-dumping duty investigation and seeking their opinion in the matter. However, no input from the line ministry has been received.

m. 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 Findings.

n. The Authority circulated the disclosure statement containing all essential facts under consideration for making the final recommendations to the Central Government to all interested parties on 04.02.2026. The Authority has examined all the post-disclosure comments made by the interested parties in these final findings to the extent relevant. Any submission which was merely a reproduction of the previous submission, and which had been adequately examined by the Authority has not been repeated for the sake of brevity.

o. The Authority, during the course of the investigation, satisfied itself as to the accuracy of the information supplied by the interested parties, which forms the basis of this Final Finding, to the extent possible and verified the data documents submitted by the domestic industry and the interested parties to the extent considered relevant, practicable and necessary.

p. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claim. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.

q. Wherever an interested party has refused access to or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has considered such parties as non-cooperative and recorded the views/observations on the basis of the facts available.

r. Request was made for extension of three months timeline to complete the investigation and notifying the final findings. Central Government accorded permission for extension of time period by three months i.e., till 25th March 2026 for completing the subject investigation and notifying the final findings.

s. '***' in this notification represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.

t. The exchange rate adopted by the Authority for the subject investigation is 1 US$ = ₹ 83.82.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

C.1. Submissions made by other interested parties

4. The other interested parties have made the following submissions with regard to the scope of the product under consideration and like article.

a. High denier (HD) high tenacity (HT) NFY and low denier (LD) high tenacity (HT) NFY is used for fishnet applications and the same must be excluded as done in previous investigations. Three major producers of the product do not cater to the demand in the fishnet sector due to capacity limitations. Century caters to less than 10% of fishnet demand.

b. Applicants, other than Century, and supporters produce only textile grade NFY and not HD HT NFY. AYM Syntex Ltd. has started producing HD HT NFY but is facing quality issues.

c. Share in demand for HD HT NFY (840 denier and above) for Indian industry is only 15%. Share in LD HT NFY (210 denier; 420 denier and up to 630 denier) is 75%.

d. HT NFY with 210 denier and above is not produced by the applicants and supporters.

e. Since monofilament yarns are excluded from the scope of investigation, mother yarns used as inputs to produce mono filament yarns should be excluded as well.

f. Mother yarn should be excluded from the scope of the product under consideration as only Century Enka Private Limited is producing Mother Yarn domestically, with its capacity being just 15% of the total domestic capacity. Imports of the product under consideration have witnessed a decline due to impending imposition of Quality Control Orders and the anti-dumping investigation. The prices of Mother Yarns have increased due to supply constraints, and the market is dependent on imports.

g. There is a surge in demand and prices for Mother yarn as the downstream industry is adopting advanced spilt warping machines. This would create a demand surge for mother yarn.

h. Since the domestic industry does not produce 70/68 FD FDY and 70/48 FD FDY, they should be excluded from the scope of product under consideration.

i. The yarns of the following specifications must be excluded as the domestic industry supplies such yarn at substandard quality or of unequal length and weight. However, the yarns imported are of equal lengths.
   i. 20 Deniers /16 to 34 Filaments semi dull and full dull FDY
   ii. 30 Deniers /24 to 48 Filaments semi dull and full dull and bright FDY
   iii. 40 Deniers /12 Filaments semi dull FDY
   iv. 40 Deniers /12 Filaments full dull FDY
   v. 40 Deniers /12 Filaments bright FDY
   vi. 40 Deniers /34 Filaments semi dull FDY
   vii. 40 Deniers /34 Filaments full dull FDY
   viii. 111 Deniers /24 Filaments semi dull DTY
   ix. 170 Deniers recycled nylon yarn
   x. 280 Deniers recycled nylon yarn
   xi. 170 Deniers Multifilament yarn
   xii. 280 Deniers Multifilament yarn
   xiii. 200 Deniers /10 Filaments semi dull mother yarn
   xiv. 200 Deniers /10 Filaments bright mother yarn
   xv. 240 Deniers /12 Filaments bright mother yarn
   xvi. 240 Deniers /12 Filaments semi dull mother yarn
   xvii. 250 Deniers /10 Filaments round bright mother yarn
   xviii. 250 Deniers /10 Filaments bright mother yarn
   xix. 300 Deniers /10 Filaments semi dull mother yarn
   xx. 300 Deniers /10 Filaments bright mother yarn
   xxi. 300 Deniers /10 Filaments round bright mother yarn
j. The domestic industry does not provide a "Yarn Dyeing Guarantee" which is routinely provided with imported yarns. Chinese producers accepted return of used, defective goods to China, and allowed refund.
k. Nylon-spandex covered yarn should be excluded from the scope of the investigation as it has distinct technical properties, different manufacturing process and unique end-use applications.
l. Prime and off-grade product under consideration must be considered as separate PCNs as they entail material differences in terms of quality, price, usage, physical properties, appearance and certification standards. Prime grade has strict quality standards and are used in high precision applications, while off grade is unsuitable for high precision applications, they are not interchangeable. The grades do not compete in the same market. The buyers of the prime-grade are manufacturers of B2C products while buyers of the off-grades are manufacturers producing B2B products.
m. Mother yarn and Fully Drawn Yarn should not be consolidated into one PCN category. There are differences in the machinery used for production thereof, cost and application and end use.

n. PCN methodology adopted in the previous investigation may be notified for the subject investigation as well.

o. Separate PCNs for product used for industrial purposes and those used for textile purposes must be adopted.

p. PCNs must also be made for differences in Grade type that are, High grade (AA); Medium Grade (A0); Low Grade (A1).

C.2. Submissions made by the domestic industry

5. The domestic industry has made the following submissions with regard to the product under consideration and like article:

a. High tenacity yarn of 840 deniers and above may be excluded from the scope of the product under consideration as the same is primarily used for tyre cord fabric.

b. As opposed to the submissions of the other interested parties, mother yarn is a multi-filament yarn and an intermediate product to produce mono-filament yarn. The same has been produced and sold by the domestic industry. Thus, there is no requirement to exclude the same. The Authority did not exclude mother yarn, even in the previous investigation on the product under consideration.

c. Claims for exclusion of certain filaments and deniers, on ground of sub-substandard quality produced by the domestic industry is unsubstantiated.

d. A slight change in denier and filament does not make significant change in characteristics, applications or prices of products. The machinery installed by the domestic producers can be used to produce various deniers and filaments. Only a change of spinneret is required for creating variation in filaments. Further, the denier can be changed by a change in the speed of the flow of melt. The brightness of the yarn, that is, semi dull, full dull or bright, depends on the chips used. Thus, exclusion requests for particular permutation and combination of denier and filament are unwarranted.

e. As opposed to the contentions of the other interested parties, the domestic industry has produced and sold 70/48 FD FDY in the market. The imports of 70D/68F FD FDY are negligible in volume from the subject countries. The domestic industry has also produced and supplied 70D/48F FD FDY and 70D/72F FD FDY which are comparable products.

f. If the yarns of particular combination of denier and filament are excluded, importers of similar deniers and filaments are likely to import the excluded product and render any anti-dumping duty ineffective.

g. Contrary to the submissions of the other interested parties, there is no need to exclude low density or high-density HT Yarn as the domestic industry has produced and supplied the same. The user association has itself stated that the domestic industry has supplied the same in the market.

h. The domestic industry supplies yarn of consistent length, as evidenced from documents showing that the weight of each bobbin is constant.

i. Since mother yarn is split into monofilament yarns, the similarity of denier per filament is relevant. The domestic industry has produced and supplied the like article having the same denier per filament, in the Indian market, including to some of the parties that have requested these exclusions.

j. As opposed to the submissions of the other interested parties, dyeing guarantee has been offered by the domestic industry and credit notes have been issued to customers which have raised concerns. Further, 81% subject goods supplied by the domestic industry is of AA grade while only 45% subject imports are of AA grade.

k. The submissions that the domestic industry has supplied substandard product with unequal lengths are untenable, considering that the domestic industry has held a high market share during the injury period. On the contrary, the exporters have admitted that they have exported off-grade products to India.

l. Claims that the domestic industry utilises old machinery leading to production of substandard product is without any merit. The domestic industry has installed state of the art machinery which is similar to the machinery installed by the foreign producers, from TMT Japan and Barmag Germany.

m. The Indian industry meets the global standards which is evident from growing export performance of the domestic industry. Further, the domestic producers have received BIS licenses, which demonstrates the quality of goods supplied by the domestic industry.

n. As against the submissions of other interested parties, demand-supply gap is not a justification for exclusion of a product type from the scope of the product under consideration. In any case, there is no demand-supply gap for mother yarn in India.

o. Contrary to the submissions of the other interested parties, imposition of anti-dumping duty will not jeopardize the converters but would put them at par with global players as anti-dumping duty is imposed to the extent of difference between normal value and net export price.

p. The domestic industry has produced and supplied nylon covered spandex yarn There is no requirement for the scope of product under consideration to be homogenous or like to each other as evident from Panel Report in European Communities – Anti-Dumping Measure on Farmed Salmon from Norway [WT/DS337/R], European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China [WT/DS397/R] and judgment of CESTAT in Huawei Technologies Co. Limited vs. Designated Authority [2016 (334) E.L.T. 339 (Tri. - Del.)].

q. There is no significant difference in cost of production of FDY and Mother Yarn. The request for separate PCNs has been made by importers/users and not foreign producers and must be rejected.

r. There is no need to form separate PCN for prime grade and off-grade products as the cost of production of does not vary on account of quality. Both the grades use the same raw material and undergo the same production process with same conversion costs.

s. There is no need to form PCN based on application as the application does not impact the cost of production for products.

t. There is no need to form PCN for specialty products as the same have already been excluded from the scope of the product under consideration.

C.3. Examination by the Authority

6. At the time of initiation of the present investigation, the Authority considered the following as the scope of product under consideration.

> *"The product under consideration is "Synthetic Filament Yarn" made of Nylon also known as polyamide yarns or Nylon Filament Yarn. Nylon Filament Yarn is a synthetic filament yarn produced by polymerization of organic monomers. The product under consideration is multi-filament yarn. The product under consideration includes Mother Yarn, Fully Drawn Yarn, Partially Oriented Yarn, Draw Textured Yarn or Crimp Yarn, Air Textured Yarn, Air Covered Yarn, High Oriented Yarn and High Tenacity Yarn. All man-made filament yarns not having nylon or polyamides, are excluded from the scope of the product under consideration. The following are specifically excluded from the scope of the product under consideration.*
>
> a. *Mono filament yarn*
> b. *Bulk Continuous Fiber*
> c. *Nylon 66 yarn*
> d. *Hot melt yarn*
> e. *Low melt yarn*
> f. *Bonded yarn*
> g. *Conductive yarn*
> h. *Anti-static yarn*
> i. *Nomex and aramids yarn*
>
> *The product under consideration includes all kinds of synthetic filament yarns of Nylon or Polyamides, such as flat yarn - twisted and/or untwisted, fully drawn yarn (FDY), spin drawn yarn (SDY), fully oriented yarn (FOY), high oriented yarn (HOY), partially oriented yarn (POY), textured yarn – twisted and/or untwisted, and dyed yarn, single, double, multiple, folded or cabled, and high tenacity yarn of nylon classifiable within Chapter 54 under Customs heading 5402. The product includes all variants of Nylon (or Filament Yarn or Polyamide Yarns such as flat/ textured/ twisted/ untwisted, bright/semi dull/full-dull variants thereof), grey/ colored/ dyed (or variants thereof), single/double/ multiple/folded/cabled (or variants thereof), whether or not sized."*

7. The interested parties have sought exclusion of mother yarn on the basis that it is used to manufacture mono-filament yarn. The Authority notes that mother yarn is a multi-filament yarn and covered within the scope of the product under consideration. The end use of the product, that is, conversion into mono-filament yarn, cannot be a basis for exclusion from the scope of the product under consideration. Further, the domestic industry has provided evidence that it has produced and sold mother yarn in the domestic market during the period of investigation. Therefore, the domestic industry has supplied like article to the product under consideration imported in India.

8. With regard to exclusion of mother yarns of certain denier and filament, as emphasized by the domestic industry, since mother yarn is spilt into mono filament yarns, there is no difference in types of mother yarn, provided the denier per filament is the same. The other interested parties have requested exclusion of mother yarn of 300/10 and 250/10 mother yarn, having a denier per filament of 30 and 25 respectively. The domestic industry has provided evidence showing supply of 300/10 and 300/12 mother yarn, which have the same deniers per filament of 30 and 25. Therefore, the domestic industry has supplied like article in the domestic market. In view of the same, the Authority does not find merit in the request for exclusion of 300/10 and 250/10 mother yarn from the scope of the product under consideration.

9. The other interested parties have requested exclusion of high denier high tenacity yarn having deniers 840 and above as they are primarily used in tyre cord fabrics. The Authority notes that the domestic industry has also clarified that high tenacity yarn having 840 Deniers and above is primarily used in trye cord fabrics and may be excluded from the scope of the product under consideration. Thus, the high tenacity yarn having 840 Deniers and above is excluded from the scope of the investigation.

10. With regard to request for exclusion of high denier high tenacity and low denier high tenacity yarns, the Authority notes that the domestic industry has provided evidence of sale of such product in the domestic market during the period of investigation. Further, it is noted that the user association itself has submitted that the Indian industry caters to 75% of the demand for such product. The domestic industry has submitted that it is operating with underutilised capacities and can supply the product in increased quantities in case of orders in hand. Since the domestic industry has supplied like article to the product imported in India, the Authority does not find a need for exclusion of the said product from the scope of the product under consideration.

11. The other interested parties have requested exclusion of various product grades based on specifications which include number of deniers and filaments. The Authority notes that none of the interested parties have provided any evidence showing that a slight change in denier and filaments leads to a different product which has different characteristics and uses. The domestic industry has claimed that it has supplied like article to the imported

deniers and filaments. The Authority notes that number of filaments depends on the spinneret used, and the speed of flow of melt leads to change in the denier of the subject goods. The Authority notes that the domestic industry has provided evidence that it has produced and sold like article with similar deniers and filaments to that imported into India. Therefore, the domestic industry has produced goods with closely comparable characteristics to the imported product. In view of the same, an exclusion based on specific deniers and filaments would not be appropriate.

12. With regard to the request for exclusion of 70 Deniers /68 Filaments full dull FDY and 70 Deniers /48 Filaments full dull FDY on the ground that the same are not being produced by the domestic industry, the Authority notes that the domestic industry has provided evidence that it has produced and sold 70 Deniers / 48 Filaments full dull FDY. Further, it is noted that the domestic industry has also sold 70 Deniers / 72 Filaments FD FDY. The domestic industry has submitted that 70 Deniers / 72 Filaments FD FDY is the comparable product in terms of physical and technical characteristics as well as application.

13. With regard to the request for exclusion for certain deniers and filament of yarns on the ground that the domestic industry has supplied yarns of substandard quality and uneven length and weight, the Authority notes the other interested parties have not provided any evidence with regard to supply of substandard product. The domestic industry has provided evidence refuting the allegation of interested parties that it has supplied yarn of unequal length. It is also noted that the foreign producers have admitted to supplying yarn of substandard quality. The foreign producers had also sought consideration of grade or quality as a parameter of PCN, due to the same. In any case, difference in the quality of product imported from the subject countries and supplied by the domestic industry is not a basis of exclusion of a product type from the scope of the product under consideration.

14. As regards the claim that the machinery used by the domestic industry is old, thereby producing substandard products, the Authority notes that as per evidence on record, the domestic industry is using latest machinery in its plants**.** Further, the domestic producers have BIS licenses and manufacture the subject goods in accordance with the quality standards in India.

15. The interested parties also contended that the domestic industry does not provide dyeing guarantee, which is provided by foreign producers, in the form of rebates. However, the domestic industry has placed evidence demonstrating that it also issues credit notes, in case of dyeing issues identified by customers.

16. The other interested parties have requested exclusion of nylon-spandex covered yarn as such product has different properties, manufacturing process and end-use as that

compared to other grades of the product under consideration. The Authority notes that different categories/types of the product are intended to meet different end-user requirements. It is well settled that there is no requirement for product types to be alike to each other in order to fall within the scope of the product under consideration. The domestic industry has provided evidence showing that it has produced and supplied nylon-spandex covered yarn in the domestic market during the period of investigation. In view of the same, a request for exclusion cannot be considered due to difference in the product type, compared to other product types forming part of the product scope.

17. In view of the above, the Authority concludes the following scope of the product under consideration.

> *"The product under consideration is "Synthetic Filament Yarn" made of Nylon also known as polyamide yarns or Nylon Filament Yarn. Nylon Filament Yarn is a synthetic filament yarn produced by polymerization of organic monomers. The product under consideration is multi-filament yarn. The product under consideration includes Mother Yarn, Fully Drawn Yarn, Partially Oriented Yarn, Draw Textured Yarn or Crimp Yarn, Air Textured Yarn, Air Covered Yarn, High Oriented Yarn and High Tenacity Yarn. All man-made filament yarns not having nylon or polyamides, are excluded from the scope of the product under consideration. The following are specifically excluded from the scope of the product under consideration.*
>
> j. *Mono filament yarn*
> k. *Bulk Continuous Fiber*
> l. *Nylon 66 yarn*
> m. *Hot melt yarn*
> n. *Low melt yarn*
> o. *Bonded yarn*
> p. *Conductive yarn*
> q. *Anti-static yarn*
> r. *Nomex and aramids yarn*
> s. *High Tenacity Yarn with 840 Deniers and above.*
>
> *The product under consideration includes all kinds of synthetic filament yarns of Nylon or Polyamides, such as flat yarn - twisted and/or untwisted, fully drawn yarn (FDY), spin drawn yarn (SDY), fully oriented yarn (FOY), high oriented yarn (HOY), partially oriented yarn (POY), textured yarn – twisted and/or untwisted, and dyed yarn, single, double, multiple, folded or cabled, and high tenacity yarn of nylon classifiable within Chapter 54 under Customs heading 5402. The product includes all variants of Nylon (or Filament Yarn or Polyamide Yarns such as flat/ textured/ twisted/ untwisted, bright/semi dull/full-dull variants thereof), grey/*

colored/ dyed (or variants thereof), single/double/ multiple/folded/cabled (or variants thereof), whether or not sized."

18. The Authority also invited comments on PCN methodology vide Initiation Notification dated 26th December 2024. Various interested parties have filed submissions, which were considered and the PCN was notified by the Authority vide notice dated 7th March 2025.

19. The interested parties sought that specialty products should be considered as a parameter for PCN. However, speciality yarn has already been excluded from the scope of the product under consideration and hence, there is no need to make a separate PCN in this regard.

20. With regard to request for separate PCNs for product being used in industrial applications and textile applications, the Authority notes that the other interested parties have not provided any information to demonstrate that different product grades with different cost and price are used for such applications. It is further noted, that the cost and price of the product does not vary based on the application and hence, application has not been considered as an appropriate parameter for PCN in the present investigation.

21. The other interested parties have submitted that a separate PCN should be taking into consideration various technical considerations such as line density deviation rate, line density variation co-efficiency, fracture strength, dyeing uniformity level and uneven rate of strip drying. The Authority notes that no information has been provided to demonstrate that there is substantial difference in the price and cost of the product based on the aforesaid technical parameters. Due to absence of any information to show cost differences based on technical properties, no separate PCNs have been formed in this regard.

22. With regard to request for separate PCNs for Mother Yarn and Fully Drawn Yarns, the Authority notes that no information has been provided to demonstrate that there is a significant difference in the cost and price of such products. In the absence of sufficient information demonstrating difference in costs of mother yarn and fully drawn yarns, the Authority has not adopted the same as a PCN criterion.

23. With regard to request for separate PCNs for prime grade and off grade yarns, the Authority notes that quality cannot be considered as the basis to form PCN as the cost of the product does not vary based on the quality. Despite claims in this regard, no interested party has provided evidence to demonstrate that the cost of production of prime and off grade is different. Off grade is generated during the process of production of prime grade itself. The raw material as well as the cost of utilities and other expenses for manufacturing of off-grade product remains the same. Hence, there is no need to form a separate PCN based on the quality of the product.

24. Accordingly, the Authority considers type of yarn, denier, filaments, luster and colour as PCN parameter for the purpose of the present investigation, as below.

SN	Parameter	Product Type	Code
1	Yarns	Partly Oriented Yarn / High Oriented Yarn	POY
		Flat yarn / Fully Drawn Yarn/ Spin Drawn / Draw winder / Mother Yarn	FDY
		High Tenacity yarn	HTY
		Draw Textured Yarn / Crimped Yarn	DTY
		Air Textured Yarn	ATY
		Air Covered Yarn	ACY
		Twisted and Cabled Yarn	TCY
		Other than above (please specify and give explanation/justification separately)	OTY
2	Denier	Next 3 digits denote denier, illustrated as below	Xxx
		15 Denier	015
		20 Denier	020
		100 Denier	100
3	Filaments	Next 3 digits denote filament, illustrated as below	Xxx
		12 Filaments	012
		34 Filaments	034
		210 Filaments	210
4	Luster	Bright Luster	BR
		Semi Dull	SD
		Full Dull	FD
		Other than above (please specify and give explanation/justification separately)	OT
5	Colour	Raw White/Grey	GR
		Dope Dyed	DY
		Unidentified	UN
		Other than above (please specify and give explanation/justification separately)	OT

25. The subject goods are classified under Chapter 54 of the Customs Tariff Act under the heading 5402. The subject goods are classified and have been imported under a number of codes, including 5402 19 10, 5402 19 90, 5402 31 00, 5402 32 00, 5402 45 00, 5402 51 00, 5402 61 00. Additionally, the product has also been imported under the HS Code 5402 19 20. The subject goods have also been imported under other HS codes falling

under the heading 5402. The Authority has considered HS Codes at 4-digit level for the purpose of the present investigation. The Customs classification is only indicative and is not binding on the scope of the product under consideration.

26. The Authority notes that there are no significant differences in the product produced by the domestic industry and the goods imported from the subject countries. The product produced by the domestic industry and imported from the subject countries are comparable in terms of physical & chemical properties, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The product produced by the domestic industry and that imported from the subject countries are being used interchangeably by the consumers. In view of the same, the product manufactured by the domestic industry is considered as like article to the product being imported from the subject countries.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

D.1. Submissions made by other interested parties

27. The following submissions have been made by the other interested parties with regard to the scope of domestic industry and standing:

a. The share of 36% held by the applicants in total domestic production is too low to be considered major proportion. Considering how long the product has been subject to duty, producers constituting at least 50% of the domestic production must be considered. In all previous investigation concerning the subject goods, applicants have constituted over 40% of the domestic production.

b. There is no reason why domestic producers who participated in previous investigations, such as Prafful Overseas Pvt. Ltd., AYM Syntex, JCT Ltd., have not participated in the present investigation.

c. After filing of the petition, fires in the manufacturing facilities of Oriilon India Pvt. Ltd. and Century Enka have led to curtailment of production and supply. The standing of domestic industry has fallen to less than 36% after the fire in facilities of Oriilon.

d. The claim of Oriilon India concerning resumption of production should be evidenced by supporting information.

e. Century Enka and Oriilon have imported subject goods during period of investigation. Further, some of the supporters have also imported the subject goods.

f. PNP is not even a supporter in the present investigation. The domestic industry has not given any justification for inclusion of PNP as part of the domestic industry. There are 14 other domestic producers which have not been considered.

g. The 40 days deadline for registration as interested party, stipulated in Trade Notice 20/2018 has lapsed. Request for inclusion is belated. Belated requests have been denied in Aniline from China PR and Vietnam (F. No. 6/42/2019-DGTR) and New Pneumatic Radial Tyres from Thailand (F. No. 6/30/2019-DGTR).

h. Change in standing of the domestic industry due to the fire at Oriilon cannot be revived by inclusion of PNP.

i. Data of PNP cannot be used to present favorable claims of injury to avoid termination.

j. No prejudice will be caused if the present investigation is terminated and a fresh application is filed with a revised domestic industry.

k. The information with regard to PNP was provided to the Authority on 17th February 2025 and was circulated 3 months after. No reason has been provided for such unreasonable delay in circulation.

l. Initiation has been done based on information submitted by applicants and the standing of the domestic industry is crystalized at the initiation. The Manual provides that standing must not altered arbitrarily and without sufficient and compelling justification. No justification has been provided for the inclusion of PNP at this stage and why was the same not included at the stage of initiation.

m. The belated inclusion of PNP Polymers as a constituent of the domestic industry, 5 months after the initiation is procedurally irregular and violates rule 5(3) of the Anti-Dumping Rules, which bases the initiation of the investigation on the standing of the applicants and degree of support.

n. It has not been clarified whether PNP has imported or is related to an importer or exporter of the product under consideration. In a previous investigation, the Authority noted PNP was an importer of the subject goods.

o. The inclusion of a new producer alters all economic parameters underlying the injury analysis.

p. Allowing the domestic industry to revise standing and resubmit consolidated data is unfair as the opportunity to join the investigation at this stage or supplement / amend their response has not been given to the other interested parties.

q. Share of applicants at the time of the initiation is lower than the share as compared to previous investigation.

r. If PNP is accepted, the Authority must provide a detailed explanation of the criteria, process, and supporting evidence at post-initiation stage.

s. Data submitted by PNP should be segregated for injury and causal link analysis, unless stakeholders are allowed to comment on its inclusion and impact.

D.2. Submissions made by the domestic industry

28. The following submissions have been made by the domestic industry with regard to the scope of domestic industry and standing:

a. The application for initiation of the present investigation has been filed by Century Enka Limited, Gujarat Polyfilms Limited and Oriilon India Private Limited. The applicants constitute major proportion of total domestic production in India.

b. The application for initiation of anti-dumping investigation has been supported by Aglon Industries Private Limited, AYM Syntex Limited, Salasar Polyplex Private Limited and Todi Rayons Private Limited.

c. As opposed to the submissions of the other interested parties, there is no requirement that the applicants must constitute at least 50% of total Indian production to constitute domestic industry.

d. As opposed to the submissions by other interested parties, there is no requirement for the scope of domestic industry to be the same in each investigation. There have been multiple sunset reviews wherein the scope of domestic industry has changed. Out of the producers which participated in the previous investigation, JCT Limited has closed down operations, Prafull Overseas Private Limited has been declared as a non-performing asset and AYM Syntex Limited has supported the present application.

e. PNP Polymers Limited filed detailed information pursuant to the communication sent by the Authority to domestic producers seeking participation, and requested it to be considered as part of the domestic industry.

f. At the stage of initiation, the applicants accounted for 37% of total Indian production and accounted for 62%, along with the supporters. After inclusion of PNP, the domestic industry accounted for 46% of total Indian production. This is consistent with the view of the on Appellate Body Report in EC- Fasteners (China).

g. Inclusion of PNP provides a more accurate and comprehensive picture to the Authority for determination of injury and reduce any possibility of distortion of information. There is no bar on inclusion of a domestic producer in the scope of the domestic industry post initiation of an investigation and such practice is consistent with the practice in the USA, European Union and the past practice of the Authority.

h. As opposed to the submissions by the other interested parties, PNP has not been included only to show injury to the domestic industry as the Authority initiated the present investigation based on the data filed by the applicants which already showed injury to the domestic industry.

i. Contrary to the submissions made by other interested parties, while the criterion for standing is to be met at the stage of initiation, there is no bar to addition of a producer in the scope of the domestic industry post initiation. The Authority in a number of previous investigations has added producers within the scope of the domestic industry post initiation of the investigation.

j. The interested parties have raised contradictory claims as initially the other interested parties opposed the application by stating that the standing is inadequate and later opposed inclusion of additional producers.

k. Request for inclusion of PNP is not belated as PNP has filed its information much prior to the deadline for filing of responses by other interested parties. Since PNP is not an applicant, the timelines applicable for other interested parties are also

applicable to it. Since PNP has filed detailed information within time limits, its failure to register as an interested party is of no relevance.

l. There is no bar for producer, which is not a supporter, to be considered as part of domestic industry. USA even allows a producer opposing imposition of anti-dumping duty to be a part of the domestic industry.

m. PNP has not imported the subject goods from the subject countries during the period of investigation and is not related to an exporter of product under consideration or an importer in India.

n. The information for PNP has been circulated to the other interested parties as per the guidance sought from the Authority and directions given by the Authority.

o. The consolidated information for the domestic industry considering 4 producers has been circulated voluntarily. The interested parties have not demonstrated how the inclusion of PNP has caused prejudice to their interest, since all parties were given the opportunity to comment on the consolidated information. The consolidated injury information was circulated 2 months prior to the Oral hearing and parties were provided with ample opportunity to comment on the same.

p. Contrary to the submissions of the other interested parties, the fire at the plant of Oriilon and Century are developments subsequent to the period of investigation, having temporary impact on operations. This does not impact the standing of the domestic industry.

q. Oriilon and Century have made negligible imports during the period of investigation and such details have already been provided in the application. The Rules do not prevent a producer which has imported the subject goods to support the application, thus, volume of imports by supporters are not relevant. Any imports made by producers post imposition of duties will also be subject to anti-dumping duty.

D.3. Examination by the Authority

29. Rule 2(b) of the Anti-Dumping 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".*

30. The Authority notes that the application for initiation of the present investigation was filed by Century Enka Limited, Gujarat Polyfilms Private Limited and Oriilon India Private Limited. The application was supported by Aglon Industries Private Limited,

AYM Syntex Limited, Salasar Polyplex Private Limited and Todi Rayons Private Limited.

31. The Authority notes that post initiation of the present investigation, an intimation regarding initiation of investigation and proforma application format was sent to all known interested parties, including all domestic producers of the subject goods in India. Pursuant to the notice, PNP Polymers Limited provided its injury and costing information on 17th February 2025 and requested that it may be considered as part of the domestic industry in the present investigation. After its inclusion as part of domestic industry, non-confidential version of the data filed by PNP Polymers Limited and the consolidated injury information including PNP was circulated to the interested parties by the domestic industry on 14th May 2025. All other interested parties were given an opportunity to provide comments on the information circulated on behalf of PNP, including the consolidated information.

32. The Authority does not find merit in the submission that information filed by PNP is belated. The Authority notes that PNP was not an applicant in the present investigation. The deadline for filing response including exporter's response/importer's response/ user's response and response to economic interest questionnaire by all interested parties in the present investigation was 6th April 2025. Since PNP has filed its information along with the request on 17th February 2025, that is, much prior to the deadline, the information cannot be considered belated.

33. The interested parties have claimed that standing cannot be revised at this stage as it is fixed at the stage of initiation. The Authority notes that while the standing is to be established at the time of initiation, there is no bar on addition of producers post initiation of the investigation. At the time of initiation, the application satisfied the requirements of Rule 5(3) of the Anti-Dumping Rules. The same has not been disputed by any interested party. Inclusion of another producer post initiation does not impact such standing under Rule 5(3).

34. Contrary to the arguments of the interested parties, the Authority is required to ensure that the constitution of domestic industry is determined in a manner, that makes it more representative of domestic producers as a whole. If any producer comes forward pursuant to initiation of the investigation, the Rules require that they be considered as part of domestic industry, provided it is found that the data provided by them is adequate and accurate for the purpose of injury analysis. Inclusion of PNP results in more comprehensive information being available to the Authority regarding injury to the domestic industry and reduces the risk of distortion of information.

35. With regard to the submissions that the PNP has been used to strengthen the claims of injury, the Authority notes that the interested parties have not demonstrated that there is

no injury to the domestic industry, if PNP is not included as a part of domestic industry. In any case, if a producer comes forward to participate in the investigation, the decision to include or exclude such producer from scope of domestic industry does not depend upon whether such inclusion would strengthen or weaken the injury.

36. It has also been highlighted that PNP was not a supporter and cannot be considered as part of domestic industry. However, the interested parties have not shown any legal provision that requires that a producer must be a supporter at the stage of initiation, to be subsequently included as part of domestic industry. PNP is a domestic producer of subject goods in India and has provided detailed injury information. Accordingly, it has been considered as part of the domestic industry.

37. As regards the submission that information of PNP has been provided to revive the standing post a fire at plant of Oriilon, the Authority notes that the domestic industry has claimed that fire at the plant of Oriilon was post the period of investigation. Since scope of domestic industry and standing is defined considering production during the period of investigation, fire at Oriilon post the period of investigation does not change the standing of the applicants at the time of initiation of the investigation. Thus, inclusion of PNP does not impact the standing at the time of initiation of the investigation.

38. With regard to the submissions that the present investigation should be terminated and a new application should be filed with PNP as an applicant, it is noted that there is no cause for termination of the present investigation. Inclusion or non-inclusion of PNP in the scope of the domestic industry, does not make the applicants ineligible to file the present investigation. Since the applicants meet the standing criteria, even without inclusion of PNP, termination in the present case is not warranted.

39. As regards the claims that due to disruption in production by Century and Oriilon, there is a demand-supply gap in the country, the Authority notes that there is no demand-supply gap in the country and the disruption in production due to fire was a temporary situation.

40. With regard to the claims that the share of applicants at the time of the initiation is lower than the share as compared to previous investigation, the Authority notes that the scope of domestic industry is established for each investigation separately. Since the applicants and PNP Polymers account for major share of total Indian production during the period of investigation, they have been considered eligible to constitute domestic industry.

41. The interested parties have also emphasized that the applicants in the previous investigation have not participated in the present investigation. However, as highlighted by the domestic industry, the earlier applicant, JCT Limited has already ceased operations, while Prafful Overseas Limited has been declared as non-performing asset. As regards AYM Syntex, the producer has supported the investigation. However, the

Authority notes that there exists no legal obligation on the Authority or the applicants to maintain the same scope of the domestic industry. The Authority is only required to ascertain whether the production of the domestic producers before it meets the requirement of the domestic industry under the law.

42. The Authority notes that none of the domestic producers constituting domestic industry are related to any exporter of the subject goods in the subject countries or any importer of the product under consideration in India.

43. In view of the foregoing, the Authority notes that the applicants and PNP account for major proportion of domestic production. Thus, the Authority concludes that the applicants and PNP constitute domestic industry under Rule 2(b) of the Anti-Dumping Rules and the application satisfies the requirement of standing in terms of Rule 5(3) of the Anti-Dumping Rules.

E. CONFIDENTIALITY

E.1. Submissions made by the other interested parties

44. The following submissions have been made by the other interested parties with regard to confidentiality:

a. The aggregate information where the domestic industry consists of more than two producers is to be provided in actual figures and not trend values. The claims of confidentiality for data must be revised.

b. The domestic industry has not shared consolidated data for sales value, cost of sales, selling price, profitability, depreciation, capital employed, net fixed assets, working capital and volume, price and value of self-imported product.

E.2. Submissions made by the domestic industry

45. The following submissions have been made by the domestic industry with regard to confidentiality.

i. Excessive confidentiality has been claimed by exporters/producers in violation of Trade Notice 10/2018.

ii. Fujian Kaibang Polyamide Technology Co., Ltd has claimed certain differences in products sold in its domestic market and those exported to India. The same have been claimed confidential without good cause.

iii. The methodology for claiming adjustments to export price in India has not been disclosed.

iv. The claims of confidentiality after including PNP have remained the same as for the information of the applicants.

v. The aggregate sales volume has been shared with the other interested parties. Aggregate value information would disclose pricing and profit related information, which is sensitive information, disclosure of which would give significant

advantage to users, in future negotiations, and would impact the interest of the domestic producers.

E.3. Examination by the Authority

46. The submissions made by the other interested parties and the domestic industry with regard to confidentiality have been examined as under:

47. The Authority made available non-confidential version of the information provided by various parties to all interested parties as per Rule 6(7) of the AD Rules. With regard to confidentiality of information, Rule 7 of AD Rules provides as follows:

> *"(1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, sub-rule (4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub -rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.*
>
> *(2) The designated authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarisation is not possible. (3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information"*

48. The information provided by all the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, the parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis. With regard to the submissions that the other interested parties have failed to disclose certain information in their responses, the Authority notes that the interested parties have justified the confidentiality claimed by them. Further, no prejudice has been caused to the interest of the domestic industry due to non-disclosure of such information.

49. As regard to the submissions that the domestic industry has claimed excessive confidentiality with regard to pricing and profitability information, the domestic industry has claimed that disclosure of price and profitability information will cause an adverse impact on the domestic industry as the same will lead to disclosure of the costing and profitability information. The Authority accepts the confidentiality claims of the domestic industry in this regard.

F. MISCELLANEOUS SUBMISSIONS

F.1. Submissions made by the other interested parties

50. The following miscellaneous submissions have been made by the other interested parties.
    i. Import data relied upon by the domestic industry has not been revised according to the revised scope of the product under consideration and PCN.
    ii. The reliability of the import data used must be examined.
    iii. There was insufficient evidence to justify initiation of investigation, and the application was devoid of legal and factual basis.
    iv. The investigation is invalid due to irregularity of period of investigation. No justification was given by the Authority for permitting deviation from 12-month period of investigation as required under Rule 5(3A) of the Anti-Dumping Rules.
    v. The initiation notification reflects the submissions of the applicants, without independent assessment by the Authority regarding period of investigation. In the cases of Union of India v Mohan Lal Capoor and Union of India vs. Anand Mohan Sharan, it was held that the Authority must give a clear reasoning, that is to be recorded in writing which is demonstrative of application of mind.
    vi. Mere convenience of the applicants does not meet the requirements of evaluation by the Authority for the consideration of a longer period of investigation.
    vii. In the absence of reasoning concerning consideration of lengthier period of investigation, the initiation itself is unsustainable in law.

F.2. Submissions made by the domestic industry

51. The following miscellaneous submissions have been made by the domestic industry.
    i. As opposed to the submissions of the other interested parties, there is no onus on the domestic industry to provide updated import information.
    ii. The Authority may consider DGCI&S or DG Systems information for its examination.
    iii. The other interested parties have not provided any justification for stating that there is insufficient evidence justifying initiation of investigation. The investigation has been initiated based on sufficient accuracy and adequacy of the evidence provided.
    iv. The applicants have proposed a 15 months period of investigation which includes one financial year and an additional quarter as consideration of July 2023 – June 2024 (12 month) as period of investigation would pose significant practical

difficulties for the preparation of the costing data. It would require collating information for two separate financial years, when most applicants are small companies having limited resources. 15 months period of investigation is in consonance with the Manual of Standard Operating Procedures.

v. As opposed to the submissions of the other interested parties, the Authority has considered 15 months period of investigation after examining the submissions of the domestic industry.

F.3. Examination by the Authority

52. With regard to the submissions that revised import data for the product under consideration and PCN wise import data has not been provided and reliability of import data provided may be checked, the Authority notes that it has not relied upon the import data furnished by the domestic industry. Instead, the Authority has relied upon DG Systems data for the purpose of the present investigation. The Authority has considered import transactions as per the revised scope of the product under consideration. The Authority further notes that once a PCN methodology is notified, each party is obligated to furnish their own information based on such PCN methodology. The domestic industry has duly complied with such requirement.

53. As regards claims of insufficient evidence for initiation, it is noted that the investigation has been initiated based on prima facie evidence of dumping, injury and causal link between such dumping and injury. The information filed by the applicants was verified and only after prima facie satisfaction regarding the accuracy and adequacy of the information furnished, the present investigation was initiated.

54. As regards the submissions that the period of investigation is irregular and no reason has been provided in the initiation notification for considering a 15 months period of investigation, the Authority notes that the deviation from a 12 months period of investigation has been allowed in a number of cases provided reasons for such deviation are stated. There are considerable practical constraints if a 12-month period is considered as it would cause bifurcating information of two financial years. Since the industry comprises of smaller producers as well, consideration of an investigation period spanning two financial years would have caused undue hardship to the domestic producers and may even make it impossible for smaller producer to participate in the present investigation. Accordingly, a 15-months period of investigation was considered in the present investigation. The Authority noted the same in the initiation notification.

> *"11. The applicants have proposed that a period 1st April 2023 to 30th June 2024 as the period of investigation. The applicants have submitted that a 15 months period of investigation is appropriate for the purpose of the present investigation, as it would allow inclusion of one full accounting year and as well as the most*

recent period. It has been further submitted that the consideration of July 2023 – June 2024 as period of investigation would result in significant practical difficulties for preparation of the costing data, as it would require culling information for two separate financial years. The applicants have claimed that majority of them are relatively small companies having limited resources. Preparation of information by extracting and collating information from two separate financial years would become unduly onerous for the applicants.

12. In view of the above, the period of investigation considered appropriate for the purpose of the present investigation is 1st April 2023 to 30th June 2024 (15 months). The injury analysis period covers the period of investigation and the three preceding financial years that is, 1st April 2020 – 31st March 2021, 1st April 2021 –31st March 2022, 1st April 2022– 31st March 2023 and the period of investigation"

G. NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

G.1. Submissions made by the other interested parties

55. The following submissions have been made by the other interested parties, with reference to determination of normal value, export price and dumping margin.

i. Sampling is unnecessary in the present case as only 8 producers from China and 2 producers from Vietnam have participated, the determination of individual dumping margin in feasible.

ii. Considering only 2 producer/exporter groups as sampled companies is inadequate. In all recent investigations where sampling has been undertaken, the Authority has selected at least 3 groups of producers.

iii. Rule 17(3) requires determination of individual dumping margin, which should be determined for all cooperating producers.

iv. In the previous investigation concerning subject goods, the Authority did not do sampling and determined individual dumping margin for all. In all recent investigations where sampling has been undertaken, the Authority has selected at least 3 groups of producers. Further, in previous investigations such as in case of Printed Circuit Boards and Resin Bonded Thin Wheels, the Authority has not resorted to sampling despite there being a substantial number of participants.

v. Cooperating producer/exporters have not claimed market economy status and the Authority is only required to examine the export price. In view of this, individual determination would not be unduly burdensome.

vi. Sampling would prejudice the non-sampled cooperating producer/exporters, which furnished timely response to the questionnaire.

vii. There is ample time to evaluate individual export prices of all participating producers from China, till December 2025.

viii. If sampling is done, it must be done within 80 days from initiation and export volume should be picked from cross section of participating producers/exporters as per the Manual of Operating Practices.

ix. Fujian Highsun Synthetic Fiber Technology Co. Ltd. and Fujian Liheng Polyamide Industry Co. Ltd. belong to the same group as given in the EQR of the latter. Effectively only two producer groups have been sampled.

x. The Authority must ensure that the manufacturers of maximum categories PCNs, industry practices and export patterns are adequately represented.

xi. At least 5-6 groups must be considered, as the Authority has considered upto 19 producers as part of sample in the jute investigation. Further, the Authority must adopt a "stratified and purposive sampling methodology" as adopted in the Jute Products investigation.

xii. It must be ensured that the responses of the sampled exporters are complete and of the highest quality.

xiii. Prutex Nylon Co., Ltd. should be included in the sampled producers, as it has export volume is comparable to the volume of the sampled producers. Prutex has exported more than 20 PCNs to India, which would make the sample more representative.

xiv. Dikai must be sampled producer/exporter since it has exported high quality product at higher prices, allowing for a representative sample.

xv. If anti-dumping duty is recommended, individual duty rate should be recommended for exports made by cooperating producers/exporters based on information submitted by them.

xvi. Weighted average anti-dumping duty based on sampled producers should be applied to Prutex, if it is not included in sample, and to Wanhong. Individual duty rate should be recommended for Yiwu Huading, since it has been sampled.

xvii. Hyosung TNC, Korea has two subsidiaries in India, namely Hyosung Corporation India Pvt Ltd and Hyosung India Pvt. Ltd. These are the direct subsidiaries of Hyosung TNC, a company incorporated in Korea. These are not subsidiaries of Hyosung Dong Nai and Hyosung Nylon, Vietnam. Furthermore, these subsidiary companies belong to the group but are not involved in the sale, purchase or production of the PUC in the instant Investigation. Apart from these two companies, Hyosung Dong Nai and Hyosung Nylon, Vietnam do not have any related entity in India.

G.2. Submissions made by the domestic industry

56. The domestic industry has submitted as follows with reference to determination of normal value, export price and dumping margin.

i. There is a history of dumping in respect of the subject goods from multiple countries. This shows that the producers / exporters in subject countries are unable

to sell at fair prices and have to resort to dumping in order to gain a market share in India.

ii. China PR should be treated as a non-market economy in accordance with Article 15(a)(i) of China's Accession Protocol and the normal value should be determined in terms of Annexure I, Rule 7 of the AD Rules.

iii. Since the provisions of Article 15(a)(i) of China's Accession Protocol continue to remain in force, the producers in China PR are required to show that market economy conditions prevail.

iv. In the application, the normal value for China PR was determined based on price payable in India. The normal value for Vietnam was calculated based on the cost of production in Vietnam, on the basis of price of caprolactam and the power rates in Vietnam, and conversion costs and consumption norms of the domestic industry, and reasonable profits.

v. The dumping margin is positive and significant.

vi. Hyosung Dong Nai Company Limited and Hyosung Dong Nai Nylon Company Limited have responded to the exporter questionnaire response but have failed to disclose their direct or indirect subsidiaries of the South Korean textile manufacturer, Hyosung TNC.

vii. Hyosung Dong Nai Company Limited, Hyosung Dong Nai Nylon Company Limited and their trading company Shinhan Trading have reported their sales information based on 1st grade and 2nd grade in addition to the other PCNs. The parties have not followed the PCNs notified and have not complied with the directions of the Authority. The response filed by such parties is deficient and should be rejected.

viii. Public information shows that Hyosung TNC has multiple subsidiaries engaged in textiles and trading. The role played by such entities in the value chain must be examined.

ix. Highsun has exported products produced by itself or its affiliate Liheng. Since related entities are involved in the production and sales of the subject goods, it must be examined whether the sales within the group companies have been made at arm's length prices.

x. Prutex should not be considered as a part of sample, as the sampling has been undertaken on basis of largest export volumes.

xi. Article 6.10 of the Anti-dumping Agreement and the Rules do not provide for product categories or PCNs to be considered as a parameter for sampling.

xii. Reference to previous investigation wherein sampling was done for more producers is misplaced. The Authority has undertaken a significantly higher number of investigations recently, which makes it unviable to determine individual dumping margins for individual producers.

xiii. Sampling of two producers/exporters is in line with global practice such as the EU, GCC, China and the US. These jurisdictions have initiated far less cases, as

compared to the Authority in India and yet have considered only 2-3 producers only.

xiv. Sampling of 2 to 3 producers have been undertaken in other jurisdictions, it cannot be that the same has not caused prejudice. That being the case, there is no cause to conclude that sampling undertaken in this case caused prejudice.

xv. Article 6.10 of the Anti-dumping Agreement and the Rules do not provide consideration of volume bands, export channels or product categories as a parameter for sampling. The Anti-dumping Agreement provides that the percentage of volume of exports may be considered.

xvi. The Manual of Operating Procedures also provides that export volume or a cross section of data should be considered for sampling.

xvii. The Manual of Operating Procedures does not prescribe a "deadline" for sampling. The timeline provided in the Manual is only a guideline and is not binding on the Authority.

xviii. There is no provision in law for sampling producers based on quality of the response provided.

xix. Article 9.4 of the Anti-dumping agreement provides that the dumping margin for non-sampled producers shall be determined based on the weighted average dumping margin of sampled producers, excluding any zero and de minimis margins and margins based on facts available.

xx. Merely because producer/exporter has exported high-quality products cannot be a ground for being considered in sampling. The same would suggest that such exports are not representative of the responding producers and overall imports.

xxi. Individual duty rate may be given to sampled producers after the due verification of the accuracy and adequacy of the information furnished.

G.3. Examination by the Authority

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

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

the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);
(b)Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely 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."

58. The Authority notes that the following producers/exporters of the subject goods have filed exporter's questionnaire responses:

i. Fujian Liheng Polyamide Industrial Co. Ltd.
ii. Fujian Kaibang Polyamide Technology Co., Ltd.
iii. Fujian Highsunsun Synthetic Fiber Technology Co., Ltd.
iv. Yiwu Huading Nylon Co., Ltd.
v. Prutex Nylon Co., Ltd
vi. Fujian Wanhong Textile Co., Ltd
vii. Hangzhou Dikai Industrial Fabrics Co., Ltd.
viii. Fujian Changle Yongda Textile Co.,Ltd, China PR
ix. Fujian Betterlife Supply Chain Management Co.,Ltd, China PR
x. Hyosung Dong Nai Nylon Co. Ltd, Vietnam
xi. Hyosung Dong Nai Co. Ltd
xii. Shinhan Trading Co. Ltd

59. As regards the PCN wise sales information provided by Hyosung Dong Nai Company Limited, Hyosung Dong Nai Nylon Company Limited and their trader, it is noted that the information has been examined for accuracy and that the dumping margin has been determined based on information provided by the producers/exporters. The Authority has not considered the information based on grades of the product.

60. As per the provisions of Rule 17, while the Authority shall determine individual dumping margin in respect of all those producers/exporters who have filed questionnaire responses; in a situation where a large number of producers/ exporters from China have filed questionnaire responses, the Authority may resort to sampling by limiting the response to a limited number of producers. The Rules provides as follows in this regard.

"17(3) The designated authority shall determine an individual margin of dumping for each known exporter or producer concerned of the article under investigation:

***Provided** that in cases where the number of exporters, producers, importers or types of articles involved are so large as to make such determination impracticable, it may limit its findings either to a reasonable number of interested parties or*

articles by using statistically valid samples based on information available at the time of selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated, and any selection, of exporters, producers, or types of articles, made under this proviso shall preferably be made in consultation with and with the consent of the exporters, producers or importers concerned :

***Provided** further that the designated authority shall, determine an individual margin of dumping for any exporter or producer, though not selected initially, who submit necessary information in time, except where the number of exporters or producers are so large that individual examination would be unduly burdensome and prevent the timely completion of the investigation."*

61. In view of the large number of responses, the Authority considered sampling of producers from China PR. The same was proposed vide notification dated 8th May 2025. After receiving comments from various parties, the sampled producers were notified vide notification dated 5th June 2025. The sample considered was based on the volume of exports to India, with the producers having the largest volume of exports, being considered as a part of the sample. The following producers were considered as a part of the sample.

    1. Fujian Highsun Synthetic Fiber Technology Co., Ltd. and Fujian Liheng Polyamide Industry Co., Ltd.
    2. Yiwu Huading Nylon Co., Ltd

62. The Authority notes that even though only 2 Groups are selected within sample, it nevertheless requires examination of responses for three producers. The interested parties have emphasized that three producers must be considered in the sample. However, the Rules do not mandate consideration of three producers. Moreover, the Authority notes that some investigating authorities in other jurisdictions like USA and EU mostly consider a sample of only 2 producers. It is further noted that the sampled produces comprise of 61% of the volume of exports by the cooperative producers. Therefore, the size of the sample cannot be considered inadequate, particularly when there are three producers involved in such sample.

63. The Authority does not find merit in the contention of the interested parties that considering voluntary responses filed by such exporters, an individual dumping margin must be accorded to all such exporters. Further, the fact that none of the producers/exporters from China PR have claimed market economy status, is not adequate for determination of individual dumping margin for all such exporters. Rule 17(3) and its proviso make it amply clear that the Authority may limit examination to certain exporters, where necessary in the interest of timely completion of the investigation.

64. It is noted that the sampling rules in particular allow Authority to limit individual determination to number of product types. This implies that it is not necessary that the Authority considers a sample in such a manner that all the products supplied to India get included within the sample.

65. As regards the request for inclusion on the grounds that producer/exporter has supplied specialty products or the product profile forming part of the sample should be comprehensive, the Authority notes that there is no such obligation under Rule 17(3).

66. With regard to the submissions that sampling must be done within 80 days of initiation, the Authority notes that Rule 17(3) of the Anti-Dumping Rules allows sampling of producers / exporters. There is no deadline in the Rules for undertaking sampling of producers / exporters in an anti-dumping investigation.

67. As regards the request to sample responses which are complete and of highest quality, it is noted that there is no provision under Rule 17(3) which requires the sampling to be done on basis of quality of responses given. The sampling has been done on the basis of volume of exports and the quality of response cannot form basis of whether the response should be considered for individual examination. This is particularly since if the Authority is required to examine each response in detail, to first identify that the responses are of highest quality, and then consider them for sampling, it would defeat the purpose of sampling.

68. In view of the above, Authority finalizes the sampling as notified vide notification dated 5th June 2025. Further, it is noted that the dumping margin for all other cooperative non-sampled producers has been determined based on the weighted average margin for the cooperative sampled producers.

G.3.1. Determination of Normal value and Export Price

1. Normal value for China PR

69. Article 15 of the China's Accession Protocol to the WTO provides as follows:

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

15. (a) In determining price comparability under Article VI of the GATT 1994 and the Anti-Dumping Agreement, the importing WTO Member shall use either Chinese prices

or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:

(i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;

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

(b) In proceedings under Parts II, III and V of the SCM Agreement, when addressing subsidies described in Articles 14(a), 14(b), l4(c) and l4(d), relevant provisions of the SCM Agreement shall apply; however, if there are special difficulties in that application, the importing WTO Member may then use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the importing WTO Member should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.

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

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

70. The domestic industry has cited and relied upon Article 15(a)(i) of China's Accession Protocol. The domestic industry has claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the manufacturing, the production and the sale of the product under consideration. It has been stated by the domestic industry that in case the

responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 of Annexure- I to the Rules.

71. None of the sampled 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."*

72. 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.

2. Export price for China PR

Export price for Fujian Highsun Synthetic Fiber Technology Co., Ltd. and Fujian Liheng Polyamide Industry Co., Ltd.

73. During the period of investigation, Fujian Highsun Synthetic Fiber Technology Co., Ltd. (Fujian Highsun) has exported [***] MT of the product under consideration to India, of which [***] MT has been exported directly. The balance [***] MT has been exported through its related producer, Fujian Liheng Polyamide Industry Co., Ltd. (Fujian Liheng). Fujian Liheng Polyamide Industry Co., Ltd. has exported [***] MT of the product under consideration to India, of which [***] MT has been exported directly. The

balance [***] MT has been exported through its related producer Fujian Highsun Synthetic Fiber Technology Co., Ltd.

Fujian Highsun → Unrelated customers in India
Fujian Highsun → Fujian Liheng → Unrelated customers in India
Fujian Liheng → Unrelated customers in India
Fujian Liheng → Fujian Highsun → Unrelated customers in India

74. The export price has been determined based on the price of sale charged by Fujian Highsun and Fujian Liheng from unrelated customers in India. Adjustments have been made for ocean freight, ocean insurance, inland transportation, port and other related expenses, Customs declaration charges, credit cost, bank charges and other charges after desk verification. The Authority has calculated PCN-wise export price for exports of goods produced by Fujian Highsun and Fujian Liheng, and compared the same with the normal value for the respective PCN. A weighted average dumping margin was determined accordingly. The net export price and dumping margin so determined has been mentioned in the table below.

Export price for Yiwu Huading Nylon Co., Ltd.

75. During the period of investigation, Yiwu Huading Nylon Co., Ltd. (Yiwu Huading) has exported [***] MT of the product under consideration to India directly. The export price has been determined based on the price of sale charged by Yiwu Huading from unrelated customers in India.

Yiwu Huading → Unrelated customers in India

76. Adjustments have been made for ocean freight, ocean insurance, inland freight, port handling charge, Customs declaration fee, loading fee and bank charges after desk verification. The Authority has calculated PCN-wise export price, and compared the same with the normal value for the respective PCN. A weighted average dumping margin was determined accordingly. The net export price and dumping margin so determined has been mentioned in the table below.

Export price for other producers/exporters in China PR

77. The Authority has determined the net export price for non-sampled cooperating producers/ exporters from China PR on the basis of weighted average net export price of the sampled producers from China PR.

Export price for other producers/exporters in China PR

78. The export price for all other non-cooperating producers and exporters of China PR has been determined based on facts available and the same is mentioned in the dumping margin table below.

3. Normal value for Vietnam

Normal value for Hyosung Dong Nai Co. Ltd and Hyosung Dong Nai Nylon Co. Ltd

Two producers / exporters namely, Hyosung Dong Nai and Hyosung Dong Nai Nylon have participated in the investigation from Vietnam. Both are related parties.

79. During the period of investigation, Hyosung Dong Nai Co. Ltd. (Hyosung Dong Nai) has sold [***] MT of the subject goods in the domestic market, whereas it has exported [***] MT of the subject goods to India. Its related producer, Hyosung Dong Nai Nylon Co. Ltd. (Hyosung Dong Nai Nylon) has sold [***] MT of the subject goods in the domestic market, whereas it exported [***] MT of the subject goods to India. The Authority notes that the domestic sales are in sufficient volumes when compared with exports to India.

80. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods, on a PCN-wise basis. In case of PCNs, with where more than 80% of sales were made at profits, the normal value has been determined based on the ex-factory selling price. Where less than 80% of sales were made at profits, the normal value has been determined based on the ex-factory selling price of profitable sales. For PCNs where less than 20% sales for each producer were made at profits, or where the PCN has not been sold in the home market, the normal value has been determined based on cost of production of the PCN with a reasonable addition towards selling, general and administrative expenses and profits. Adjustments to selling price have been made for inland transportation, bank charges and credit cost after desk verification. The weighted average normal value at ex-factory level for Hyosung Dong Nai and Hyosung Dong Nai Nylon has been calculated as mentioned in the dumping margin table below.

Normal value for other producers/exporters in Vietnam

81. The normal value for all other non-cooperating producers and exporters from Vietnam has been determined based on facts available and the same is mentioned in the dumping margin table below.

4. Export Price for Vietnam

Export Price for Hyosung Dong Nai Co. Ltd and Hyosung Dong Nai Nylon Co. Ltd

82. During the period of investigation, Hyosung Dong Nai has exported [***] MT of the product under consideration to India, of which [***] MT has been exported directly. The balance [***] MT has been exported through the unrelated trader, Shinhan Trading Co. Ltd., Korea RP (Shinhan). Hyosung Dong Nai Nylon has exported [***] MT of the product under consideration to India, of which [***] MT has been exported directly. The balance [***] MT has been exported through Shinhan.

Hyosung Dong Nai → Unrelated customers in India
Hyosung Dong Nai → Shinhan → Unrelated customers in India
Hyosung Dong Nai Nylon → Unrelated customers in India
Hyosung Dong Nai Nylon → Shinhan → Unrelated customers in India

83. The export price has been determined based on the price of sale charged by Hyosung Dong Nai, Hyosung Dong Nai Nylon and Shinhan from unrelated customers in India, as applicable. Adjustments have been made for ocean freight, insurance, inland transportation, port and handling charges, bank charges, and credit cost after desk verification. Further, the commission, selling, general and administrative expenses incurred by Shinhan were adjusted. The Authority has calculated PCN-wise export price for exports of goods produced by Hyosung Dong Nai and Hyosung Dong Nai Nylon and compared the same with the normal value for the respective PCN for the producer. A weighted average dumping margin was determined accordingly. The net export price and dumping margin so determined has been mentioned in the table below.

Export Price for other producers/exporters in Vietnam

84. The export price for all non-cooperating producers and exporters of Vietnam has been determined based on facts available and the same is mentioned in the dumping margin table below.

G.3.2. Dumping margin

85. The related producers and exporters were regarded as one single entity and attributed one single dumping margin which was calculated on the basis of the weighted average of the dumping margins of the cooperating related producers and exporters. Injury margin has also been determined in a similar way.

86. Considering the normal value constructed as provided above, and export price as determined, the dumping margin determined for the subject country is as follows:

Dumping Margin Table

SN	Name of Producer	Normal Value	Export Price	Dumping Margin	Dumping Margin	Dumping Margin
		(USD/MT)	(USD/MT)	(USD/MT)	(%)	(Range)
A	**China PR**					
1.	Fujian Highsun Synthetic Fiber Technology Co., Ltd.	***	***	***	***	10-20
2.	Fujian Liheng Polyamide Industry Co., Ltd.	***	***	***	***	40-50
3.	Fujian Group (weighted average)	***	***	***	***	15-25
4.	Yiwu Huading Nylon Co., Ltd	***	***	***	***	40-50
5.	Non-sampled Cooperative producers	***	***	***	***	20-30
6.	Any other producer	***	***	***	***	45-55
B	**Vietnam**					
1.	Hyosung Dong Nai Co. Ltd	***	***	***	***	100-110
2.	Hyosung Dong Nai Nylon Co. Ltd.	***	***	***	***	135-145
3.	Hyosung Group (weighted average)	***	***	***	***	110-120
4.	Any other producer	***	***	***	***	110-120

H. ASSESSMENT OF INJURY AND CAUSAL LINK

H.1. Submissions made by the other interested parties

87. The following submissions have been made by the other interested parties with regard to injury and causal link:

i. The domestic industry has exaggerated increased imports, and deliberately invented injury.

ii. Imports from Vietnam should be excluded from scope of investigation as their volume is negligible, only approximately 3% of total imports, and less than 1% of domestic consumption. Further, such imports comprise of downgraded or specialized materials or are transactions between affiliated parties.

iii. Despite cheaper imports, Mexico has not been included as a subject country, suggesting selective targeting by the domestic industry.

iv. The increase in import volumes coincides with expanding demand and growth in the sales of the Indian industry. The market absorbed the increased imports without displacing domestic supply.

v. Imports by supporters must be excluded from injury analysis, as supporters cannot facilitate dumping and then support the imposition of duty. Such imports allow them to control significant domestic supply and influence prices. It must be ensured that injury analysis is not skewed by self-serving practices or supply constraints created by parties seeking protection.

vi. The domestic industry has witnessed growth and total capacity of Indian industry has increased. The increase in capacity is not supported by growth in demand or production trends.

vii. The capacity, production, domestic sales, employees, salary payments, productivity of the domestic industry and sales of supporters have increased. As noted by WTO Panel in Thailand – H-Beams, improvement in parameters of domestic industry cannot be ignored.

viii. The decline in capacity utilization is due to overcapacity, misaligned with actual demand, and inefficiency.

ix. The sales of the domestic industry have seen significant and consistent increase, undermining any claims of volume-based injury. Further increase in sales of domestic industry is much than increase in imports from China.

x. Inventories have remained controlled and inventory turnover has improved. There is a decline in inventory, expressed as number of days of production and sales.

xi. The cost of sales and net sales realization increased nearly parallel to one another. There is no proof that the subject imports have led to price undercutting or depression.

xii. The export selling price per unit of the domestic industry decreased more than the domestic selling price, which cannot be due to subject imports.

xiii. The deterioration in profits is disconnected from the import trend and aligns more with internal strategic decisions.

xiv. The continued investment, evident from increase in capital employed and fixed assets, indicates growth and confidence.

xv. Financial statements of Century Enka Limited, Gujarat Polyfims Private Limited, Aglon Industries Private Limited, AYM Syntex Limited, Todi Rayons Private Limited and Oriilon show that Gujarat Polyfilms Private Limited is the only producer incurring losses.

xvi. The domestic producers have maintained a market share of more than 75%, which would not be possible if the subject imports were undercutting its sales.

xvii. The number of employees increased, along with improvement in productivity.

xviii. Interest cost per MT declined by 9%, showing improved efficiency.

xix. Increase in average capital employed, net fixed assets and installed capacity imply that the petitioner is strategically expanding, not suffering from injury.

xx. The significant decline in the profitability of domestic industry cannot be solely attributed to imports from China. As per para (v) of Annexure – II to the Anti-Dumping Rules, there must be causal link between dumping and injury.

xxi. Factors other than imports that may cause injury must be examined. The same was also observed by the Appellate Body in US- Hot-Rolled Steel and US – Norwegian Salmon AD.

xxii. Despite the imposition of anti-dumping duty on subject imports in the past, the domestic industry still faces challenges, which indicates other factors causing injury.

xxiii. Any alleged injury is due to internal inefficiencies, overexpansion, or cost-related factors and is not attributable to the subject imports.

xxiv. There has been a change in technology, with the number of winders per line increasing to 24 units, while the domestic industry employs 12 units. As a result, the cost of production of the domestic industry is higher.

xxv. Increase in working capital requirements and interest cost is not proportionate to change in inventory levels and indicates financial burdens attributable to internal inefficiencies and decisions, rather than dumped imports.

xxvi. The domestic industry uses outdated technology, which is affecting its competitiveness.

xxvii. The reliance on imports or low quality unsustainable raw material obstructs competitiveness of the domestic industry.

xxviii. Shortage of skilled workers and high labor costs affect production quality and efficiency.

xxix. Geographical disadvantages can increase overall production expenses, market access and increase shipping costs.

xxx. High borrowing costs or lack of financing options may affect competitiveness.

xxxi. Performance of all other domestic producers, including the supporters, must be considered.

xxxii. Change in market demand, rising competition, fluctuating exchange rates, consumer preferences, market saturation, inconsistent government policies and trade agreements may also negatively impact the domestic industry.

xxxiii. The Authority must examine the technical aspects of the product, including concerns regarding quality of goods supplied by domestic industry, lower operational efficiency caused by domestic industry, increased wastage and production downtime due to use of domestic yarn, uneven bobbin length of such yarn, and its limited compatibility with specialized or high-end applications.

H.2. Submissions made by the domestic industry

88. The following submissions have been made by the domestic industry with regard to the injury and causal link:

i. The domestic industry suffered injury on account of the increase in low-priced imports during 2022-23. The imports declined in the period of investigation but remained significant and the import price remained low. As a result, the injury continued in the period of investigation.

ii. Contrary to the submissions of the other interested parties, there is no basis for excluding imports made by supporters for injury examination. The Rules provide for examination of volume and price effect of all imports at dumped prices, irrespective of the nature of the parties importing the said product.

iii. The subject imports have increased more than the increase in demand over the injury period.

iv. The subject imports have increased in absolute and relative terms. The subject imports in relation to production increased even if the highest Indian production during the injury period is considered.

v. Despite Indian industry having sufficient capacity to cater to the entire demand in India, the subject imports have increased significantly over the injury period.

vi. Barring 2021-22, the increase in subject imports has outpaced the increase in demand in the injury period.

vii. During the period of investigation, the imports declined slightly due to the decline in demand and increase in capacity in the country. Even then, the subject imports have shown a significant increase over the injury period.

viii. The subject imports account for majority of total imports into the country.

ix. The weighted average and PCN wise price undercutting is positive and significant. Price undercutting is positive even though the domestic industry has sold at losses.

x. The imports have depressed the prices of the domestic industry, and prevented price increases, which otherwise would have occurred.

xi. The landed price of imports is materially lower than cost of sales of the domestic industry.

xii. The capacities of the domestic industry declined in 2022-23 and the period of investigation.

xiii. The increase in volume of dumped imports severely impacted the profitability of the domestic industry, forcing it to sell at losses.

xiv. The profitability of the domestic industry improved in 2021-22 as the prices in the market became competitive. However, the price of imports declined thereafter and forced the domestic industry to sell at prices below the cost of sales of the domestic industry.

xv. Despite selling at losses during the period of investigation, the inventories of the domestic industry increased, and were the highest during the period of investigation.

xvi. The cash profits declined significantly and turned into losses. The cash losses were highest in the period of investigation.

xvii. The domestic industry has recorded a negative return on its investments and this has adversely impacted its ability to raise further investments.

xviii. The domestic producers are suffering continuous injury which is evident from the fact that a number of domestic producers, such as, Paras Petrofils, GSFC, Gupta Synthetics, and JCT Limited have shut down their operations.

xix. The production, sales, wages and employees have increased as a consequence of increase in demand and capacity. However, the profitability of the domestic industry has declined.

xx. The domestic industry has suffered on the price front as it opted to maintain its customers base, production and capacity utilisation. Improvement in volume parameters cannot be seen in exclusion to decline in profitability parameters.

xxi. As opposed to the submissions of the other interested parties, all parameters listed in law are not required to show deterioration to demonstrate material injury. This is consistent with the observations of the WTO Panel in Pakistan – Anti-Dumping Measures on Biaxially Oriented Polypropylene Film from the United Arab Emirates and the order of the Tribunal in Reliance Industries Limited vs. Designated Authority [2018 (363) E.L.T. 566 (Tri. - Del.). The domestic industry has suffered injury in the present case in terms of decline in profitability.

xxii. Contrary to the submissions of the other interested parties, Rule 11 provides for injury examination of the defined domestic industry. In any case, information for supporters has been provided which shows that the profits of the supporters have followed the same trend in the injury period.

xxiii. As opposed to the submissions of the other interested parties, injury does not necessarily mean losses and even a decline in profits show injury.

xxiv. Contrary to the claims of the interested parties, the injury is not on account of old technology used by the domestic industry. In fact, PNP, Aglon and Century Enka have set up new capacities and machines and have added new technology. On the other hand, plants in China are known to be 20-25 years old.

xxv. The domestic industry requests the Authority to verify the claims that foreign producers have 24 winders per lines.

xxvi. The non-attribution analysis must not be done for factors inherent to the domestic industry such as source of raw material, location of industry and age of plant. This is consistent with the findings of the Appellate Body in European Union – Biodiesel (Argentina).

xxvii. There is no evidence with regard to the submissions that specialised product is being imported and there are related party transactions.

xxviii. The imports from Vietnam must not be excluded from the investigation as the share of imports from Vietnam is more than 3% and the dumping margin is positive and significant.

xxix. The interested parties have claimed that the domestic industry has supplied downgraded material and at the same time submitted that imports from Vietnam are of downgraded material. This shows that all suppliers supply different qualities to all markets.

xxx. Imports from Mexico have not been included as such imports only form 1% of total imports and investigation of the same is not permitted under Rule 14.

xxxi. Contrary to the submissions of the other interested parties, the increase in capital employed and fixed assets and a decline in interest costs are not parameters of injury.

xxxii. The claims that other factors are causing injury to the domestic industry are unsubstantiated as the other interested parties have not identified such factors.

xxxiii. The technology used by the domestic industry is not outdated. There has been no change in geographical location of the industry, or quality and source of raw material. The skill of the labour force has also not undergone any change.

xxxiv. Contrary to the claims that the injury is due to internal inefficiencies, overexpansion, or cost related factors, the domestic industry has suffered in terms of profitability and not in terms of volume parameters. There is a clear nexus between the decline in prices and profits due to the steep decline in landed prices.

xxxv. Injury is not due to high finance cost as the same is only 1.5% of total cost of production. Further, the domestic industry has faced losses even before counting its interest.

xxxvi. Fluctuations in currency is not a reason for injury to the domestic industry as it would render imports unviable and not the domestic product.

xxxvii. The other interested parties have not identified any changes in consumer preferences. There are no reasons for consumers to prefer imported product barring its availability at dumped prices.

xxxviii. There are no unfavourable government policies or agreements causing injury to the domestic industry. The India -ASEAN agreement has been in effect since 2010 and cannot be a factor causing injury to the domestic industry.

xxxix. It is unreasonable to claim that efforts which aim to support domestic production, such as, trade agreements, would cause injury to the domestic industry.

H.3. Examination by the Authority

89. The Authority has examined the arguments and counterarguments of the interested parties with regard to injury to the domestic industry. The analysis made by the Authority hereunder addresses the various submissions made by all the interested parties.

90. The interested parties have emphasized that improvement in certain parameters of the domestic industry cannot be ignored. The domestic industry has countered that mere improvement in certain parameters does not imply absence of injury. The Authority notes that it is required to conduct a holistic assessment of all parameters, and arrive at its conclusions. If based on a holistic assessment, it finds that imports have caused injury to the domestic industry, the improvement in certain parameters shall not negate such a conclusion. If, on the other hand, an examination of all parameters shows absence of injury, the deterioration in certain parameters cannot be considered determinative of injury.

91. As regards the submission that there is an increase in capital employed and fixed assets investments which shows confidence in the performance of the domestic industry, the Authority notes that such indicators are not determinative of whether the domestic industry has suffered injury. Therefore, mere increase in capital employed does not imply that the domestic industry did not suffer injury due to dumping of the subject goods.

92. With regard to submissions that the performance of producers in their financial statements do not match the performance of the domestic industry, the Authority notes that the Authority has relied upon the verified information of the applicants with regard to performance of only the subject goods. Reference to financial statements of the domestic producers may not be appropriate, as it would include information with regard to performance in other markets, and other products as well.

93. The other interested parties have submitted that the performance of all other domestic producers, including the supporters, must be considered. The Authority notes that it is required to undertake injury analysis for the defined domestic industry. This is also in consonance with the observations of the WTO Panel in EC – Bed Linen.

> *"6.182 However, our conclusion with respect to the second aspect of India's claim is different. As we have noted, the determination of injury has to be reached for the domestic industry as defined by the investigating authorities, in this case the 35 producers comprising the "Community industry" as defined by the European Communities. In our view, information concerning companies that are not within the domestic industry is irrelevant to the evaluation of the "relevant economic factors and indices having a bearing on the state of the industry" required under Article 3.4. This is true even though those companies may presently produce, or*

may have in the past produced, the like product, bed linen. Information concerning the Article 3.4 factors for companies outside the domestic industry provides no basis for conclusions about the impact of dumped imports on the domestic industry itself. If other present or former bed linen producers had been considered part of the domestic industry, the fact that some of them went out of business would be relevant to the evaluation of the impact of dumped imports on the domestic industry. But given that the European Communities defined the domestic industry as 35 producers of bed linen, information concerning other companies does not inform the evaluation of "factors and indices having a bearing on the state of the industry" under Article 3.4 of the AD Agreement, and thus cannot serve as the basis of findings regarding the impact of dumped imports on the domestic industry."

94. The interested parties have also not demonstrated that the Authority is required to examine the financial performance of producers not forming part of the domestic industry. Therefore, having found that the applicants and PNP Polymers constitute domestic industry, the Authority has undertaken injury analysis only for the domestic industry so defined.

H.3.1. <u>Cumulative assessment of injury</u>

95. Article 3.3 of WTO agreement and para (iii) of Annexure II of the Rules provides 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, in case it determines that:
    a. 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
    b. A cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported products and the conditions of competition between the imported products and the like domestic articles.

96. In the instant case, volume of imports and dumping margin from each of the subject countries are more than the de-minimis. Further, the imports from the subject countries and the product manufactured by the domestic industry have inter-se comparable properties and is being used for the same applications and by the same segment of customers. Thus, the subject imports are competing in the Indian market inter-se as well as with the subject goods manufactured by the domestic industry.

97. The Authority thus, concludes that it would be appropriate to undertake cumulative assessment of injury in the present investigation for the following reasons.

a. The subject goods are being dumped into India from the subject countries.
b. The margin of dumping from each of the subject countries is more than the *de minimis* limits prescribed under the Rules.
c. The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
d. Cumulative assessment of the effects of import is appropriate as the imports from the subject countries not only directly compete with the imports from each of the subject countries but also the like articles offered by the domestic industry in the Indian market.

98. As regards the concern that the imports from Vietnam must be excluded from the examination, the Authority notes that imports from Vietnam are more than 3% of total imports into India. Further, it is noted that the dumping margin for imports from Vietnam is positive and significant. The Authority also notes that the price of imports from Vietnam is much less than the price of imports from China PR. In view of this, the exclusion of Vietnam from the present investigation is not warranted.

H.3.2. <u>Volume Effect of dumped imports</u>

i. Assessment of Demand (Apparent Consumption)

99. The Authority, for the purpose of the present investigation, has defined demand or apparent consumption of the product in India as the sum of domestic sales of the Indian producers and imports from all sources. The demand so assessed is given in the table below.

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Sales of domestic industry	MT	40,638	58,162	64,831	68,314
Captive Consumption	MT	30	Nil	Nil	Nil
Sales of the Supporting Producers	MT	22,739	30,138	35,413	37,759
Sales of other producers	MT	30,869	46,035	44,465	37,559
Subject imports	MT	18,170	24,179	38,180	31,823
China	MT	16,946	23,341	36,879	30,547
Vietnam	MT	1,224	839	1,301	1,276
Other imports	MT	5,542	5,101	4,006	4,736
Total Demand/Consumption excluding Captive	MT	1,17,957	1,63,615	1,86,894	1,80,191
Total Demand/Consumption including Captive	MT	1,17,988	1,63,615	1,86,894	1,80,191

** Imports as per DG Systems data, other figures as per domestic industry data*

100. The Authority notes that the demand for the subject goods has increased till 2022-23 and declined slightly in the period of investigation. The demand has remained higher than the demand in the base year.

ii. Imports in Absolute and Relative Terms

101. With regard to the volume of dumped imports, it is required to be considered whether there has been a significant increase in dumped imports either in absolute terms or relative to production or consumption in India. The volume of imports over the injury period was as follows:

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Subject imports	MT	18,170	24,179	38,180	31,823
China	MT	16,946	23,341	36,879	30,547
Vietnam	MT	1,224	839	1,301	1,276
Other imports	MT	5,542	5,101	4,006	4,736
Total imports	MT	23,711	29,280	42,185	36,559
Subject Imports in relation to					
Domestic production	%	43%	41%	56%	45%
Consumption (Including captive)	%	15%	15%	20%	18%
Total Imports	%	77%	83%	91%	87%

102. The Authority notes that:

i. The volume of subject imports has increased over the injury period. The subject imports have increased by ***% in 2022-23 as compared to base year. In the period of investigation, while the subject imports declined compared to previous year, it still remained ***% higher than the base year.

ii. The subject imports in relation to both consumption and production has increased in 2022-23 and thereafter declined slightly in the period of investigation.

iii. The share of subject imports in total imports has increased over the injury period from ***% in the base year to ***% during the period of investigation.

iv. The applicants have submitted that the decline in imports during the period of investigation was a result of the decline in demand and increase in capacities of the domestic industry.

103. The interested parties have contended that imports from supporters must be excluded from the injury examination. However, the Authority notes that under the provisions of Rule 11 of the Anti-Dumping Rules, read with Annexure-II thereto, the Authority is required to undertake injury examination with regard to the dumped imports. Such imports shall include the imports made by supporters or applicants as well.

H.3.3. <u>Price Effect</u>

104. With regard to the price effect of the imports from the subject countries, it is required to be analysed whether there has been a significant price undercutting by the alleged imports as compared to price of the like article in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in the normal course. The impact on the prices of the domestic industry on account of the imports from the subject countries has been examined with reference to price undercutting, price suppression and price depression, if any.

i. Price Undercutting

105. For the purpose of price undercutting analysis, the net sales realisation of the domestic industry has been compared with the landed price of imports from subject countries. Table is shown below:

Particulars	**Unit**	**Subject countries**
Net sales realization	₹/MT	***
Landed price	₹/MT	1,94,680
Price undercutting	₹/MT	***
Price undercutting	%	***
Price undercutting	Range	5-15%

** Landed price as per DG Systems data, net sales realisation as per domestic industry data*

106. The Authority notes that the subject imports are priced below the net sales realisation of the domestic industry. The price undercutting from all subject countries is positive and significant.

ii. Price Suppression / Depression

107. In order to determine whether the dumped imports are depressing the domestic prices to a significant degree or whether the effect of such imports is to suppress price to a significant degree or prevent price increase which otherwise would have occurred in normal course, the Authority has examined the changes in the costs of sales and net sales realisation of the domestic industry over the injury period.

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	122	123	112
Net sales realisation	₹/MT	***	***	***	***
Trend	Indexed	100	128	122	109
Landed price	₹/MT	1,63,702	2,32,761	2,16,204	1,94,680

Trend	Indexed	100	142	132	119

** Landed price as per DG Systems data, net sales realisation and cost of sales as per domestic industry data*

108. The Authority notes that the cost of sales, net sales realisation and landed price have increased over the injury period. In 2021-22, the net sales realisation of the domestic industry increased, outpacing the increase in cost. However, in 2022-23, while the cost of sales remained almost the same, the selling price and landed price have declined. During the period of investigation, while the cost of sales declined, the net sales realisation showed a much higher decline. Over the injury period, while the cost of sales has increased by 12%, the net sales realisation has only increased by 9%. Thus, the subject imports have suppressed and depressed the prices of the domestic industry.

H.3.4. Economic Parameters of the Domestic Industry

109. Annexure II to the Anti-Dumping Rules require that the determination of the injury shall involve an objective examination of the consequent impact of dumped imports on the domestic producers of the subject goods. With regards to the consequent impact of these imports on the domestic producers of subject goods, the Rules further provide that the examination of the impact of the dumped imports on the domestic industry would include an objective 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, actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments. Accordingly, performance of the domestic industry has been examined over the injury period.

i. Production, capacity, capacity utilization and sales

110. The performance of the domestic industry with regard to capacity, production, sales and capacity utilization over the injury period was as below:

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Installed Capacity	MT	94,152	94,152	1,08,652	1,12,624
Production	MT	41,782	59,573	68,171	70,101
Capacity utilization	%	44%	63%	63%	62%
Domestic Sales	MT	40,638	58,162	64,831	68,314
Export sales	MT	307	1,613	380	420
Captive Consumption	MT	30	Nil	Nil	Nil

** Figures as per domestic industry data*

111. The Authority notes that:

i. The capacity of the domestic industry has increased over the injury period.

ii. With increase in capacity, the production and sales of the domestic industry have also increased. The domestic industry has submitted that the production and sales of the domestic industry have increased only due to compromising on the profitability. Since the subject imports were priced below the cost of sales and the selling price of the domestic industry, the domestic industry reduced its prices to maintain its volume parameters.

iii. The capacity utilisation improved in 2021-22, but has dipped slightly during the period of investigation.

112. As regards the claim that the capacity utilisation is low on account of increase in capacity, the Authority notes that the capacity of the domestic industry has increased by 20% over the injury period, while the demand has increased by 53%. Further, the capacities of the Indian industry are comparable to the demand in the country. In such a situation, considering the increase in the demand in the country, the increase in capacities cannot be considered inordinate.

ii. Market share in demand

113. The market share of subject imports, domestic industry and other producers over the period was as under.

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Domestic industry	%	34%	36%	35%	38%
Other producers	%	45%	47%	43%	42%
Subject imports	%	15%	15%	20%	18%
Other imports	%	5%	3%	2%	3%

114. It is noted that the market share of subject imports has declined slightly in the POI from the injury period 2022-23 while that of domestic industry and Indian industry as a whole has increased over the injury period.

115. The interested parties have highlighted that the imports increased, in response to increase in demand, without displacing the domestic industry. The domestic industry has emphasized that in order to maintain its production and sales, it has compromised on profitability. Over the injury period, both the subject imports and the domestic industry increased their market share.

iii. Inventories

116. Inventories of the domestic industry over the injury period were as follows.

Particulars	Unit	2020-21	2021-22	2022-23	POI (A)
Opening inventory	MT	4,387	4,629	3,601	5,663
Closing inventory	MT	4,629	3,601	5,663	6,475
Average inventory	MT	4,508	4,115	4,632	6,069

** Inventory as per domestic industry data*

117. The Authority notes that the inventories of the domestic industry has increased significantly over the injury period and were the highest during the period of investigation.

iv. Employment, productivity and wages

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

Particulars	Unit	2020-21	2021-22	2022-23	POI(A)
No. of employees	No.	1,805	1,963	2,083	2,611
Productivity per day	MT/Day	116	165	189	195
Productivity per employee	MT/No	23	30	33	27
Salaries & Wages	₹ lakhs	3,648	4,347	4,662	4,616

** Figures as per domestic industry data*

119. The Authority notes that the number of employees and wages of the domestic industry has increased over the injury period with increase in capacities. The productivity of the domestic industry has also increased, in response to increase in production. The domestic industry has not claimed any injury on this account.

v. Profits, cash profits and return on capital employed

120. Profits, cash profits and return on capital employed of the domestic industry over the injury period are given in the table below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	122	123	112
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	128	122	109
Profit / (loss)	₹/MT	(***)	***	(***)	(***)

Trend	Indexed	-100	77	-159	-188
Profit / (loss)	₹ Lacs	(***)	***	(***)	(***)
Trend	Indexed	-100	110	-254	-315
Cash profits	₹ Lacs	***	***	(***)	(***)
Trend	Indexed	100	239	-30	-72
Return on capital employed	%	(***)	***	(***)	(***)
Trend	Indexed	-100	463	-451	-485

** Figures as per domestic industry data*

121. The Authority notes that:
    i. The domestic industry has incurred losses throughout the injury period, barring 2021-22. The domestic industry has submitted that the market price in 2021-22 became competitive, allowing it to achieve profits. After 2021-22, profitability of the domestic industry has declined steeply and the domestic industry incurred losses. The losses were highest in the period of investigation.

    ii. The domestic industry earned cash profits till 2021-22. However, with decline in price of imports, the domestic industry incurred cash losses in 2022-23, and the losses further aggravated during the period of investigation.
    iii. The domestic industry has recorded a negative return on capital employed in this period.

122. The interested parties have shown that the interest cost has declined over the period. However, a lower interest cost cannot be construed to apply presence or absence of an adverse impact of dumped imports.

vi. Growth

123. The growth of the domestic industry in terms of volume and profitability parameters is as under.

Particulars	**Units**	**2020-21**	**2021-22**	**2022-23**	**POI**
Installed Capacity	%	-	0%	15%	4%
Production	%	-	43%	14%	3%
Domestic sales	%	-	43%	11%	5%
Profit / (loss) per unit	%	-	177%	-308%	-18%
Cash profits per unit	%	-	67%	-111%	-128%
Return on capital employed	%	-	563%	-197%	-7%

124. It is noted that the volume parameters of the domestic industry have shown positive growth in the injury period. However, the profitability parameters of the domestic industry showed a negative growth in 2022-23 and the period of investigation. The domestic industry has submitted that the volume parameters have increased only because the domestic industry has compromised on profitability.

vii. Ability to Raise Capital Investment

125. The Authority notes that the profitability of the domestic industry has declined significantly and the domestic industry has incurred significant losses and cash losses in the period of investigation. Thus, the imports have adversely impacted the ability of the domestic industry to raise capital investment.

viii. Magnitude of Dumping Margin

126. The Authority notes that the subject goods are being dumped in India from the subject countries. The dumping margin is positive and significant.

ix. Factors affecting prices

127. The landed price of subject imports is below the selling price as well as cost of sales of the domestic industry. Such low landed price has created a strain on the prices of the domestic industry. Further, the imports are priced below the non-injurious price of the domestic industry. This has adversely impacted the profitability of the domestic industry. Thus, price of imports from the subject countries has impacted the prices of the domestic industry.

H.3.5. Conclusions on injury

128. Based on the above, the Authority concludes that:
    i. The volume of subject imports has increased in absolute terms as well as in relation to production and consumption in India. The imports have declined in POI compared to the previous year but remain higher than base year.
    ii. The subject imports have undercut the prices of the domestic industry.
    iii. The imports have depressed the prices of the domestic industry, and have prevented price increases, which otherwise would have occurred.
    iv. The subject imports are priced below the cost of sales of the domestic industry.
    v. The demand has increased till 2022-23 and declined in the period of investigation. The market share of the Indian industry as a whole has increased in the injury period.
    vi. The production and sales of the domestic industry have increased.

vii. The inventories of the domestic industry have increased and were the highest in the period of investigation.

viii. The domestic industry has incurred losses in the injury period, barring 2021-22. The domestic industry has incurred financial losses in the period of investigation.

ix. The cash profits and return on investment have declined significantly over the injury period, and the profitability of the domestic industry was the lowest during the period of investigation.

x. The imports have adversely affected the ability of the domestic industry to raise capital investments.

xi. The dumping margin for the subject countries is positive and significant.

I. INJURY MARGIN

129. The Authority has determined the non-injurious price for the domestic industry on the basis of the principles laid down in the Rules read with Annexure III, as amended. The non-injurious price of the subject goods has been determined by adopting the verified information/data relating to the cost of production for the period of investigation. The non-injurious price has been considered for comparing the landed price from the subject countries for calculating the injury margin. For determining the non-injurious price, the best utilisation of the raw materials, the utilities and the production capacity by the domestic industry over the injury period have been considered. It is ensured that no extraordinary or non-recurring expenses were charged to the cost of production. A reasonable return (pre-tax @ 22%) on the average capital employed (i.e., average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the non-injurious price as prescribed in Annexure III of the Rules and is being followed.

130. The landed price for the cooperative exporters has been determined on the basis of the data furnished by the exporters. For non-sampled cooperative exporters, landed value has been taken as the weighted average landed value of the co-operative producers/exporters.

131. For all the non-cooperative producers/exporters from the subject countries, the Authority has determined the landed price based on facts available.

132. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is provided in the table below: -

Injury Margin Table

SN	Name of Producer	Non-Injurious Price	Landed Price	Injury Margin	Injury Margin	Injury Margin
		(USD/MT)	(USD/MT)	(USD/MT)	(%)	(Range)
A	**China PR**					
1.	Fujian Highsun Synthetic Fiber Technology Co., Ltd.	***	***	***	***	0-10
2.	Fujian Liheng Polyamide Industry Co., Ltd.	***	***	***	***	25-35
3.	Fujian Group (Weighted average)	***	***	***	***	5-15
4.	Yiwu Huading Nylon Co., Ltd	***	***	***	***	25-35
5.	Non-sampled Cooperative producers	***	***	***	***	10-20
6.	Any other producer	***	***	***	***	35-45
B	**Vietnam**					
1.	Hyosung Dong Nai Co. Ltd	***	***	***	***	30-40
2.	Hyosung Dong Nai Nylon Co. Ltd.	***	***	***	***	25-35
3.	Hyosung Group (Weighted average)	***	***	***	***	30-40
4.	Any other producer	***	***	***	***	40-50

J. CAUSAL LINK

J.1.1. Non-attribution analysis and casual link

133. Having examined the existence of injury, volume and price effects of dumped imports on the prices of the domestic industry, the Authority has examined whether injury to the domestic industry can be attributed to any factor, other than the dumped imports, as listed under the Rules:

a. Volume and value of imports from third countries

134. It is noted that apart from the subject countries, imports have been made in substantial quantities from Taiwan. However, the price of imports from Taiwan is much more than

the price of imports from the subject countries. Further, such imports are priced above the non-injurious price of the domestic industry. Thus, injury to the domestic industry cannot be attributed to imports from Taiwan. The imports from other countries are not substantial in quantity and thus, the injury is not attributable to such imports.

135. The other interested parties have submitted that Mexico has been selectively omitted as a subject country. The Authority notes that the imports from Mexico are only 0.69% of the total imports. Therefore, the injury is not attributable to imports from Mexico, and an anti-dumping investigation cannot be maintained against the imports from Mexico.

b. Contraction in demand

136. The demand for the subject goods has increased over the injury period but declined slightly in the period of investigation. Despite such decline, the demand in the period of investigation was higher than the demand in the base year. Hence, injury is not attributable to contraction in demand.

c. Pattern of consumption

137. The other interested parties have submitted that consumer preferences have impacted the performance of the domestic industry. The Authority notes that such claims have not been substantiated with evidence. Further, the information on record does not indicate change in consumer preferences as the customers have continued to procure from the domestic industry as well as import the product under consideration. The interested parties have also alleged that the domestic industry has suffered due to market saturation. However, as noted above, the demand for the subject goods has improved over the injury period. Thus, there has been no material change in pattern of consumption of the product under consideration, which could have caused injury to the domestic industry.

d. Conditions of competition and trade restrictive practices

138. There are no trade restrictive practices or conditions of competition, which may have caused injury to the domestic industry

e. Developments in technology

139. The other interested parties have submitted that the domestic industry uses outdated technology and only have 12 winders per lines. It is noted that the domestic industry has submitted that the claims that exporters use 24 winders must be verified. In this regard it is noted that no information has been provided that the foreign manufacturers use 24 winders per lines. Further, there has been no change in technology or plant by the domestic industry which could have led to injury to the domestic industry.

140. In this regard, it is also noted that the information provided by the foreign producers show significant dumping from subject countries.

f. Productivity

141. The total production as well as productivity per day and per employee of the domestic industry has increased over the injury period. Thus, injury cannot be due to decline in productivity.

g. Export performance of the domestic industry

142. The injury information examined hereinabove relates only to the performance of the domestic industry in terms of its domestic market. Thus, the injury suffered cannot be attributed to the export performance of the domestic industry.

143. As regards the submissions that the export price of the domestic industry has declined more than its domestic price, the Authority notes that during the period of investigation, the export price of the domestic industry has remained higher than its domestic selling price. Further, the export sales of the domestic industry are negligible in relation to the total sales of the domestic industry. In such a situation, the domestic industry cannot be considered to have suffered due to its export performance.

h. Performance of other products

144. The injury suffered cannot be attributed to the performance of other products of the company, as the domestic industry has segregated and provided information with regard to the like article only.

i. Currency fluctuation

145. The other interested parties have submitted that the domestic industry has incurred material injury due to currency fluctuations. The Authority notes that no evidence has been provided by the other interested parties regarding such claim.

j. Geographical location and skilled labour of the domestic industry

146. As regards claims that the domestic industry faces shortage of skilled labour force and unfavorable geographical location, the Authority notes that the geographical location of the domestic industry has not changed over the injury period. Therefore, the injury suffered during the period of investigation cannot be attributed to the geographical location. Had the domestic industry suffered on this account, it would have suffered throughout the period.

147. Further, it is noted that the productivity per employee of the domestic industry has increased in the injury period. The productivity of the domestic industry has increased in line with increase in production. Thus, injury cannot be due to the said factors.

k. Over-expansion by the domestic industry

148. The interested parties have also alleged that the domestic industry suffered injury due to over-expansion by it. However, the Authority notes that there is significant demand in

the market, exceeding the capacity of the domestic industry. Therefore, the capacity expansion undertaken by the domestic industry cannot be labelled as "overexpansion".

l. Increase in interest cost and working capital

149. The interested parties have highlighted that the interest cost and working capital have increased disproportionate to the inventories, which could be the cause of injury. As noted above, the domestic industry has suffered loss even before accounting for present interest obligation. Therefore, the domestic industry has not suffered due to high interest cost. As regards working capital, the same cannot be directly correlated with inventory levels, as it accounts for multiple other current assets and current liabilities.

m. Quality of product supplied by domestic industry

150. The interested parties have alleged that the domestic industry has suffered injury due to poor quality and uneven yarn length of the product supplied by it. In this regard, the Authority notes that the interested parties have not demonstrated any evidence showing that the quality of the product supplied by the domestic industry is not at par with the imported product. The domestic industry has achieved an improvement in its volume parameters. Further, the domestic industry has demonstrated that it has supplied consistent yarn length. Thus, it cannot be considered that the domestic industry has suffered due to poor quality.

151. The interested parties have also claimed that the yarn produced by the domestic industry is incompatible for high end application. However, such high-end applications have not been identified, and no evidence has been provided to demonstrate that the product of the domestic industry did not meet the requirements.

n. Injury due to process parameters

152. The other interested parties have claimed that the technical aspects of the product such as wastage, production downtime, must be examined. The Authority has examined the matter and notes that there is no evidence on record to show that there was any abnormal downtime or wastage during the injury period, which may have caused injury to the domestic industry. In any case, the Authority has considered the best utilization of raw materials, utilities and capacities over the period for determination of non-injurious price, and injury margin determination. Therefore, if there were any higher wastage or production downtime, the effect of the same was disregarded, in calculation of non-injurious price.

o. Other factors

153. The other interested parties have claimed that use of low-quality raw material, lack of financing options, inconsistent government policies and trade agreements have impacted the performance of the domestic industry. The Authority has examined the matter, and notes that it has not come across any evidence during the investigation about the low-

quality raw material. Further, the interested parties have not demonstrated that the domestic industry uses low-quality raw material, or that the quality of raw materials used has changed over the period. Likewise, it has not been shown that the domestic industry has faced lack of financing options. With regard to trade agreements, the interested parties have not demonstrated how such factors have adversely impacted the performance of the domestic industry.

K. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES

K.1. Submissions made by the other interested parties

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

i. A fire in the manufacturing facility of Oriilon India has disrupted the domestic supply of the product creating a substantial demand-supply gap. This has led to increased dependence on imports, price volatility, and disruption for the user industry.

ii. The domestic industry is a habitual user of trade remedial measures. Anti-dumping duty was applicable of imports from different sources for 17 years. If the duty is imposed again, it would imply the duties are permanent.

iii. A Customs duty of 5% is applicable on imports of product under consideration.

iv. The subject goods are used in the emerging textile manufacturing sector of the country. Imposition of anti-dumping duty would be against public interest, as continuation of imports at fair prices is essential for this purpose.

v. Downstream sectors are predominantly MSME, which operate on narrow margins. Imposition of duty would increase cost of such users, affecting their profitability, market competitiveness, and export potential.

vi. Domestic production of NFY is unable to meet the demand of downstream users in terms of quantity, variety, and timely supply. Restricting necessary imports would cause supply shortages and delays.

vii. Imposing anti-dumping duty would reduce competition in domestic NFY market, which is already concentrated among few producers. This would lead to price hikes or reduced incentive to innovate or improve inefficiency.

viii. Many downstream industries contribute substantially to employment and exports, higher raw material costs would jeopardize jobs and reduce export competitiveness of the country.

ix. The NFY industry is already expanding, and thus, does not require to be shielded, at the cost of the downstream industry.

K.2. Submissions made by the domestic industry

155. The domestic industry has made the following submissions with regard to the Indian industry's interest:

i. Public interest must be determined with regard to interests of (a) the domestic producer of like article, (b) the domestic consumers of the product, (c) the upstream and downstream industries in both the producing and consuming industry, and (d) the general public.

ii. As opposed to the submissions of the other interested parties, fire at plants of Oriilon and Century are developments post period of investigation and disruption caused due to it was temporary in nature. Both the companies have resumed normal production.

iii. Contrary to the submissions of the other interested parties, the producers and exporters in the subject countries are habitual of dumping in the India market due to which the product has been subject to anti-dumping duty multiple times. The period for which duty has been in force is not a relevant consideration to determine whether anti-dumping duty is required to be levied again. There are a number of instances wherein anti-dumping duty has been in force for more than 20 years.

iv. While a Customs duty of 5% is applicable on imports of the product under consideration, the Customs duty on downstream product is 20%.

v. Imposition of anti-dumping duty on imports of the product under consideration from the subject countries will have an insignificant impact on the cost of the downstream users.

vi. The product under consideration were subject to anti-dumping duty in the past, however, there was no adverse impact on the Indian textile industry during this period. The growth of textile industry is unlikely to slow down due to increasing population and consumerism in India.

vii. As opposed to the submissions of the other interested parties, the demand for access to product at dumped prices at the expense of the domestic industry is not justified. A self-sufficient supply chain requires that fair competition should be upheld at each and every level.

viii. Contrary to the submissions of the other interested parties, imposition of anti-dumping duty does not restrict imports into India but only ensures that the imports are made at fair prices. Further, the product under consideration can also be imported from non-subject countries.

ix. Imposition of anti-dumping duty will not lead to monopolisation of the market as the market is comprised of multiple producers and imposition of anti-dumping duty does not bar imports into the country.

x. The other interested parties have not provided any evidence showing adverse impact on jobs due to imposition of anti-dumping duty.

xi. As opposed to the submissions by other interested parties, the domestic industry is a much larger contributor to exports from India as compared to downstream

industry. In any case, the downstream industry can import under advance authorisation without payment of anti-dumping duty.

xii. Contrary to the submissions of the other interested parties, the Indian industry is unable to sustain itself due to dumping in India. This is evident from the fact that a number of producers have ceased operations in India.

xiii. Imposition of anti-dumping duty will lead to conservation of foreign exchange payments.

K.3. Examination by the Authority

156. The Authority notes 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 a mechanism to ensure a level playing field.

157. The Authority acknowledges that continuing anti-dumping duties can affect prices in India. However, these duties do not harm fair competition in the Indian market. Instead, they stop companies from gaining unfair benefits by selling goods at dumped prices. Anti-dumping measures protect fair trade and ensure that consumers continue to have access to a wide range of these products.

158. The Authority notes that imposition of anti-dumping duty will provide a level playing field to the Indian industry which will encourage the user industry to purchase from the Indian industry. This will reduce the dependence on imports and lead to conserving the outgoing foreign exchange.

159. While the other interested parties have submitted that the imposition of anti-dumping duty will be against public interest as the product under consideration is used in emerging textile manufacturing sector, the Authority notes that the product under consideration was subject to anti-dumping duty till 2017. There is no evidence on record to show that there was an adverse impact on the downstream industry due to imposition of such duties.

160. The Authority notes that imposition of anti-dumping duty does not restrict imports but only ensures that the imports are made at fair prices and a level playing field is created for the Indian industry. Further, anti-dumping duty is a remedial measure which is focused on redressing the injury to the domestic industry due to dumping of imports into India. Imposition of anti-dumping duty does not create a supply shortage in the country. Further, the Authority also notes that imports can be made from sources other than the subject countries as well. There were following imports from non-subject countries in the past.

Exporting Country	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI (A)**
Taiwan	MT	1,234	1,253	1,379	1,287
Indonesia	MT	496	343	206	308
Thailand	MT	1,433	944	817	501
United States	MT	185	189	132	539
Japan	MT	105	207	183	299
Korea	MT	616	748	226	282
Italy	MT	162	166	156	230

161. As regards the submission that the domestic industry is habitual user of trade remedies and the product has been subject to anti-dumping duty previously. It is noted that the product has been subject to anti-dumping duty in the past is not relevant for the present investigation.

162. With regard to the submission that the fire at the plants of two of the applicants led to demand-supply gap in the country and dependence of users on imports, the Authority notes that the fire at the factories of Oriilon and Century post the period of investigation led to a temporary halt in production. The domestic industry has provided evidence to show that suspension of production was of a very short duration, and the normal production has resumed in both the plants. Therefore, any adverse effect of the same was temporary and has already been nullified.

163. With regard to the submissions that a Customs duty of 5% is applicable on imports of the product under consideration and the domestic industry is well protected, the Authority notes that even after inclusion of Customs duty, the landed price of the product is much below the selling price, cost of sales and non-injurious price of the domestic industry.

164. The other interested parties have submitted that the downstream industry is MSME in nature and imposition of anti-dumping duty will adversely impact the downstream industry which operates at marginal profits. The matter has been examined and it is noted that no information was placed on record before the Authority to demonstrate that the downstream industry would not be able to pass on cost increases further, to the final consumer. Therefore, the Authority does not find merit in the contention that the downstream industry would face an undue crunch on their margins, due to the imposition of duty.

L. POST DISCLOSURE COMMENTS

L.1. Submissions made by the other interested parties

165. The other interested parties have reiterated their earlier submissions regarding request for exclusion of mother yarn used solely to produce mono filament yarn, request for consideration of quality as a parameter of PCN, request for Prutex to be considered as a sampled producer based on its product basket, change in technology to adoption of machines with 24 winders, history of protection to the subject goods, etc. Additionally, the other interested parties have emphasized the following in their submissions post issuance of the disclosure statement:

i. The Authority has not addressed the submissions that the capacity of the domestic industry for producing mother yarn is only 15% of total demand. Due to limited capacity and impending Quality Control Order, the availability of mother yarn has declined in India.

ii. The Authority has not disclosed the evidence provided by the domestic industry regarding production and supply of mother yarn as well as yarns with certain deniers and filaments for which exclusion was requested.

iii. While the Authority has noted that the domestic industry has provided evidence regarding production and sales of 70 deniers / 48 filaments full dull FDY, there is no indication of the nature of evidence submitted in the non-confidential version of the submissions filed by the domestic industry.

iv. Mere statements without any evidence that 70/68 FD FDY is comparable to 70/72 FD FDY should not be considered. Since the domestic industry has not produced identical product, the same should be excluded.

v. While the Authority has noted that the other interested parties have not provided any evidence with regard to the substandard products supplied by the domestic industry, the packing lists and invoices showing quality issues have already been provided.

vi. The Authority has merely relied on credit notes issued by the domestic industry without sharing such evidence with the other interested parties. The Authority has not examined any evidence regarding dyeing guarantee.

vii. The sampling methodology considered by the Authority is not appropriate as reliance has been placed only on the volume of exports instead of PCNs exported, export channels and industry practices.

viii. Since exporters accounting for 70% share in total exports from China have not participated, the sample size should be increased to include at least 3 producer groups for arriving at more representative assessment of dumping.

ix. Consideration of three sample groups will not be unduly burdensome to the Authority. Since none of the producers have claimed market economy treatment, the burden of the Authority has already reduced.

x. While the Authority has considered European practice to reject request for sampling for producers which have submitted voluntary responses, the

European Commission itself, in a number of findings have accepted voluntary responses where individual examination was not unduly burdensome.

xi. Prutex Nylon Co., Ltd and Fujian Wanhong Textile Co., Ltd. should be clearly mentioned in the final findings as non-sampled cooperative producer in order to provide clarity for Customs to collect anti-dumping duty.

xii. All applicants barring Century Enka have imported the subject goods in India. Such imports cannot be considered while assessing injury to the domestic industry, as the producers should not be allowed to contribute to dumping and then claim injury due to such dumping.

xiii. The landed price of the imports has increased more than the increase in cost of sales of the domestic industry over the injury period. Thus, the domestic industry had an option of increasing its price and there is no price suppression.

xiv. As per the petition filed by GPPL in anti-dumping investigation into imports of Nylon 6, the price of major raw material has declined year on year from 2020-21. In such a case, it is not clear how the cost of sales of the domestic industry has increased.

xv. Only Gujarat Polyfims has incurred losses in the period of investigation and other constituents of the domestic industry have not been impacted. This shows that the injury to the domestic industry is not due to imports into India.

xvi. The profitability of Aglon and Todi Rayons has increased as they operate on 24/16 End Winder configurations which are relatively modern and productivity-efficient winding technology as compared to other producers. Thus, the injury is due to technological obsolescence, operational inefficiency, or failure to modernize capital assets.

xvii. It has been requested by other interested party that imposition of anti-dumping duty should be for a shorter duration.

xviii. Incremental cost incurred by domestic industry due to use of older technology should be adjusted from non-injurious price as any adverse impact arising due to lack of modernization cannot be attributed to dumped imports.

xix. Indian producers impose one-sided sales terms, including restrictive supply conditions and limited credit flexibility which adversely impacts the MSME weavers industry.

xx. Imposition of anti-dumping duty will adversely impact the downstream industry which is already in a state of crisis, with units closing daily, machinery being scrapped, and significant job losses.

xxi. Anti-dumping duty, if any, should be in the form of reference price. The domestic industry has already applied for imposition of minimum import price, thus, the domestic industry itself feels reference price is appropriate.

xxii. In case, reference price duties are not imposed, Yiwu Huading Nylon Co., Ltd requests the Authority to accept its price undertaking.

L.2. Submissions made by the domestic industry

166. The domestic industry has made the following submissions post issuance of the disclosure statement:

i. The Authority is requested to considered HS code at 4-digit level while recommending anti-dumping duties on imports of the subject goods.

ii. There is a need to re-consider the non-injurious price determined as the production and capacity of Century Enka Limited revised during the verification has not been considered for the determination of non-injurious price.

iii. The non-injurious price determined for the domestic industry has been suppressed as the Authority has not considered the actual cost of production of the domestic industry. Since there is no inefficiency in the operations of the domestic industry, there is no need for normation of the raw materials, utilities or production capacities.

iv. The present investigation is distinct from the previous investigation, as there is higher injury suffered in terms of volume of imports, price effect, lower capacity utilization, lower market share and higher losses. Thus, the domestic industry has suffered to a higher degree due to non-imposition of duty pursuant to the previous investigation.

v. Due to non-imposition of duties in the previous investigation, a number of producers have ceased operations including Paras Petrofils and JCT Limited. Prafull Overseas Private Limited has now declared itself as a Non-Performing Asset (NPA) under control of the financial institutions.

vi. While there was no demand-supply gap in the country previously, due to continued dumping, capacities equivalent to more than 37,000 MT have shut down which is pushing India closer to demand supply gap.

vii. None of the participating importers and users have filed a response to economic interest questionnaire and there is no evidence of adverse impact of imposition of anti-dumping duty on such users in India.

viii. Due to imports of dumped low priced subject goods from the subject countries, the delta between imports of raw material, nylon chips and subject goods has reduced significantly.

ix. Nylon filament yarn is a very small section within the textile industry and accounts for only 1% of total textile output in India. Majority of the textile industry which will be indifferent to the imposition of anti-dumping duties. The issues faced by

textile industry pertain to natural textiles such as cotton, silk and wool which is also major exporting segment in India.

x. The domestic industry is a much larger contributor to exports from India as compared to downstream industry and any deterioration in performance of the domestic industry will adversely impact the export performance and inflow of foreign exchange in the country. Export performance of the industry shows that the quality of the product manufactured by the Indian industry is accepted to users globally.

xi. The export competitiveness of the downstream industry will not be hampered as it will be able to export its product by importing the subject goods duty free under advance authorisation.

xii. The impact of imposition of anti-dumping duty will be negligible on the downstream industry. The product under consideration has been subject to anti-dumping duty in the past and the performance of the downstream industry has not been impacted in the said period.

xiii. An anti-dumping duty of ₹50 per kg on subject goods will translate to a negligible increase in price on the final fabric retail price. Such small retail price impact can prevent a large-scale collapse of domestic spinning capacities.

xiv. The downstream industry is well protected by the Government of India with higher Basic Customs Duty of 20% and support in terms of minimum import price on imports of fabrics. In case of non-imposition of anti-dumping duty and access to dumped raw material to the downstream industry, it will have no incentive to be competitive. Contrary to the situation of downstream industry, the Basic Customs Duty on imports of the subject goods was reduced from 7.5% to 5%.

xv. The producers in the subject countries are not just dumping in India but also in other jurisdictions. The producers in the subject countries have been subject to much higher duties in other jurisdictions.

xvi. The capacities of the Chinese producers are more than 20 times the demand in India. Only 5% of such capacities are capable to flood the Indian market. Further, the Chinese producers are expanding capacity by almost 3,00,000 MT. Such capacities are meant for export market as these are more than demand in China PR.

xvii. Imposition of anti-dumping duty will not lead to monopolisation of the market as the market is comprised of multiple producers and imposition of anti-dumping duty does not bar imports into the country.

xviii. The quality of product supplied by the domestic industry is better than that imported into India.

xix. The market for subject goods is growing at 7.9% CAGR. The industry provides employment to more than 50,000 people other than those associated with logistics, packaging and chemical industry.

xx. The subject imports have increased significantly post the period of investigation and have taken away the market share of the Indian industry.

xxi. While the capacities of the Indian industry have increased in the past 5 years with increase in demand, such capacities have remained unutilised due to excess imports from China PR.

L.3. Examination by the Authority

167. The Authority has examined the post disclosure submissions made by the domestic industry and the other interested parties and notes that a number of submissions are reiterations which have already been examined suitably and addressed adequately in the relevant paras of the final findings. The issues raised for the first time in the post-disclosure comments/submissions by the interested parties and the domestic industry and those backed up with evidence have been considered relevant by the Authority are examined below.

168. With regard to exclusion of mother yarn, the Authority reiterates that mother yarn is a multi-filament yarn which has been produced and sold by the domestic industry in commercial quantities during the period of investigation. Accordingly, there is no need for exclusion of the same from the scope of the product under consideration. Further, the demand-supply gap for a product type in India is not a justification for exclusion of the said product from the scope of the product under consideration. Imposition of anti-dumping duty will not restrict imports into India but only ensure that the same are imported at fair prices. Thus, the consumers can import the said product even after imposition of anti-dumping duty.

169. The other interested parties have submitted that the evidence provided by the domestic industry with regard to production and supply of product types including mother yarn, subject goods with various deniers and filaments and dyeing guarantee has not been disclosed by the Authority. The Authority notes that the domestic industry has provided production records, commercial invoices and credit notes to demonstrate production and supply of these product type. Since such documents are business proprietary information of individual domestic producers, disclosure of which would be of competitive disadvantage to the domestic industry, the same have not been disclosed. It is also noted

that similar evidences provided by other interested parties have not been disclosed to the domestic industry.

170. As regard the submissions that mere statements should not be accepted to show that one product type is comparable to the other product type, the Authority notes that there is no evidence on record to show that a slight difference in denier and filaments makes two products different in terms of essential product characterizes, manufacturing process, raw materials, production technology, functions & usages, customers perceptions, Customs classification. As noted in the relevant part of these final findings, the domestic industry has provided evidence that it has produced and sold like article with similar deniers and filaments to that imported into India.

171. The Authority notes that while the user industry has stated that domestic industry supplies substandard products as compared to those imported into India, the information on record shows that the domestic industry has majorly supplied AA grade products in the domestic market. The producers and exporters from the subject countries have submitted that they have exported substandard products to India. In fact producers from Vietnam have provided detailed transaction wise information showing that they have exported off-grade PUC to India during the POI. Further, mere fact that the domestic industry has sold some volumes of substandard product is an integral part of the production process. It is not even the claim of the interested parties that the domestic industry produces only substandard products.

172. With regard to the submissions that the supply terms of the domestic industry are stringent, the Authority notes that even if supply terms are stringent, the Authority notes that the interested parties have not established how these supply terms are beyond normal terms of business that can be imposed by producers. The domestic industry has been producing and selling significant volumes of the product over entire injury period and there is no allegation that the supply terms were made stringent or unworkable in the most recent period. Further, the difference in supply terms does not warrant non-imposition of anti-dumping duty in case where the producers and exporters in the subject countries have engaged in dumping which has caused material injury to the domestic industry. Even after imposition of anti-dumping duty, the user industry will be able to import the product under consideration at fair prices from the subject countries at the same supply terms.

173. As regard the reiteration of request for consideration of off-grade and prime grade as separate PCNs, as noted in the relevant part of the final findings, the cost of the product does not vary based on the quality. Even after issuance of disclosure statement none of the parties have provided evidence to demonstrate that the cost of production of prime and off grade is different. Hence, there is no justification to form a separate PCN based on the quality of the product.

174. With regard to the sampling methodology adopted, the Authority has already noted that the sample considered in the present investigation constitutes 61% of imports into India by cooperating producers. Since such responses are representative of imports into India from cooperating producers, there is no need for consideration of further individual responses. Further, even if one of the producers has sold different PCNs, consideration of such response is not justified on this account.

175. The other interested parties have requested that the imports made by the domestic industry should be excluded for the purpose of the injury analysis. The Authority notes that injury analysis under Annexure-II is required to be undertaken considering entirety of dumped imports. There is no legal provision for exclusion of such imports from the injury analysis. Since the volume of imports by the applicants is negligible as compared to total imports from subject countries, production by such applicants as well as demand in India, these entities have been considered eligible for the purpose of constitution of domestic industry. In any case, only Century Enka Limited and Oriilon India Private Limited have imported the product under consideration during the period of investigation. Further, out of total imports from the subject countries of 31,823 MT, such imports are only *** MT in the POI.

176. The other interested parties have submitted that the landed price has increased more than the increase in cost of sales of the subject goods over the injury period and hence, there can be no price suppression/ depression in the present case. The Authority notes that even when the landed price has increased more than the increase in cost of sales of the domestic industry, the landed price has remained below the cost of sales. Accordingly, the domestic industry has not been able to increase its prices in accordance with its cost of sales.

Particulars	**Unit**	**2020-21**	**2021-22**	**2022-23**	**POI**
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	122	123	112
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	128	122	109
Landed price	₹/MT	1,63,702	2,32,761	2,16,204	1,94,680
Trend	Indexed	100	142	132	119

177. With regard to the submissions that only GPPL has incurred losses during the period of investigation and hence, the injury is not due to imports, the Authority notes that it has examined injury to the defined domestic industry. The performance of each individual constituent of domestic industry is not relevant in this regard. The performance of domestic industry as a whole show that the profitability of the domestic industry has suffered due to the dumped imports. The Authority has already noted in the relevant part of these final findings that the imports are undercutting the prices of the domestic industry

and have suppressed and depressed the prices of the domestic industry. Further, a causal link between dumping and injury has been established in the present investigation. Hence, the decline in profitability of the domestic industry is due to dumping of subject imports in India.

178. Regarding the submission that the domestic industry has suffered injury due to outdated technology, the Authority in the relevant part of the final findings has already noted that there is no change in the technology employed for production of the product over the injury period; and, hence, injury cannot be due to developments in technology. Further, no evidence has been provided to show that the foreign producers were earlier using different technology and are now using different technology.

179. With regard to the submission that the non-injurious price of the domestic industry is suppressed, the Authority notes that the non-injurious price has been determined as per the principles of Annexure III to the Anti-Dumping Rules. The Authority also notes that the capacity and production of Century Enka Limited has been taken based on documents submitted by the company itself. Further, the normation of the raw materials, utilities or production capacities has been done in accordance with the provisions of Annexure III of Anti-Dumping Rules, 1995.

180. As regard request for imposition of anti-dumping duty for a shorter duration, the Authority notes that there is no justification for imposition of duty for a shorter period of time. Imposition of anti-dumping duty in the past shows that the producers in the subject countries resorted to dumping the product over a long duration. In any case, the interested parties can seek review under Rule 23, if it is found that there is no longer a justification for continued imposition of anti-dumping duty.

181. As regard the submission that imposition of anti-dumping duty will adversely impact the interest of the users, the Authority notes that domestic industry has suffered material injury due to imports into India. The domestic industry has highlighted that Paras Petrofils, JCT Limited and Prafull Overseas Private Limited have shut down operations due to dumping in India and non-imposition of anti-dumping duty in the previous investigation. Further, the capacity utilization of the domestic industry is quite low and all constituents of the domestic industry are suffering financial losses, cash losses, and negative return on investment. The user industries have not provided evidence to show that imposition of anti-dumping duty would result in unbearable burden on them.

182. The domestic industry has submitted that certain producers including Gujarat State Fertilizers and Chemicals Limited and Gupta Synthetics had shut down prior to the previous investigation and due to dumping in India. Further, more producers have shutdown post non-imposition of anti-dumping duty. While India was self-sufficient for production of the subject goods and there was no demand-supply gap in India, the

shutdown of producers is pushing India towards a more import reliant market with demand-supply gap.

183. The Authority note the submission of the domestic industry that due to the comparatively low share of subject goods in overall textile industry, imposition of anti-dumping duty on imports of subject goods from the subject countries will not have an adverse impact on the textile industry in general. Further, the domestic industry has submitted that the major exports in textiles industry are natural textiles including cotton, wool and silk. Such industries are indifferent to nylon filament yarn industry.

184. The Authority further notes that the downstream industry has been well protected by the Government of India with higher Basic Customs Duty of 20% on major ITC HS code of woven fabric of synthetic filament yarn. Further, the imports of knitted fabric attract a minimum import price as well. As opposed to this, the domestic industry has submitted that the Basic Customs Duty for imports of the subject goods has been reduced from 7.5% to 5%.

185. The domestic industry has submitted that the producers from the subject countries also face anti-dumping duty in other jurisdictions as they are dumping not just in India but third countries as well. The Authority notes that Brazil has imposed higher anti-dumping duty on imports of the subject goods from China. The Chinese exporter has been subject to anti-dumping duty of USD *** per MT and the parent company of the Vietnamese exporter has been subject to anti-dumping duty of USD *** per MT.

186. There are multiple producers of subject goods in India which are engaged in production and sale of the product in the Country, thus ensuring enough inter-se competition. Thus, the Authority notes that there is no concern regarding monopolisation or cartelization in the Indian market due to imposition of anti-dumping duty. In any case, an interested party can seek review of the anti-dumping duty under Rule 23 in case there is insufficient justification for continued imposition of duty.

187. The Authority notes that the domestic industry has submitted that the domestic industry had requested imposition of anti-dumping duty previously as well and the Authority had recommended imposition of anti-dumping duty in 2020. However, the same were not imposed by the Ministry of Finance. The domestic industry has submitted that the injury to the domestic industry has increased as compared to injury in the previous investigation. It is noted that on comparison with the previous investigation, the volume of imports from the subject countries have increased significantly. In this regard, Authority notes that the import volume from China PR alone has increased in the following manner:

Particulars	**Unit**	**POI in earlier findings**	**Current POI**
Imports from China	MT	7,024	30,547

Source: Final Findings dated 04.03.2020 in the Anti-dumping investigation on the import of Nylon Multi Filament Yarn originating in or exported from China PR, Korea RP, Taiwan and Thailand (F. No. 6/11/2019-DGTR)

188. The Authority further notes that market share of subject imports has increased, while that of the domestic industry has declined in the current period of investigation as compared to the period of investigation in the previous investigation. The price undercutting has also increased between the said period. Domestic industry has claimed that the non-imposition of anti-dumping duty has adversely impacted the domestic industry as the losses of the domestic industry have increased significantly between the two periods.

Particulars	**Unit**	**POI in earlier findings**	**Current POI**	**Change**
Demand	MT	1,36,995	1,80,191	+32%
Market share				
Subject imports	%	10	18	+80%
Total imports	%	15	21	+40%
Indian industry	%	85	79	-7%
Landed price of imports	MT	2,12,206	1,94,680	-8%

Source: Final Findings dated 04.03.2020 in the Anti-dumping investigation on the import of Nylon Multi Filament Yarn originating in or exported from China PR, Korea RP, Taiwan and Thailand. (F. No. 6/11/2019-DGTR)

189. The Authority notes that the domestic industry has further submitted that while the subject imports were suppressing the prices of the domestic industry in the previous investigation, the subject imports have suppressed and depressed the prices of the domestic industry in the present investigation. Thus, the domestic industry has faced higher adverse impact in the present investigation.

190. With regard to request for reference price duties, the Authority notes that the product involves a large number of different types. Information on imports and costs of the domestic industry shows existence of hundreds of PCN have been imported and supplied by the domestic industry, with difference in cost and resultantly price. It would therefore not be feasible to impose anti-dumping duty in the form of reference price.

191. With regard to the price undertaking offered by Yiwu Huading Nylon Co., Ltd, the Authority notes that the producer has not submitted the request on prescribed format and therefore such request cannot be accepted.

M. CONCLUSION & RECOMMENDATIONS

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

i. The product under consideration is Nylon Filament Yarn which is a multi-filament yarn. The product under consideration includes Mother Yarn, Fully Drawn Yarn, Partially Oriented Yarn, Draw Textured Yarn or Crimp Yarn, Air Textured Yarn, Air Covered Yarn, High Oriented Yarn and High Tenacity Yarn.

ii. All man-made filament yarns not having nylon or polyamides, are excluded from the scope of the product under consideration.

iii. The product under consideration includes all kinds of synthetic filament yarns of Nylon or Polyamides, such as flat yarn - twisted and/or untwisted, fully drawn yarn (FDY), spin drawn yarn (SDY), fully oriented yarn (FOY), high oriented yarn (HOY), partially oriented yarn (POY), textured yarn – twisted and/or untwisted, and dyed yarn, single, double, multiple, folded or cabled, and high tenacity yarn of nylon classifiable within Chapter 54 under Customs heading 5402

iv. Mother yarn is a multi-filament yarn which has been produced and sold by the domestic industry. The end use of the product cannot be the basis for exclusion of the same from the scope of the product under consideration.

v. The domestic industry has produced and supplied the same deniers per filament of mother yarn in the domestic market as that imported from the subject countries

vi. High Tenacity Yarn having denier above 840 are used in tyre cord fabrics and have been excluded from the scope of the product under consideration.

vii. The domestic industry has produced and supplied high denier high tenacity and low denier high tenacity yarns in the domestic market and same cannot be excluded from the scope of the product under consideration.

viii. Slight change in denier and filament does not lead to a different product with different characteristics and usage. Number of filaments and denier depend upon spinneret used and the speed of flow of melt. The domestic industry has supplied like article with similar filaments and deniers in the domestic market and the same cannot be excluded from the scope of the product under consideration.

ix. The domestic industry has supplied majorly supplied AA grade product in the domestic market while substantial imports have been of secondary grade. The domestic industry is using latest technology and produces the subject goods as per BIS Standards.

x. The domestic industry has produced and supplied nylon spandex covered yarn in the domestic market and the same has been included in the scope of the product under consideration.

xi. The Authority has considered PCN in the present investigation based on cost difference between production of different grades. Quality of product does not lead to difference in cost of production as the raw material, cost of utilities and other

expenses for manufacturing off-grade product remains the same. Hence, the same has not been considered a separate PCN.

xii. The subject goods manufactured by the domestic industry are like article to the product under consideration imported into India from the subject countries.

xiii. The application for imposition of anti-dumping duty on imports of subject goods from the subject countries was filed by Century Enka Limited, Gujarat Polyfilms Private Limited and Oriilon India Private Limited. The application was supported by Aglon Industries Private Limited, AYM Syntex Limited, Salasar Polyplex Private Limited and Todi Rayons Private Limited.

xiv. Post initiation, PNP Polymers Limited provided its injury and costing information and requested to be considered as part of domestic industry. All interested parties were provided an opportunity to comment on information furnished by PNP Polymers.

xv. Inclusion of PNP allows a more comprehensive analysis of injury to the domestic industry and reduces the risk of distortion. The Authority has considered PNP Polymers as part of the domestic industry for the purpose of the present investigation.

xvi. The domestic industry has suffered injury due to dumping in India, with or without consideration of PNP Polymers as part of the domestic industry.

xvii. Fire at Oriilon and Century Enka Limited post the period of investigation does not impact the standing of the domestic industry for the purpose of the present investigation.

xviii. None of the domestic producers constituting the domestic industry are related to any exporter in the subject country or importer of the subject goods in India. Further, Century Enka Limited and Oriilon India Private Limited have imported the subject goods in India during the period of investigation. However, such imports are negligible in terms of total imports into India, demand in India and production of such producers. Thus, they have been considered eligible to constitute domestic industry in the present investigation.

xix. There are practical constraints if a 12-month period is considered as it would cause bifurcating information of two financial years. Since the industry comprises of smaller producers as well, consideration of an investigation period spanning two financial years would have caused undue hardship to the domestic producers. Accordingly, a 15-months period of investigation has been considered in the present investigation.

xx. In view of participation of large number of producers and exporters from China PR, the Authority has undertaken sampling based on largest volume of exports in the present investigation.

xxi. The Authority has determined individual margins for two largest producer groups from both China PR. Even though 2 groups have been selected, the Authority has conducted examination of 3 producers which are part of such groups.

xxii. Sampled producers account for 61% of volume of imports by cooperating producers from China PR in the present investigation. Therefore, the size of the sample is adequate.

xxiii. The margins for other non-sampled cooperative producers from China PR is based on weighted average margins of sampled producers from their respective country.

xxiv. The normal value and export price of cooperative producers from Vietnam have been determined based on the responses filed by them.

xxv. The dumping margin determined is positive and significant.

xxvi. The injury analysis has been undertaken with respect to the domestic industry as per the legal requirements and WTO Anti-Dumping Agreement.

xxvii. The Authority has undertaken cumulative assessment of injury as all the conditions of cumulative assessment have been met in the present investigation.

xxviii. The domestic industry has suffered material injury as.

a. The volume of subject imports in absolute terms as well as in relation to production and consumption in India has increased over the injury period.
b. The subject goods were undercutting the prices of the domestic industry in the domestic market.
c. Over the injury period, the cost of sales has increased more than the increase in the net sales realisation of the domestic industry. Thus, the subject imports have suppressed the prices if the domestic industry.
d. The landed price of subject imports has remained below the cost of sales of the domestic industry.
e. The production and sales of the domestic industry have increased over the injury period as the domestic industry has sold the subject goods at losses in the Indian market.
f. The inventories of the domestic industry have increased over the injury period and were the highest in the period of investigation.
g. The domestic industry has suffered financial losses in the period of investigation.
h. The cash profit and return on capital employed of the domestic industry have declined over the injury period. The profitability of the domestic industry was lowest in the period of investigation.
i. The domestic industry has incurred cash losses and recorded a negative return on capital employed.
j. The ability of the domestic industry to raise capital investment has been severely impacted.

xxix. The injury margin determined is positive and significant.

xxx. The injury to the domestic industry is due to dumping in the Indian market.

xxxi. No information has been provided that the foreign manufacturers use 24 winders per lines. Further, there has been no change in technology or plant by the domestic industry which could have led to injury to the domestic industry.

xxxii. The export price of the domestic industry remained higher than its domestic selling price. Further, the export sales of the domestic industry are negligible in relation to the total sales of the domestic industry. Thus, injury cannot be due to export performance of the domestic industry.

xxxiii. Since the geographical location of the domestic industry has not changed, the injury is not attributable to geographical location.

xxxiv. The domestic industry has incurred losses even before accounting for interest cost. Hence, injury is not due to interest obligation of the domestic industry.

xxxv. Imposition of anti-dumping duty will not be against public interest. The Authority notes the following in this regard

a. Imposition of anti-dumping duty will provide a fair playing field to the Indian industry.
b. The product under consideration was subject to anti-dumping duty in the past, however, there is no evidence of adverse impact of such duty on the downstream industry.
c. Imposition of anti-dumping duty does not create a supply shortage in the country. Further, the imports can be made from sources other than the subject countries as well.
d. The production of Oriilon and Century Enka Limited have resumed in both plants, and such temporary halt does not have any adverse impact on the public at large.
e. All domestic producers constituting domestic industry in the present case have incurred losses in the period of investigation and there is a need to impose anti-dumping duty in order to remedy the injury to the domestic industry.
f. A number of domestic producers including Paras Petrofils, JCT Limited, Prafful Overseas Private Limited, Gupta Synthetics and Gujarat State Fertilizers and Chemicals Limited have shut down their operation.
g. The shutdown of producers is pushing India towards a demand-supply gap situation and is likely to make India import reliant.
h. Nylon Filament industry accounts for comparatively lower share in the textile industry. Due to such low share of subject goods, imposition of anti-dumping duty on imports of subject goods from the subject countries will not have an adverse impact on the textile industry in general.
i. The Indian industry engaged in production of subject goods is a larger contributor to exports from the country as compared to the downstream industry. Any adverse impact on the performance of the industry will significantly hamper the exports from India.
j. There is no evidence on record that showing adverse impact of imposition of anti-dumping duty.
k. On the basis of examination as mentioned above, it is concluded that the domestic industry has suffered material injury on account of dumped imports of subject goods from subject countries.

193. The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the domestic industry, exporters, importers and other interested parties to provide positive information on the aspect of dumping, injury and causal link. Having initiated and conducted the investigation into dumping, injury and causal link in terms of the provisions laid down under the Anti-Dumping Rules, the Authority is of the view that imposition of anti-dumping duty is required to offset dumping and injury. Therefore, Authority considers it necessary and recommends imposition of anti-dumping duty on imports of subject goods from the subject countries.

194. Having regard to the lesser duty rule followed by the Authority, the Authority recommends imposition of anti-dumping duty equal to the lesser of margin of dumping and the margin of injury, so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of anti-dumping duty on the imports of the subject goods, originating in or exported from the subject countries, from the date of notification to be issued in this regard by the Central Government, equal to the amount indicated in Col. 7 of the duty table appended below.

DUTY TABLE

S. No.	Heading	Description*	Country of Origin	Country of Export	Producer	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	5402	Nylon Filament Yarn	China PR	Any country including China PR	Fujian Highsun Synthetic Fiber Technology Co., Ltd.	236	MT	USD
2	-do-	-do-	China PR	Any country including China PR	Fujian Liheng Polyamide Industry Co., Ltd.	236	MT	USD
3	-do-	-do-	China PR	Any country including China PR	Yiwu Huading Nylon Co., Ltd.	653	MT	USD
4	-do-	-do-	China PR	Any country including China PR	Non-Sampled Producers, as per list below**	338	MT	USD
5	-do-	-do-	China PR	Any country including China PR	Any producer other than S.No. 1 to 4	782	MT	USD
6	-do-	-do-	Any country other than China PR, and Vietnam	China PR	Any	782	MT	USD
7	-do-	-do-	Vietnam	Any country including Vietnam	Hyosung Dong Nai Co., Ltd.	684	MT	USD
8	-do-	-do-	Vietnam	Any country including Vietnam	Hyosung Dong Nai Nylon Co., Ltd.	684	MT	USD
9	-do-	-do-	Vietnam	Any country including Vietnam	Any producer other than those at S. No 7 to 8	827	MT	USD
10	-do-	-do-	Any country other than China PR, and Vietnam	Vietnam	Any	827	MT	USD

** "Synthetic Filament Yarn" made of Nylon also known as polyamide yarns or Nylon Filament Yarn. The product under consideration is multi-filament yarn. The product under consideration includes Mother Yarn, Fully Drawn Yarn, Partially Oriented Yarn, Draw Textured Yarn or Crimp Yarn, Air Textured Yarn, Air Covered Yarn, High Oriented*

Yarn and High Tenacity Yarn. All man-made filament yarns not having nylon or polyamides, are excluded from the scope of the product under consideration. The following are specifically excluded from the scope of the product under consideration.

t. *Mono filament yarn*
u. *Bulk Continuous Fiber*
v. *Nylon 66 yarn*
w. *Hot melt yarn*
x. *Low melt yarn*
y. *Bonded yarn*
z. *Conductive yarn*
aa. *Anti-static yarn*
bb. *Nomex and aramids yarn*
cc. *High Tenacity Yarn with 840 Deniers and above.*

The product under consideration includes all kinds of synthetic filament yarns of Nylon or Polyamides, such as flat yarn - twisted and/or untwisted, fully drawn yarn (FDY), spin drawn yarn (SDY), fully oriented yarn (FOY), high oriented yarn (HOY), partially oriented yarn (POY), textured yarn – twisted and/or untwisted, and dyed yarn, single, double, multiple, folded or cabled, and high tenacity yarn of nylon classifiable within Chapter 54 under Customs heading 5402. The product includes all variants of Nylon (or Filament Yarn or Polyamide Yarns such as flat/ textured/ twisted/ untwisted, bright/semi dull/full-dull variants thereof), grey/ colored/ dyed (or variants thereof), single/double/ multiple/folded/cabled (or variants thereof), whether or not sized."

195. The application of the individual duty rates specified for the companies mentioned in the above duty table shall be conditional upon presentation to the 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 (name of PUC) sold for export to the India covered by this invoice was manufactured by (company name and address) in [country concerned]. I declare that the information provided in this invoice is complete and correct."

196. If no such invoice is presented, the duty applicable to all other rates shall apply. This requirement is without prejudice to the verification procedures independently undertaken by the Customs authorities under the applicable customs law and regulations.

**List of non-sampled producers from China PR

SN	Non-Sampled Cooperative Producers
1.	Fujian Kaibang Polyamide Technology Co., Ltd.
2.	Prutex Nylon Co., Ltd.
3.	Fujian Wanhong Textile Co., Ltd.
4.	Hangzhou Dikai Industrial Fabrics Co., Ltd.
5.	Fujian Changle Yongda Textile Co., Ltd

N. FURTHER PROCEDURE

197. An appeal against the determination of the Designated Authority in these final findings shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act/Rules.

Amitabh Kumar
(Designated Authority)