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F. No. 07/03/2025-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce,
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi – 110001

NOTIFICATION

(FINAL FINDINGS)

Date: 17th March, 2026

Case No. AD (SSR)- 01/2025

Subject: Sunset review investigation of anti-dumping duty concerning imports of "Flexible Slabstock Polyol" originating in or exported from Saudi Arabia.

F. No. 07/03/2025-DGTR: - Having regard to the Customs Tariff Act 1975 as amended from time to time (hereinafter also referred to as the Act), and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time, (hereinafter also referred to as the Anti-Dumping Rules or the Rules);

A. BACKGROUND OF THE CASE

1. Manali Petrochemicals Limited (hereinafter referred to as the "applicant" or the "domestic industry") filed an application, before the Designated Authority (hereinafter also referred to as the "Authority") in accordance with 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) for initiation of sunset review of the anti-dumping duty concerning imports of Flexible Slabstock Polyol (hereinafter also referred to as "FSP" or the "product under consideration" or the "subject goods"). The applicant had filed the application requesting for initiation of review with respect to anti-dumping duty on imports from Singapore, Saudi Arabia and

UAE. However, at the time of initiation, the Authority noted that the application requesting review of duties on imports from Singapore was not filed within the timeline prescribed under Trade Notice No. 2/2017, dated 12th December 2017. Further, it was noted that there are no known producers of the product under consideration in UAE which can export the subject goods to India. Thus, the Authority did not initiate the review with respect to duties on imports from Singapore and UAE. Accordingly, the present review is with respect to imports of the product under consideration from Saudi Arabia (hereinafter also referred to as the “subject country”).

2. The original investigation concerning imports of subject goods originating in or exported from Saudi Arabia and United Arab Emirates (UAE) was initiated by the Authority vide Notification No. 6/20/2019-DGTR, dated 18th September 2019. The Authority notified the Final Findings vide Notification No. 6/20/2019-DGTR, dated 1st September 2020 and recommended imposition of anti-dumping duty on imports of subject goods from Saudi Arabia and UAE. Subsequently, the Ministry of Finance imposed anti-dumping duties vide Notification No 20/2021- Customs (ADD), dated 5th April 2021.
3. In terms of Section 9A(5) of the Act, read with Rule 23(1B) of Rules, anti-dumping duty imposed shall, unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition and the Authority is required to review, whether the expiry of duty in force is likely to lead to continuation or recurrence of dumping and injury. In accordance with the above, the Authority is required to review, on the basis of a duly substantiated request made by or on behalf of the domestic industry, as to whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.
4. The applicant filed an application dated 29th January 2025, seeking initiation of sunset review of anti-dumping duties imposed earlier and continuation of anti-dumping duties on imports of Flexible Slabstock Polyol. The request was based on the grounds that the expiry of duty was likely to result in continuation of dumping of the product under consideration and injury to the domestic industry.
5. In view of the duly substantiated application with prima facie evidence substantiating likelihood of continuation of dumping and injury, in accordance with Section 9A(5) of the Act, read with Rule 23 of the Rules, the Authority issued a public notice initiating the sunset review of anti-dumping duty on imports of the product under consideration from Saudi Arabia, vide Notification No. 07/03/2025-DGTR, dated 18th March 2025, published in the Gazette of India. The Authority initiated the review of anti-dumping

duty imposed earlier to examine whether the expiry of anti-dumping duty on imports of subject goods from Saudi Arabia is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

B. PROCEDURE

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

6.1 Initiation

- a. The Authority notified the Embassy of the subject country in India about the receipt of the present application before proceeding to initiate the investigation in accordance with sub-rule (5) of Rule 5 of the Rules.
- b. The Authority issued a public notice dated 18th March 2025, published in the Gazette of India, Extraordinary, initiating a sunset review of anti-dumping duty concerning imports of subject goods from the subject country.
- c. The Authority sent a copy of the initiation notification to the Government of the subject country, through its Embassy in India, known producers and exporters from the subject country, known importers / users and the domestic industry as well as other interested parties, as per the addresses made available by the applicant and requested them to make their views known in writing within the prescribed time limit.

6.2 Circulation of non-confidential version of the application

- d. The Authority provided a copy of the non-confidential version of the application to the known producers/exporters and to the Government of the subject country, through its Embassy 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.

6.3 Participation by Exporters of Subject Country

- e. The Authority sent exporter's questionnaire to the known producers/exporters from the subject country, known importers/ users in India, other Indian producers and the domestic industry as per the addresses made available by the applicant and requested them to make their views known in writing by the extended timeline.

- f. The Authority sent the Exporters' Questionnaire to the following known producers/ exporters to elicit relevant information in accordance with Rule 6(4) of the Rules:
 - 1. Sadara Chemical Company, Saudi Arabia
 - 2. Saudi Basic Industries Corporation (SABIC), Saudi Arabia
 - 3. SABIC Asia Pacific Pte. Ltd., (SAPPL), Singapore
 - 4. Dow Chemical International Private Limited (DCIPL) Dubai Branch, UAE
 - 5. Dow Saudi Arabia Marketing B.V., (DSAPM BV, Netherland
 - 6. Dow Chemical Pacific (Singapore) Private Limited, Singapore
- g. The Embassy of the subject country in India was requested to advise the exporters/producers from their country to respond to the questionnaire within the prescribed time limit.
- h. In response to the initiation of the subject investigation, the following producers/exporters from the subject country have responded by filing questionnaire response:
 - 1. Sadara Chemical Company, Saudi Arabia
 - 2. Saudi Basic Industries Corporation (SABIC), Saudi Arabia
 - 3. SABIC Asia Pacific Pte. Ltd., (SAPPL), Singapore
 - 4. Dow Chemical International Private Limited (DCIPL) Dubai Branch, UAE
 - 5. Dow Saudi Arabia Marketing B.V., (DSAPM BV, Netherland
 - 6. Dow Chemical Pacific (Singapore) Private Limited, Singapore
 - 7. Dow Chemical International Private Limited

6.4 Participation by Importers/Users

- i. The Authority sent Importer's and User's Questionnaire to the known importers / users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules.
 - 1. Wanhua International (India) Pvt. Ltd.
 - 2. Sheela Foam Ltd. (SFL)
 - 3. Tirupati Foam Ltd.
 - 4. M.H. Polymers Ltd.
 - 5. Toyota Tsusho India Pvt. Ltd.
 - 6. Dow Chemical International Private Limited, India (DCIPL)
- j. In response to the initiation of the subject investigation notification, following importers/users have responded by filing questionnaire response:
 - 1. Sheela Foam Limited (SFL)
 - 2. Expanded Polymer Systems Private Limited

- k. A copy of the initiation notification and non-confidential version of the application was sent to the Indian Polyurethane Association as well. The Association made submissions during the course of the review.
- l. A copy of the initiation notification and non-confidential version of the application was sent to the Department of Chemical and Petrochemicals, Ministry of Chemicals and Fertilizers. However, the Authority has not received any comments.
- m. 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.
- n. An opportunity was provided by the Authority to all interested parties to give their comments on the scope of the product under consideration and PCN methodology.
- o. 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.
- p. The non-injurious price (NIP) based on the optimum cost of production and cost to make & sell the subject goods in India, as per the information furnished by the domestic industry on the basis of Generally Accepted Accounting Principles (GAAP) and Annexure III to the Rules, has been worked out so as to ascertain whether anti-dumping duty lower than the dumping margin would be sufficient to remove injury to the domestic industry.

6.5 Period of Investigation and Injury Period

- q. The period of investigation (POI) for the purpose of present investigation is 1st October 2023 to 30th September 2024 (12 months). The examination of trends in the context of injury analysis covered the periods 2021-22, 2022-23, 2023-24 and the period of investigation.

6.6 Further procedures

- r. 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 3rd December 2025. The parties presented their views in the oral hearing and were requested to file written submissions of the views expressed orally, followed by rejoinder submissions.

- s. The submissions made by the interested parties during the course of this investigation, to the extent supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority, in this final finding.
- t. 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 5th March 2026. The Authority has examined all the post-disclosure comments made by the interested parties in these final findings to the extent deemed relevant. Any submission which was merely a reproduction of the previous submissions, and which had been adequately examined by the Authority, has not been repeated for the sake of brevity.
- u. 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.
- v. 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.
- w. 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 the present disclosure statement to the extent possible and verified the data/documents submitted by all the interested parties to the extent considered relevant, practicable and necessary
- x. ‘***’ in this notification represents information furnished by an interested party on confidential basis and so considered by the Authority under the Rules.
- y. The exchange rate adopted by the Authority for the subject investigation is 1 US\$ = ₹ 84.27.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

C.1. Submissions by other interested parties

- 7. The following submissions have been made by the other interested parties regarding the scope of the product under consideration and like article.

- a. Products produced using Double Metal Cyanide (DMC) Catalyst technology and Potassium Hydroxide (KOH)-based catalyst method used by the domestic industry, are not comparable.
- b. DMC-based FSP is preferred in high-performance applications because it delivers narrower molecular weight distribution, enhancing consistency, reduces creation of by-products, improves product purity, enables higher primary hydroxyl content and better reactivity.
- c. The product produced using KOH technology leads to higher potassium residue, which makes it unusable in the polymer polyol production by the users. In contrast, FSP produced through DMC technology aligns with the process of the users and has superior consistency, which is important for the users' competitiveness
- d. The users are unable to use the subject goods produced by the applicant for production of polymer polyol.
- e. The user industry depends on imports of FSP as compared to domestic FSP as it lacks requisite quality, limiting the competitiveness of downstream and export-oriented sectors.
- f. The quality of the product supplied by the domestic industry is poor. While large manufacturers can sometimes mitigate the defects in the domestic product, majority of the downstream users which are MSMEs lack the infrastructure required to correct these inconsistencies
- g. DMC-based FSP must be excluded from the scope of product under consideration or create a separate PCN for DMC-based FSP in the present review investigation.
- h. The product scope should be limited to FSP having molecular weight 3000 as the domestic industry does not produce FSP having molecular weight above 3000.
- i. It is submitted that Flexible Slabstock Polyol with molecular weights lower than 3000 and higher than 4000 do not fall within the PUC as notified by the Authority and must therefore be expressly excluded from the scope of the present investigation. Inclusion of such grades, despite their distinct technical characteristics, applications, and commercial markets, would be inconsistent with the Authority's product definition and would improperly broaden the investigation beyond its legally permissible scope.

C.2. Submissions by the domestic industry

8. The following submissions have been made by the domestic industry with regard to the product under consideration and like article:
 - a. The product under consideration is Flexible Slabstock Polyol with molecular weight 3000-4000.

- b. The product is used for manufacturing of foams which is majorly used in mattresses, upholstery, pillows, bolsters, transport seating and packaging.
- c. The product under consideration is classified under Chapter 39 of the Customs Tariff Act, 1975. Prior to February 2022, the product was imported under tariff item ‘3907 20’ and thereafter, it was imported under tariff items ‘3907 29 10’ and ‘3907 29 90’.
- d. The subject goods can be produced using KOH or DMC technology. While the applicant has used KOH technology, the producers from the subject countries have used both technologies.
- e. FSP produced using KOH technology or DMC technology is comparable and can be used interchangeably as there is no major difference in the raw materials and product process used in both technologies.
- f. The technical and chemical characteristics of the end product produced using both technologies are same, except potassium residue which is very less pronounced.

Parameter	KOH-Catalysed	DMC-Catalysed	Remarks
Molecular Weight	3000–4000	3000–4000	Same
Hydroxyl Number	~48–56	~48–56	Same
Viscosity @ 25°C	500–700	400–600	Similar
Functionality	3 (triol)	3 (triol)	Same
Potassium Residue	5–10 ppm (after	<1 ppm	Different
Appearance	Clear liquid	Clear liquid	Same

- g. The domestic industry is regularly supplying the subject goods to all major consumers in the country, which demonstrates that the users are using products produced using KOH and DMC technology.

Name of customer	2021-22	2022-23	2023-24	POI
***	***	***	***	***
***	***	***	***	***
***	***	***	***	***
***	***	***	***	***
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- h. Globally, all producers, including producers in the subject countries have been using KOH technology. While certain producers have added production lines for DMC technology, such producers have not stopped the production lines for KOH technology.
- i. As against the claim that FSP produced through DMC route is of better quality, the price of imported FSP is lower than price offered by the domestic industry.
- j. The Authority in the past investigation determined that the products produced by both technologies were used by customers interchangeably.
- k. Contrary to the claim that the subject goods cannot be used for production of polymer polyol, the applicant is itself using self-produced FSP for the production of polymer polyol, which is sold in the market.
- l. EMPEYOL F3502 is the brand name for the product under consideration, for which the applicant has provided technical data sheet. The product falls under the larger class of products called “polyether polyols”.
- m. The product produced by the domestic industry is like article to the product under consideration.

C.3. Examination by the Authority

- 9. At the time of initiation of the present investigation, the Authority considered the following as the scope of product under consideration which was same as defined in the final finding of the original investigation.

“ix. The product under consideration in the present investigation is Flexible Slabstock Polyol. The subject product is a clear viscous liquid polymer of molecular weight 3000-4000, manufactured by polymerization of propylene oxide and ethylene oxide with a triol chain starter. It is a polyether and on reaction with catalysts and additives yields polyurethane foams used in upholstery, mattresses, pillows, bolsters, transport seating and packaging. Flexible Slabstock Polyol is transported in tankers or stored in steel drums (hereinafter referred to as the “subject goods”).

x. The subject goods are classified under the category “Plastics and articles thereof” in Chapter 39 of the Customs Tariff Act, 1975 and further under 3907 20 as per Indian Trade Classification. The classification, however, is only indicative and in no way binding on the scope of the present investigation. The Authority

notes that while different ITCHS may be quoted by producers/exporters, the product description assumes primary over the ITCHS as the same is indicative.

10. The other interested parties have argued that Double Metal Cyanide (DMC) catalyst technology is a modern and advanced process and product produced using this technology are preferred over KOH-based method. It has been claimed that DMC based FSP is preferred for its high-performance applications and reduced creation of by-products. Further, users have also claimed that they are unable to use the KOH-based FSP supplied by the domestic industry due to its poor performance.
11. On the contrary, the domestic industry has submitted that there are no differences in the product produced by either of the technologies and the products can be used interchangeably. The domestic industry has argued that there is no major difference in the production process used in either of the technologies. While the inputs such as catalysts used may differ, the major raw materials, that is propylene oxide and ethylene oxide, used in the production process are the same. The technical characteristics of the FSP produced using KOH or DMC route are also largely similar, except with respect to Potassium residue. Further, difference of the potassium residue can be easily offset by the usage of fillers by the foam manufacturers of India. The domestic industry has also claimed that it has been regularly supplying its products to all major foam producers in the country, including those who have participated in the present investigation. In fact, the applicant is itself using the KOH-based FSP to make downstream products.
12. Similar arguments regarding difference between KOH and DMC technology have been made by interested parties in the original investigation as well. However, the Authority rejected such claims in the final finding and determined that products produced by either of the technologies were used by the customers interchangeably.
13. The Authority has examined the arguments made by all other interested parties as well as the domestic industry. With respect to the aforementioned arguments raised, the Authority notes that the present investigation is a sunset review of the anti-dumping duty imposed on imports from the subject country. The Authority has already examined and determined that there is no difference in the products produced by the domestic industry and the producer from the subject country in the original investigation. The Authority notes that this situation persists till date.
14. With respect to arguments raised against difference in technical properties between FSP produced using both technologies, the Authority notes that the production process of both routes is the same and the raw materials used are also the same. The only

difference is in the catalysts used. The technical and physical properties of the end-product fall within the same range, and are inter-se comparable and substitutable, as per information submitted by the domestic industry.

15. Further, certain interested parties have argued that they are unable to use the product produced by the domestic industry due to the poor quality of the product produced using KOH technology, while the DMC based product is of higher quality. In this regard, it is noted that the domestic industry has been regularly supplying the product to its customers, who have continued to purchase its product produced using KOH technology. Thus, it is not a case that the users have ceased purchasing the product from the domestic industry on account of the product being inferior.
16. Furthermore, the price of imported subject goods, which is claimed to be produced using DMC based technology, is lower than the domestically produced FSP based on KOH-based technology.
17. Thus, the Authority notes that the use of different production processes does not lead to any difference in the final product. The subject goods manufactured using different production processes are used for the same application and in the same manner, and the characteristics of the final product manufactured using different processes are similar. The products are being interchangeably used and as substitutes to each other by the user industry. In fact, the Authority in past investigations has held that use of different production process does not render the end-product different, if such process does not result in a difference in the product characteristics and end-use. In view of the same, it is noted that there is no difference between DMC-based FSP and KOH-based FSP, and the two are like article to each other. Thus, there is no requirement to exclude DMC-based FSP.
18. Certain interested parties have argued that the scope of the product should be limited to FSP with molecular weight of 3000 only, since the domestic industry cannot produce product with molecular weight above the same. Based on the information placed on record in the form of technical data sheet and sample sales invoice, it is noted that the domestic industry has produced and sold product having molecular weight more than 3000. Thus, the argument of other parties in this regard is invalid.
19. Thus, the scope of the product under consideration remains the same as defined in the final finding notification of the original investigation.

20. The Authority granted an opportunity to all the interested parties to file their submissions regarding determination of the PCN methodology.
21. Certain interested parties requested that if DMC-based FSP is not excluded, then a separate PCN for DMC-based products should be created. The Authority notes that the interested parties have failed to demonstrate that there is a significant difference between the costs and resultant prices in the DMC-based FSP and KOH-based FSP. Therefore, there is no need for creation of a PCN methodology for DMC-based FSP in the present investigation.
22. The Authority notes that the product produced by the domestic industry is comparable to the product under consideration imported from the subject country in terms of physical and chemical characteristics, product specifications, technical specifications, manufacturing process, and technology, functions and uses, pricing, distribution and marketing, and tariff classification of the goods. The two are technically and commercially interchangeable. Accordingly, the Authority proposes to conclude that the product produced by the domestic industry are 'like article' to the product under consideration imported from the subject country in terms of Rule 2(d) of the Rules.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

D.1. Submissions by other interested parties

23. The other interested parties have not made any submissions with regard to the scope of domestic industry and standing.

D.2. Submissions by the domestic industry

24. The following submissions have been made by the domestic industry with regard to the scope of domestic industry and standing:
 - i. The applicant is the sole producer of the subject goods in the country, and thus accounts for 100% of total Indian production and is eligible to constitute domestic industry in terms of Rule 2(b) of the Anti-dumping Rules.

D.3. Examination by the Authority

25. 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”.

26. The present application has been filed by Manali Petrochemicals Limited. The Authority notes that the applicant is the sole producer of subject goods in India and there is no other domestic producer of the subject goods in India.
27. The Authority also notes that the products produced by the domestic industry are like article to the imports of subject goods from the subject country.
28. Further, the Authority notes that the applicant has not imported the subject goods from the subject country during the period of investigation. The applicant is not related to any exporter of the subject goods in the subject country or importer of the subject goods in India. Thus, the applicant constitutes domestic industry as defined under Rule 2(b) of the Anti-dumping Rules, and the application satisfies the requirement of standing in terms of Rule 5(3) of the Anti-dumping Rules.

E. CONFIDENTIALITY

E.1. Submissions by other interested parties

29. The following submissions have been made by the other interested parties with regards to confidentiality.
 - a. The domestic industry has claimed excessive confidentiality with respect to capacity and production data for FY 2021–22 which was earlier disclosed in the final findings by the Authority.
 - b. The applicant has claimed excessive confidentiality with respect to NIP and net sales realization which is in violation of the trade notice 10/2018. The Authority should not have automatically accepted the confidentiality claim without evaluating the information, based on the decision of Hon’ble Supreme Court in Sterlite Industries (India) Ltd. v. DA; CESTAT in H&R Johnson (India) Ltd. v. DA; and WTO Appellate Body in EC – Certain Iron or Steel Fasteners from China.
 - c. The exporter has provided details of all third country sales in view of full compliance and transparency. The disclosure of details of third country sales would be detrimental to the interests of the exporter, and have been claimed confidential.

- d. The exporter has provided names of all affiliates involved in sales of the subject goods and no other affiliate is involved in the sales of the subject goods in India.

E.2. Submissions by the domestic industry

30. The following submissions have been made by the domestic industry with regard to confidentiality.
 - a. SABIC has failed to provide a non-confidential summary of the details regarding appropriate third country and the basis of selecting the appropriate third country for calculation of normal value.
 - b. The domestic industry has not sought disclosure of complete third country sales of the exporters, but at the very least, the exporter should disclose if it is claiming normal value based on third country sales.
 - c. SABIC has failed to disclose the details of affiliates located in India and the activities performed by such entities. Such information is available on the public domain.
 - d. The arguments of the interested parties regarding confidentiality claims are highly belated and cannot be accepted.
 - e. As a single applicant, the domestic industry has provided figures pertaining to capacity and production as trend in the non-confidential version of the application, in line with Trade Notice 10/2018.
 - f. The non-injurious price of the domestic industry is highly confidential, and can be severely detrimental to the competitive interests of the domestic industry, in its negotiations with the customers. Thus, the same cannot be disclosed.

E.3. Examination by the Authority

31. The Authority made available the non-confidential version of the information provided by various parties to all the other interested parties as per Rule 6(7) of the Rules.
32. With regard to confidentiality of information, Rule 7 of the Anti-dumping Rules provide as follows:

“Confidential information: (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule(2) of rule12,sub-rule(4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.”

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

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

33. The information provided by the interested parties on a confidential basis was examined with regard to sufficiency of such claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted, and such information has been considered confidential and not disclosed to other interested parties. Wherever possible, the parties provided information on a confidential basis were directed to provide sufficient non confidential versions of the information filed on a confidential basis. The Authority also notes that all interested parties have claimed their business-related sensitive information as confidential.

F. MISCELLANEOUS SUBMISSIONS

F.1. Submissions by other interested parties

34. The following miscellaneous submissions have been made by the other interested parties.
- a. The petition does not satisfy the requirements of Article 5 of the Anti-Dumping Agreement and Rule 5 of Anti-Dumping Rules as it lacks evidence with respect to alleged dumping, injury and causal link. The applicant has constructed normal value based on its cost of production, which is contrary to para 1 of Annexure I and has only provided evidence for adjustments towards ocean freight. An initiation based on incorrect application of legal provisions is void ab-initio and such investigation must be terminated immediately, as held in Chairman-Cum-M.D., Coal India & Ors vs Ananta Saha & Ors, (2011) 5 SCC 142.
 - b. The domestic industry has been a beneficiary of anti-dumping duties for a long time, restricting imports of FSP from various countries and includes withdrawal of application in some cases demonstrating that the domestic industry has received adequate protection since 2001.

- c. Despite prolonged duration of duties, the domestic industry has failed to demonstrate improvement in production, technology and capacity, and have further failed to reduce costs, improve efficiency and competitiveness.
- d. The import data submitted by the applicant is unreliable as it does not align with the import data published by the Authority in the original final findings. Even if the investigation was initiated based on imports from DGCI&S, the application was deficient and should not have been accepted and highlights the frivolity and internal inconsistencies of the present proceedings.
- e. The association's membership can be publicly verified, and any attempt by the applicant to cast doubt on the credibility of the association is unwarranted, given that the applicant itself is a member of the association
- f. The Authority must provide the user industry with import data in the format and manner in which it was placed on record. Reliance was placed on *Exotic Décor Pvt. Ltd. vs Designated Authority* in this regard.
- g. The Authority is requested to use DGCI&S data to determine injury as against the inflated margins claimed by the applicant.
- h. The DI did not furnish actual home-market data, third-country prices, or a properly supported constructed normal value. The DI merely relied on its *own* Indian cost of production to build a constructed NV — a method unsupported by law.
- i. Transaction-wise details of exports to third countries are confidential and not required to be disclosed in terms of Trade Notice No. 10/2018.

F.2. Submissions by the domestic industry

35. The following miscellaneous submissions have been made by the domestic industry.
- a. Claims of misuse of trade remedy investigation are misplaced, as it is the foreign producers that are abusing fair market.
 - b. Contrary to the argument of the other interested parties, the Authority found that the subject imports caused injury to the domestic industry and there was a need to continue duties in past investigations, except where the applicant withdrew its application considering temporary relief against dumping.
 - c. The applicant has relied imports sourced from third parties, while the Authority relies on DGCI&S data, which may have led to the differences in import volumes.
 - d. The association has not provided list of its members, or demonstrated which of its members would be affected by the measures. Therefore, it has not demonstrated its status as an interested party. The association must also demonstrate that it was validly authorized to participate.
 - e. The applicant provided normal value and export price for the subject country based on the information that was reasonably available to it at the time of filing of the application.

F.3. Examination by the Authority

36. With regard to the submission that the petition does not satisfy the requirements of Article 5 of the Anti-Dumping Agreement and Rule 5 of Anti-Dumping Rules as it lacks evidence with respect to alleged dumping, injury and causal link, the Authority notes that the present review was initiated based on prima facie examination of the evidence provided and duly satisfying itself on the accuracy and adequacy of the evidence provided by the applicant as was reasonably available to it at the time of initiation.
37. With regards to the submission that the applicant is misusing trade remedial measures and has been a beneficiary of trade remedial investigations since last two decades, the Authority notes that all the investigations have been conducted based on detailed examination of evidence submitted by all parties and recommendation for imposition / continuation of duties has been made only after examination of dumping, injury and causal link, wherever relevant.
38. It has been argued by certain interested parties that despite long duration of duties, the domestic industry has failed to demonstrate improvement in production, enhancement in capacities and cost efficiency. In this regard, it is noted that in an anti-dumping investigation, the Authority is required to examine where the product under consideration is being dumped into the country and that such dumped imports are causing injury to the domestic industry. The fact that the exporters are dumping the subject goods in the country is a material fact, irrespective of whether the industry has increased capacities or not.

With regards to the submission that the Authority has not made available the import data in the format and manner prescribed to the user industry, the Authority notes that the DGCI&S transaction wise import data is not available in the public domain and the same cannot be shared with any party under the current legal provisions.

39. Certain interested parties have claimed that the data used by the applicant is not reliable and thus, has resulted in the inflated claims of margins. In this regard, it is noted that the applicant has relied on import data sourced from market sources in the application filed. However, the Authority has relied upon the import data as per DGCI&S for the purpose of this investigation. Further, the dumping margin for the cooperating exporters would be based on the data submitted by them and duly verified by the Authority. Accordingly, the reliability of the import data used by the applicant in its application is not material.

G. NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

G.1. Submissions by other interested parties

40. The following submissions have been made by the other interested parties, with reference to determination of normal value, export price and dumping margin.
- a. The Authority is requested to calculate normal value and export price based on information provided by Sadara and not on the basis of claims made by the domestic industry which are inconsistent with Section 9A of the Tariff Act.
 - b. The DI's claimed adjustments—such as for ocean freight, insurance, and commissions—are not accompanied by any underlying evidence. SABIC and SAPPL provided information regarding third country exports as a matter of abundant caution. Transaction-wise export details to all third countries have been provided.
 - c. There is no basis for disregarding the costs reported by Sadara since the Authority has already established in previous investigations (such as FSP and TDI) that Sadara's procurement from SABIC are at arm's length.
 - d. Several WTO Panel and Appellate Body reports have held that the costs reported in the records of an exporter cannot be disregarded.
 - e. The applicant's reliance on US-OTCG is wrong since even in that investigation, the Panel did not permit the use of international prices to determine whether purchase prices were at arm's length.
 - f. Manali has claimed that Sadara has sourced two major raw materials i.e. propylene and ethylene, from SABIC, a related entity. This claim is factually incorrect since Sadara has not sourced any of these inputs from SABIC. Accordingly, the Normal Value for Sadara should be computed based on the cost of production claimed in the questionnaire response.
 - g. The Domestic Industry has claimed that import volume from Saudi Arabia is 1,11,154 MT. However, the actual export volume by Sadara (the sole producer in KSA) during the POI, as per evidence on record is merely 53314 MT. Thus, the volume of export as well as the export price claimed by Manali is incorrect and misleading.
 - h. The data concerning import of FSP portrayed by Manali is incorrect, is further confirmed from bare comparison of data in the application and the earlier final findings issued by the DGTR. As per earlier final findings issued by the DGTR concerning exports from China and Thailand, the overall import volume of FSP during 2021-22 was determined as 91,155 MT. On the contrary, Manali in the present application has claimed import volume as 161,121 MT. Thus, it is evident that data submitted by Manali is incorrect and liable to be rejected.

G.2. Submissions by the domestic industry

41. The domestic industry has submitted as follows with reference to determination of normal value, export price and dumping margin.
- a. The price of inputs purchased by Sadara from its related parties must be rejected unless the producer can demonstrate that such transactions were on an arm's length basis. Only if such information is found to be appropriate and accurate, the same may be used for determination of dumping margin for the exporters.
 - b. If the exporter is unable to demonstrate that inputs purchased from the affiliates were at an arm's length, the cost of production for the producer should be determined based on price of exports of propylene and ethylene from Saudi Arabia based on Trade Map data.
 - c. The Authority should examine the claim of normal value based on third country exports considering the representative volume of exports to such country and the exports being in the ordinary course of trade.
 - d. The Authority must verify the information submitted by the exporters, particularly with respect to purchase of inputs from affiliated parties. Only if such information is found to be appropriate and accurate, the same may be used for determination of dumping margin for the exporters.
 - e. The fact that the Authority found dumping in previous investigations shows that the dumping is not attributable to the technology or level of integration of the domestic industry, but the unfair pricing practices adopted by the foreign producers.
 - f. Contrary to claim of interested parties, the domestic industry has not claimed dumping based on positive price undercutting.

G.3. Examination by the Authority

42. 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*
- (b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6);*

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

43. The Authority notes that the following exporters of the subject goods have filed exporter’s questionnaire responses:
- a. Sadara Chemical Company, Kingdom of Saudi Arabia
 - b. Saudi Basic Industries Corporation (SABIC), Kingdom of Saudi Arabia
 - c. SABIC Asia Pacific Pte. Ltd., (SAPPL), Singapore
 - d. Dow Chemical International Private Limited (DCIPL) Dubai Branch, UAE
 - e. Dow Saudi Arabia Marketing B.V., (DSAPM BV, Netherland
 - f. Dow Chemical Pacific (Singapore) Private Limited, Singapore

G.3.1. Normal value for Saudi Arabia

Normal value for Sadara Chemicals Limited

44. It is noted Sadara is the producer of subject goods from Saudi Arabia engaged in domestic sales of subject goods as well as exports to India through related entities namely Dow Marketing, Dow Singapore, SABIC and SAPPL. Sadara is a limited liability company existing under the laws of the Kingdom of Saudi Arabia.
45. The subject goods produced by Sadara were sold to Saudi Basic Industries Corporation (SABIC), which has then resold the product in the domestic market to unaffiliated customers. There were no direct domestic sales by Sadara during the POI.
46. The Authority has conducted desk verification of the data submitted by the exporter. It is noted from the response that during the period of investigation, SABIC has sold ***

MT of goods in domestic market having an invoice value of *** million SAR in the domestic market.

47. For computing the Normal Value, all domestic sales transactions by SABIC to unrelated customers were examined with reference to the cost of production determined by the Authority to assess whether the domestic sales were in the ordinary course of trade or not. The Authority conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to cost of production of subject goods. In case profit making transactions are more than 80% then the Authority considers all the transactions in the Domestic market for the determination of the normal value. Where the profitable transactions are less than 80%, only profitable domestic sales are taken into consideration for the determination of normal value.
48. Based on the ordinary course of trade test, it is noted that there are no profitable domestic sales during the POI for computing the normal value. Accordingly, the normal value has been considered based on the cost of production of PUC as determined by the Authority after including SGA and notional profit. The Normal value determined as above is mentioned in the dumping margin table.

Normal value for other producers/exporters in Saudi Arabia

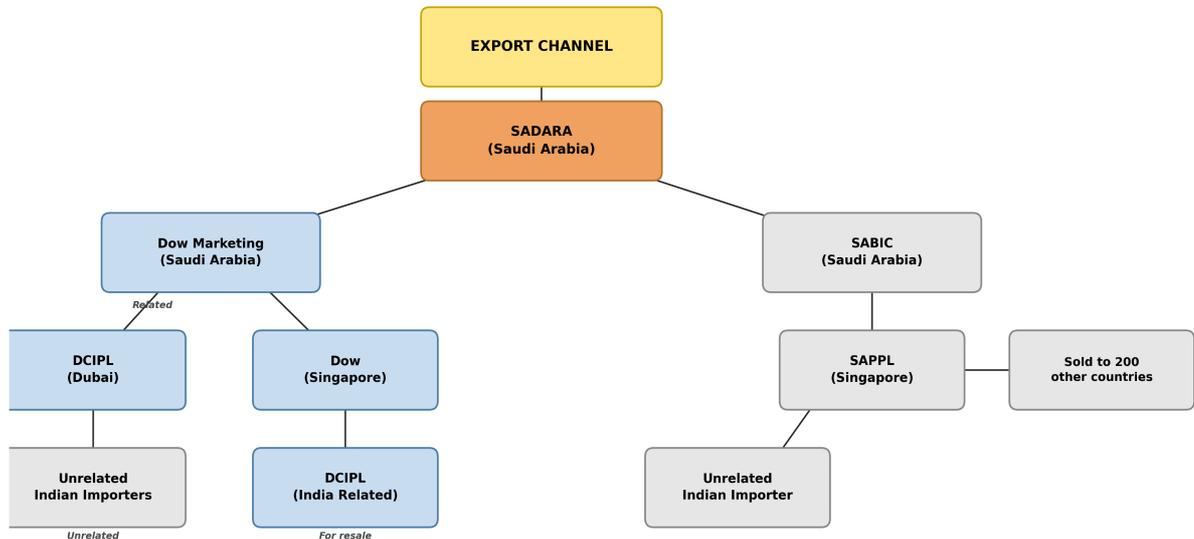
49. The normal value for all other non-cooperating producers and exporters of Saudi Arabia has been determined based on facts available and the same is mentioned in the dumping margin table below.

G.3.2. Export price for Saudi Arabia

Export price for Sadara Chemical Limited, Saudi Basic Industries Corporation, SABIC Asia Pacific Pte. Ltd. Dow Chemical International Private Limited, Dubai Branch, UAE Dow Saudi Arabia Marketing B.V., Netherland and Dow Chemical Pacific (Singapore) Private Limited, Singapore

50. It is noted from exports to India, M/s Sadara sells the entire quantity of the subject goods to Dow Saudi Arabia Product Mktg BV (“Dow Marketing”) and Saudi Basic Industries Corporation (“SABIC”). For exports to India, Dow Marketing raises invoice on Dow Singapore which in turn sells to Dow Chemical International Pvt. Ltd. (DCIPL) who has captively consumed the product.

51. The export channel can be understood from the flowchart given below:



52. For arriving at the ex-factory export price, the Authority has considered adjustments on account of freight, credit cost and other post factory expenses from the invoice price of the producer (Sadara). Accordingly, the ex-factory export price is calculated and mentioned in the dumping margin table below.

Export price for other producers/exporters in Saudi Arabia

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

G.3.3. Dumping margin

54. 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)
	Saudi Arabia					
	Sadara Chemical Company	***	***	***	***	90-100
	Any Other	***	***	***	***	100-120

H. ASSESSMENT OF INJURY AND CAUSAL LINK

H.1. Views of other interested parties

55. The following submissions have been made by the other interested parties with regard to injury and causal link:
- a. The volume of imports in absolute and relative terms has declined during the period of investigation which contradicts the claim of injury made by the applicant. Further, as the demand continued to increase, the imports were necessitated to meet the demand.
 - b. The Authority should calculate price undercutting for imports from Saudi Arabia, after taking into account the anti-dumping duty in place.
 - c. It is critical to highlight that the alleged injury to the Domestic Industry during the current review period is not attributable to imports from Saudi Arabia, but rather to continued low-priced imports originating from Thailand and China.
 - d. During the period of investigation, the landed value of Saudi Arabia declined while selling price of the domestic industry increased, showing absence of correlation between landed value and cost and sales realization of the domestic industry.
 - e. The losses earned for product under consideration are in line with overall decline in profitability of the company.
 - f. The market share of domestic industry should be calculated after considering imports from all sources.
 - g. As per the decision in Nirma Ltd. vs. Union of India, the parameters of threat of injury are required to be examined in a sunset review for the purpose of likelihood analysis. Such parameters have not been examined in the present case. In any case, the threat parameters are not met in the present case.

- h. The comparison with base year is inappropriate as COVID-related disruptions enabled Manali to earn abnormal profits. Moreover, the Annual Reports and investor calls of the domestic industry also confirm that 2020-21 and 2021-22 were exceptional years, with record sales, profitability, and increased returns
- i. Manali has planned investment in two plants and has approved expansion in West India. Its low debt-to-equity ratio of 0.14:1 shows strong financial capacity, confirming that its ability to raise capital has not been adversely impacted.
- j. The prices of the domestic industry were suppressed as it was unable to cover its high costs which were affected by high raw material prices, and self-inflicted internal disruptions such as acquisition and depreciation burdens.
- k. By excluding Singapore from the scope of the review, the applicant has effectively narrowed the injury analysis to imports from only one country—Saudi Arabia—while disregarding significant import volumes from Singapore that are admittedly priced below the proposed Non-Injurious Price (NIP). This selective treatment fundamentally distorts the factual matrix and leads to an inflated, misleading depiction of injury.
- l. The Authority has consistently held that injury must be assessed in the context of the totality of dumped imports from all relevant sources. Selectively targeting one country while ignoring equally or more injurious imports from another major source not only undermines the credibility of the injury assertion but renders the causal link analytically unsound.
- m. Injury to the domestic industry is caused due to imports from China and Thailand as well as Singapore, and such injury cannot be attributed to imports from Saudi Arabia.
- n. Despite significant imports from Singapore, the applicant failed to timely file an application for continuation of duties from Singapore, which has resulted in inflated injury and erroneous causal link. Non-imposition of duty on Singapore would lead to trade diversion, which would nullify the impact of duties.
- o. Present anti-dumping duties have addressed dumping from Saudi Arabia, while significant imports from China and Thailand have caused injury. As admitted by the applicant in its annual report, imports from such countries increased in anticipation of duties
- p. While the production has declined by 41 points, export sales have declined by 88 points. Despite getting better prices in export markets, the applicant has reduced export sales and its export price declined over the injury period in line with the import price. Further, during the period of investigation, the export price remained constant despite claimed increase in costs.

- q. The decline in production is not due to imports since - (a) the production of other non-subject goods has also declined; and (b) the domestic industry had the option to produce for exports, but deliberately chose to curtail production.
- r. Limited production capacity of the domestic industry as compared with major global players, prevents it from achieving economies of scale, resulting in higher per-unit costs. Further, the applicant is not backward integrated and is dependent on other suppliers for major raw materials. Lastly, the applicant is located at a distance from suppliers of PO and EO, which adds to incompetitiveness.
- s. The applicant faced decline in production of the subject goods due to disruptions at the plant due to cyclone Michaung and not due to subject imports.
- t. The applicant has increased captive consumption of the subject goods and reduced domestic sales.
- u. Price undercutting is not indicative of dumping but is due to high cost of the domestic industry resulting from obsolete technology and lack of backward integration.
- v. The FSP supplied by the domestic industry is inferior due to the outdated KOH method, while global producers use advanced DMC technology. The resultant price differences and injury reflect quality issues and market preferences and not dumping
- w. For determination of NIP, the cost of production of the applicant must be suitably adjusted to account for technical difficulties faced and extraordinary costs incurred by the applicants. The Authority when determining the NIP shall consider the operational and capacity constraints faced by the Applicant during the injury assessment period, and any extraordinary or non-recurring expenses must not be considered when considering the NIP
- x. Since Manali has bought PO from its affiliate TPL, the global prices of raw materials should be considered for arm-length price comparison.
- y. DI's own annual report confirms that operations were severely disrupted due to Cyclone Michaung, which damaged equipment, halted production for an extended period, caused inventory loss, and led to significant repair expenses.
- z. The DI progressively diverted greater quantities of its output for captive use (indexed rise from 100 to 364), which naturally reduced its domestic sales.
- aa. A substantial proportion of DI's purchases and sales were with related parties (28% of raw materials and substantial output). Such transactions may not reflect market prices and could distort both cost and profitability.

H.2. Views of the domestic industry

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

- a. The volume of subject imports has increased significantly over the injury period, in absolute terms as well as in relation to Indian production and consumption. Despite decline in volumes of imports in the period of investigation, the volume of imports has remained significant.
- b. The rate of increase in imports has outpaced the rate of increase in demand in the country. In fact, the subject imports are in excess of the demand-supply gap in the country.
- c. The landed price of the subject imports has declined sharply over the injury period, despite no material change in the price of major raw material, propylene.
- d. The mark-up of landed prices over raw materials has declined over the injury period.
- e. The costs of the domestic industry in absolute terms have declined, including fixed costs and cost of utilities. However, due to dumping, the production has reduced, and as a result, the per unit cost is higher.
- f. The change in selling price and landed price during the period of investigation cannot be seen in isolation and must be seen in the context of the cost of sales.
- g. The subject imports were undercutting the prices of the domestic industry, even after addition of anti-dumping duty in the landed price.
- h. The subject imports suppressed and depressed the prices of the domestic industry.
- i. The volume of imports have increased in the post-POI period, while the prices of such imports have declined further.
- j. The sales of the domestic industry declined significantly due to increasing demand for low-priced subject imports. As a result, the domestic industry was forced to curtail its production and its production volumes declined.
- k. Despite a demand-supply gap, the domestic industry was operating at less than 50% capacity utilization during the period of investigation.
- l. While the captive consumption of the domestic industry increased over the period, such consumption was less than 3% and 4% in relation to production and sales of the domestic industry respectively.
- m. As the demand for dumped imports increased over the period, the market share of the subject imports also increased, while the market share of the domestic industry was woefully low.
- n. The domestic industry faced significant accumulation inventories, which increased by 637% over the injury period.
- o. Since 2022-23, the domestic industry has been incurring significant financial losses including cash losses, and has earned negative returns on its investment.
- p. Reference to debt-equity ratio of the company as a whole is not appropriate, as the injury analysis is required to be conducted with reference to the like article.
- q. Contrary to the claim that the domestic industry has not shown any improvement despite duties, the domestic industry was unable to increase capacities or production or employ new technology due to continuous onslaught of dumped imports.

- r. The domestic industry is not required to show improvement in performance in face of unfair dumping. Dumping that is an unfair pricing practice, and the domestic industry cannot be expected to take steps to offset such pricing practices.
- s. The exporters in the subject country have a tendency to dump evidence from dumping in the original investigation and continued dumping the present case.
- t. The volume of subject imports has continued to increase despite duties in place.
- u. While the volume of exports from Saudi Arabia to other countries has increased marginally, exports to India have increased significantly.
- v. The price of subject imports has continued to decline sharply.
- w. The volume of imports has continued to increase in the post-POI period, while the prices of such imports have declined.
- x. The subject imports are entering at prices that are likely to further depress the prices of the domestic industry.
- y. The domestic industry is suffering injury and is in a fragile situation, which is likely to be aggravated in case of expiry of duty.
- z. India is a lucrative market for the exporters considering the increasing demand, and expiry of duties would allow the exports to divert all their exports to India.
- aa. Provisions of Para (vii) of Annexure II (Rejoinder submissions) are applicable in case of claim of recurrence of injury in absence of duties, which is not the case of the domestic industry.
- ab. Injury to the domestic industry has not been caused by any other factor.
- ac. With respect to claim that the domestic industry is not backward integrated, the applicant cannot be faulted for not having a backward integrated plant since the same would require a multi-million investment for setting up a refinery, which is not feasible.
- ad. Injury to the domestic industry must be examined as it exists and factors inherent to the industry cannot be considered as causing injury, as held by the Appellate Body in EU – Biodiesel (Argentina), in the case of Nippon Zeon Co. Ltd. vs. Designated Authority, and accepted by the Authority in various investigations.
- ae. The subject imports must be one of the causes of injury and not the only cause of injury, as held in EC – Tubes and Pipes, U.S. – Hot-Rolled Steel Products and U.S. – Salmon.
- af. Imports from Singapore are priced higher than the subject imports, and such imports have not caused injury to the domestic industry. In fact, even if anti-dumping duty is added to the price of imports from Saudi Arabia, the price is lower than the price of imports from Singapore.
- ag. The landed price of imports from Singapore, after accounting for anti-dumping duty, did not undercut the prices of the domestic industry during the period of investigation. Thus, such imports did not cause injury to the prices of the domestic industry during

the period of investigation. By contrast, even after accounting for anti-dumping duty, the price of imports from Saudi Arabia were much lower than the prices of the domestic industry.

- ah. Despite adjusting the total capacity in the injury analysis for removing the effects of shutdown caused due to cyclone, the domestic industry faced significantly underutilized capacities. Further, since variable costs account for more than 80% of the total cost, increased costs due to shut down could not have caused injury to the domestic industry.
- ai. Performance of the domestic industry in other products is irrelevant in an anti-dumping investigation as per para (vi) of Annexure II.
- aj. The product under consideration is the price setter for the market and a decline in the sales of the subject goods directly lead to decline in the sales of non-subject goods, forcing the domestic industry to curtail overall production.
- ak. The export sales of the domestic industry are sporadic, and negligible compared to the production, at less than 2% of production. No inference can be drawn based on such low volume of exports. The primary focus of the domestic industry has remained on domestic market.
- al. The major reason for decline in the overall profitability of the company was sharp increase in cheap imports which eroded the market share of the applicant.
- am. Contrary to the claim that the domestic industry earned abnormal profits in 2021-22, the domestic industry earned profits due to market vacated by the dumped imports. However, the profitability in the last quarter declined as imports resumed.
- an. Contrary to the arguments of the other interested parties, the domestic industry did not face any raw material supply shortage.
- ao. Even if the domestic industry arguendo faced shortage of raw material, it does not explain the price pressure faced by the domestic industry.
- ap. Inputs from the affiliated party have been purchased at an arm's length prices, and are priced below global import prices of propylene oxide. However, the domestic industry has no objection should the Authority find it more appropriate to consider global import prices.
- aq. The domestic industry has submitted its capacity information after reducing the effect of the shutdown. Further, the domestic industry has not claimed any extraordinary or non-recurring expenses as a part of its cost of production.

H.3. Examination by the Authority

- 57. Rule 11 of Antidumping Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, "... taking into account all relevant facts, including the volume of

dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on the domestic producers of such articles...”. In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Anti-Dumping Rules.

58. Certain interested parties have argued that the comparison of the performance of the domestic industry with the base year is inappropriate as the domestic industry was able to earn abnormal profits during this period due to Covid-related disruptions. The domestic industry has disputed the same and has claimed that it was able to earn profits only because it was able to sell its product at remunerative prices in the absence of the dumped imports. It is noted that in 2021-22, the volume of dumped imports from all sources was the lowest during the injury period. At the same time, the sales of the domestic industry were the highest over the entire injury period. Thereafter, the volume of dumped imports increased over the injury period, while the sales of the domestic industry declined. This establishes that the domestic industry was able to sell its products in 2021-22 when the dumped imports vacated the market, and earned profits. However, it has faced losses thereafter as it has been unable to sell its product as dumped imports command the majority of the market.
59. 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 the interested parties.

H.3.1. Volume effect of the dumped imports

a) Assessment of demand / apparent consumption

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

Particulars	Unit	2021-22	2022-23	2023-24	POI
Excluding Captive					
Sales of domestic industry	MT	***	***	***	***
Trend	Indexed	100	99	81	44
Imports from subject country	MT	31,923	32,882	38,817	54,791
Imports from other countries	MT	67,643	86,793	1,02,260	93,982
Total demand	MT	***	***	***	***
Trend	Indexed	100	117	132	133
Including Captive					
Sales of domestic industry	MT	***	***	***	***
Trend	Indexed	100	100	82	45
Imports from subject country	MT	31,923	32,882	38,817	54,791
Imports from other countries	MT	67,643	86,793	1,02,260	93,982
Total demand	MT	***	***	***	***
Trend	Indexed	100	117	132	133

61. The Authority notes that the demand for the subject goods in India has increased year on year over the injury period and was the highest in the period of investigation.

b) Import Volumes from the subject countries

62. With regard to the volume of the imports, the Authority is required to consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in India. For the purpose of injury analysis, the Authority has relied on the transaction-wise import data procured from DGCI & S data. The import volumes from subject country during the injury period are as follows:

Particulars	Unit	2021-22	2022-23	2023-24	POI
Imports from subject country	MT	31,923	32,882	38,817	54,791
Imports from other countries	MT	67,643	86,793	1,02,260	93,982
Total Imports	MT	99,566	1,19,675	1,41,076	1,48,773
Subject imports in relation to					
Domestic production	%	***	***	***	***
Trend	Indexed	100	104	143	291
Consumption/Demand	%	***	***	***	***
Trend	Indexed	100	88	92	130
Total imports	%	32%	27%	28%	37%

63. The Authority notes that:
- i. The volume of imports from the subject country has increased year on year over the injury period.
 - ii. Imports in relation to production in India have increased significantly over the injury period and were the highest in the period of investigation.
 - iii. Imports in relation to consumption in India has also increased over the injury period, except slight decline in 2023-24. Thereafter, it increased again in the period of investigation.
 - iv. While the share of subject imports in total imports was 32% in the base year, the same has increased to 37% in the period of investigation.
64. The Authority further notes that the subject imports have increased at a pace much more than the rate of increase in demand in India. While the demand has increased by 33% over the injury period, the subject imports have increased by 72%.

H.3.2. Price effect of the dumped imports

65. In terms of Annexure II (ii) of the Rules, with regard to the effect of the dumped imports on prices, the Authority is required to consider whether there has been a significant price undercutting by the dumped imports as compared with the price of the like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

a) Price undercutting

66. Price undercutting has been determined by comparing the net sales realization of the domestic industry with the landed price of the imports for the period of investigation.

Particulars	Unit	POI
Net sales realization	₹/MT	***
Landed price	₹/MT	***
Price undercutting	₹/MT	***
Price undercutting	%	***
Price undercutting	Range	20-30%

67. The Authority notes that the subject imports are priced significantly below the selling price of the domestic industry. The price undercutting from the subject country is positive and significant.

b) Delta of landed price over raw material cost of domestic industry

68. The domestic industry has claimed that despite any significant fluctuation in the cost of raw materials, the landed price has continued to decline and was even lower than the cost of materials. It is noted that the the raw material cost of the domestic industry has remained unchanged over the injury period. However, the landed price of imports has declined by 55% during this period. Further, while the subject imports were priced almost double the raw material cost of the domestic industry in 2021-22, the delta has reduced significantly. In 2023-24 and the period of investigation, the subject imports were priced below the cost of raw materials of the domestic industry.

Particular	Unit	2021-22	2022-23	2023-24	POI
Raw Material Cost	₹/MT	***	***	***	***
Landed Price	₹/MT	2,18,484	1,29,475	1,01,943	98,230
Mark up	₹/MT	***	***	***	***
Mark up	%	98%	8%	-6%	-11%

c) Price suppression/depression

69. 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 and prices of the domestic industry over the injury period.

Particulars	Unit	2021-22	2022-23	2023-24	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	108	98	117
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	69	64	66
Landed price	₹/MT	2,18,484	1,29,475	1,01,943	98,230
Trend	Indexed	100	59	47	45

70. The Authority notes that in 2022-23, the cost of sales increased. However, the selling price of the domestic industry declined due to sharp decline in the prices of subject imports. Thereafter, the cost of sales and selling prices of the domestic industry and landed prices of imports have declined. The decline in landed prices was higher than the decline in cost of sales of the domestic industry. During the period of investigation, while the cost of the domestic industry increased by 17%, its selling price has increased by only 2% due to continuous decline in the landed prices of imports. An examination of the trends from the base year shows that while the cost of sales of the domestic industry has increased, the selling price of the domestic industry has declined by 34% pursuant to the decline in the landed prices by 55%. It is, therefore, noted that the imports have depressed the prices of the domestic industry and prevented price increases, which otherwise would have occurred.

H.3.3. Economic parameters of the domestic industry

71. 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.

a) Production, capacity, capacity utilization and sales volumes

72. The capacity, production, sales and capacity utilisation of the domestic industry over the injury period were as below.

Particulars	Unit	2021-22	2022-23	2023-24	POI
Installed Capacity	MT	***	***	***	***
Trend	Indexed	100	100	100	100
Available Capacity	MT	***	***	***	***
Trend	Indexed	100	100	100	86
Production	MT	***	***	***	***

Trend	Indexed	100	99	85	59
Capacity utilization	%	***	***	***	***
Trend	Indexed	100	94	102	65
Domestic Sales	MT	***	***	***	***
Trend	Indexed	100	99	81	44
Export sales	MT	***	***	***	***
Trend	Indexed	100	37	25	12
Captive Consumption	MT	***	***	***	***
Trend	Indexed	100	181	296	364

73. The Authority notes that:

- a. The installed capacity of the domestic industry has remained stable throughout the injury period.
- b. The production and sales of the domestic industry have declined over the injury period. As a result of significant decline in the sales of the domestic industry, the domestic industry was forced to curtail its production.
- c. The capacity utilisation has also declined significantly over the injury period. During the period of investigation, the domestic industry was operating with only half of its capacities.

74. It has also been argued that decline in production is linked to plant shutdown faced due to cyclone. The domestic industry submits that it has faced significant underutilized capacities despite adjusting the total capacity for removing the effects of the plant shutdown. The Authority notes that the domestic industry has submitted data after excluding the impact of the plant shutdown due to cyclone. Even after excluding the impact, the capacity utilization of the domestic industry is less than 50%. Therefore, a decline in the performance in the period of investigation cannot be attributed to the plant shutdown.

75. Further, it has been argued that the captive consumption of the subject goods has increased, however the domestic sales of the domestic industry has declined. In this regard, the Authority notes the volume of captive consumption has remained low and accounted for a negligible share as compared to the total production volume and total volume of domestic sales of the domestic industry.

b) Market share

76. Market share of the imports and domestic industry is given in the table below:

Particulars	Unit	2021-22	2022-23	2023-24	POI
Market Share excluding captive					
Domestic industry	%	***	***	***	***
Trend	Indexed	100	85.14	61.42	33.33
Subject imports	%	***	***	***	***
Trend	Indexed	100	88.11	92.12	129.52
Other imports	%	***	***	***	***
Trend	Indexed	100	109.85	114.6	104.9
Market Share including captive					
Domestic industry	%	***	***	***	***
Trend	Indexed	100	85.38	62.06	34.07
Subject imports	%	***	***	***	***
Trend	Indexed	100	88.07	92.04	129.35
Other imports	%	***	***	***	***
Trend	Indexed	100	109.73	114.45	104.71

77. It is noted that the domestic industry has captively consumed the subject goods. Accordingly, the market share has been determined-
- a. including captive consumption by the domestic industry and
 - b. excluding captive consumption by the domestic industry.
78. The Authority notes that the market share of the domestic industry has declined over the injury period. However, the market share of the imports from other countries as well as of subject imports have increased in POI as compared to base year.
79. With regard to the submission that the market share of the domestic industry must be calculated after considering the imports from other countries, the Authority notes that the market share has been calculated on the basis of total product available in the market including imports from other countries.

c) Inventories

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

Particulars	Unit	2021-22	2022-23	2023-24	POI
Opening Inventory	MT	***	***	***	***
Closing Inventory	MT	***	***	***	***

Average Inventory	MT	***	***	***	***
Trend	Indexed	100	89	247	737

81. The Authority notes that the inventories of the domestic industry have increased significantly over the injury period. While there is ample demand in India, the domestic industry has suffered due to accumulation of inventories.

d) Profitability, cash profits and return on capital employed

82. Performance of the domestic industry has been examined in respect of profits, cash profits and return on capital employed.

Particulars	Unit	2021-22	2022-23	2023-24	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	108	98	117
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	69	64	66
Profit / (loss)	₹/MT	***	***	***	***
Trend	Indexed	100	-30	-22	-63
Profit / (loss)	₹ Lacs	***	***	***	***
Trend	Indexed	100	-30	-17	-28
Cash profits	₹ Lacs	***	***	***	***
Trend	Indexed	100	-25	-14	-23
Return on capital employed	%	***	***	***	***
Trend	Indexed	100	-50	-41	-68

83. The Authority notes the following:

- a. The domestic industry earned sufficient profits during till 2021-22. However, the profitability of the domestic industry declined in 2022-23. The domestic industry suffered significant losses as it reduced its prices in order to recover its market share.
- b. During the period of investigation, the profitability of the domestic industry deteriorated as compared to the base year.
- c. The domestic industry has also suffered deterioration in cash profits over the period.
- d. The domestic industry has faced a significant decline in its return on capital employed. While the domestic industry earned a healthy return till 2021-22, its

return on investment declined in 2022-23 and was negative in the period of investigation.

- e. With regard to the submissions by the other interested parties that losses in past investigation have been converted to profits in present investigation, it is noted that during the POI (Oct, 2021 to Sep, 2022) of the previous investigation, an important ingredient namely, propylene oxide, which was used for manufacture of PUC was procured domestically from related party (at arm's length price) and also produced captive. The methodology for transfer price during the previous injury period was based on domestic procurement (i.e., from related party at arm's length price). This resulted in higher raw material price, leading to higher cost of sales and consequential losses for PUC. The same practice was followed for all the four years of injury period for even comparison. However, since the input raw material was considered at market price, no capital employed for such captive input was provided for determining return on capital employed. In the present investigation period, during POI (Oct, 2023 to Sep, 2024), the domestic industry manufactured propylene oxide captive and same was transferred at cost. Therefore, for the whole current injury investigation period, (which also includes the common FY 2020-21 with previous investigation period), same practice was required to be followed for even comparison. Thus, the transfer price for the captive input, namely, propylene oxide, is considered at cost for ascertaining the cost of production of the PUC. Further, capital employed for such captive input has been added to the capital employed for PUC for allowing return on capital employed.

e) Employment, productivity and wages

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

Particulars	Unit	2021-22	2022-23	2023-24	POI
Employees	Nos.	***	***	***	***
Trend	Indexed	100	100	100	100
Productivity per day	MT/Day	***	***	***	***
Trend	Indexed	100	99	85	59
Productivity per employee	MT/Nos	***	***	***	***
Trend	Indexed	100	100	100	100
Wages	₹ Lacs	***	***	***	***
Trend	Indexed	100	104	42	88

85. The Authority notes that the number of employees and productivity per employee have remained same over the injury period. However, the productivity per day and wages paid to employees have declined over the injury period after slight increase in 2023-24. The domestic industry has not claimed injury on this account.

f) Growth

Particulars	Unit	2021-22	2022-23	2023-24	POI
Installed Capacity	%	-	-	-	-
Production	%	-	-1%	-14%	-31%
Domestic sales	%	-	-1%	-19%	-46%
Profit / (loss) per unit	%	-	-130%	-29%	193%
Cash profits	%	-	-125%	-45%	65%
Return on capital employed	%	-	-150%	-19%	67%

86. The Authority notes:

- a. The capacity of the domestic industry has not shown any change over the injury period.
- b. The domestic sales have shown a negative growth as the domestic industry.
- c. The profitability parameters have shown significant negative growth as the domestic industry have continued to face losses and earned negative returns.

g) Factors affecting prices

87. It is noted that the domestic industry has not been able to increase its prices in relation to the increase in cost of sales. The subject imports have forced the domestic industry to sell the goods below its costs. Further, the subject imports have significantly undercut the domestic prices, creating a strain on the prices of domestic industry, which has resulted in a decline in profitability and return on capital employed. Thus, the subject imports have affected the prices of the domestic industry.

h) The magnitude of dumping

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

I. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF INJURY

89. The present investigation is a sunset review of duties on the imports of the product under consideration from Saudi Arabia. Under the Rules, the Authority is required to determine whether cessation of existing duty is likely to lead to continuance or recurrence of dumping and injury to the domestic industry. The Authority has examined all the relevant information brought on record by the domestic industry and the other interested parties, and has noted as below.

I.1.1. Continued dumping despite the existence of anti-dumping duty

90. It is noted that the dumping margin of the subject country was 20-30% in the previous investigation, which has now increased to 90-100%. The exporters in the subject country have continued to dump the subject goods into the country despite anti-dumping duties being in place. The continued dumping demonstrates that there is likelihood of continued and aggravated dumping in the event of expiry of duty as the dumping margin continues to remain positive and significant.

I.1.2. Increase in imports of the subject goods despite duties

91. The import data clearly shows that there is significant dumping of the subject imports from Saudi Arabia, despite anti-dumping duties in place. The volume of imports has increased in absolute terms and in relation to production and consumption in India. Therefore, there is likelihood that the volume of subject imports will further increase in the event of expiry of duties.

I.1.3. Exports to India vis-à-vis exports to third country

92. The Authority examined the data submitted by Sadara Chemical Company in its response. It is noted that the volume of exports to India has increased at a higher rate than the volume of exports to other third countries by the exporter from the subject country.

I.1.4. Likely suppressing and depressing effect on prices of the domestic industry

93. The data on record shows that the prices of imports have continuously declined over the injury period and have undercut the selling prices of the domestic industry. As a result, the domestic industry was forced to reduce its prices below its costs in order to compete with the imports prices. Further, the subject imports have suppressed and depressed the

prices of the domestic industry despite anti-dumping duties in place. Therefore, in case the duties are allowed to expire, the exporters will be motivated to further decline its prices and cause injury to the domestic industry.

I.1.5. Domestic industry is vulnerable

94. The subject imports have continued to cause injury to the domestic industry despite imposition of duties. The volume and profitability parameters of the domestic industry have declined over the injury period due to presence of cheap imports. This is despite the anti-dumping duties being in place. Thus, in case the duties are allowed to expire, the subject imports will have a further adverse impact on the performance of the domestic industry.

I.1.6. Trend of volume and price of subject imports post the period of investigation

95. The domestic industry has submitted the information regarding performance of the domestic industry post the period of investigation. In this regard, the Authority notes that the situation for the domestic industry has worsened in the period subsequent to the period of investigation. The volume of imports from subject country have continued to increase and the prices of the subject imports have continued to decline. This implies that the exporter will further be motivated to dump its article into India, in case of cessation of duties.

I.1.7. India is lucrative market

96. The Authority notes that India continues to be a lucrative market for the dumped imports. As noted hereinabove, the demand for the subject goods have continued to increase and will continue to increase since the subject goods is a commodity product and is highly price sensitive. The cessation of duties will further motivate the exporters to dump its goods in India.

J. NON-ATTRIBUTION ANALYSIS AND CAUSAL LINK

Non-attribution analysis

97. 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

98. It is noted that the subject goods are being imports in significant quantities from other countries such as China, Thailand, Singapore, USA, Japan, Korea, Taiwan. The Authority notes that there is a parallel anti-dumping investigation being conducted against imports from China and Thailand. Moreover, imports from other countries are priced higher than the prices from the subject country.
99. Certain interested parties have argued that imports from countries like Singapore, China and Thailand have caused injury to the domestic industry and not the subject goods. The Authority notes that the imports from China and Thailand are already subject to a parallel anti-dumping investigation.

b. Contraction in demand

100. The demand for the subject goods has increased over the injury period and was the highest during the period of investigation. The domestic industry has not suffered injury due to possible contraction in demand.

c. Pattern of consumption

101. 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

102. The Authority notes that there are no trade restrictive practices or conditions of competition, which may have cause injury to the domestic industry.

e. Developments in technology

103. There has been no change in technology for production of the subject goods, due to which the domestic industry could have suffered injury.

f. Productivity

104. The Authority notes that the productivity of the domestic industry has more or less remained constant. Therefore, the domestic industry has not suffered injury on this account.

g. Export performance of the domestic industry

105. The injury information examined herein above 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.

106. Certain interested parties have argued that the export sales of the domestic industry have also declined, despite the industry getting prices in the export market. In this regard, it is noted that the present investigation is limited to examination of the impact of dumped imports on the like article sold by the domestic industry in the domestic market, and whether expiry of current duties would result in continuation of dumping and injury. Thus, the performance of the domestic industry with respect to its exports is not material in the present investigation. Further, the volume of exports by the domestic industry is significantly low when compared to its production volume.

h. Performance of other products

107. 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. Plants of domestic industry not backward integrated and use of obsolete technology

108. With regards to the submissions that the injury to the domestic industry has been caused due to its own inefficiencies such as lack of backward integration in plants, usage of obsolete technology and depreciation burdens, the Authority notes that such factors are inherent to the industry and have remained unchanged. Thus, it cannot be said that such factors have now started causing injury to the domestic industry.

j. Impact of Michaung cyclone

109. It has been argued by certain interested parties that the domestic industry may have suffered injury due to shutdowns suffered on account of Michaung Cyclone in the region. It is noted that the domestic industry segregated the impact of shutdown faced due to cyclone, and has reduced its available capacities in order to remove the impact of such shutdown. However, despite making adjustment to the capacity to offset the impact of cyclone-related shutdown, the domestic industry has faced significant underutilization and its production continued to decline as its sales also declined continuously.

Factors establishing causal link

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

- i. There is significant dumping of the subject goods from the subject country despite duties in force.

- ii. The volume of dumped imports has increased significantly over the injury period.
- iii. The volume of imports has also increased in relation to Indian consumption and production.
- iv. The increase in dumped imports prevented the domestic industry to sell its goods in the market at remunerative prices and the subject imports continued to undercut the domestic prices.
- v. Despite the increase in its costs over the period, the domestic industry was forced to sell its goods at low prices since the prices of the subject imports continued to remain low.
- vi. Such low prices imports prevented price increases, which otherwise would have occurred, and depressed the prices of the domestic industry.
- vii. As a result, the market share of the domestic industry declined while that of the imports has increased over the period.
- viii. The production and sales volume of the domestic industry have declined over the injury period
- ix. The domestic industry faced significant accumulation of inventories as it was unable to sell its product in the market.
- x. The domestic industry has suffered losses and cash losses.
- xi. The domestic industry is not able to earn sufficient returns on the investments made and it earned negative returns on its investment.

K. MAGNITUDE OF INJURY MARGIN

- 111. 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.
- 112. 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.

113. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority. Following disclosure statement, and their comments, the Authority has rechecked the determinations, and certain errors were discovered, and these have been corrected, and the same is provided in the table below:

SN	Name of Producer	NIP	Landed Price	Injury Margin	Injury Margin	Injury Margin
		USD/M	USD/MT	USD/M	%	Range
1	Sadara Chemicals Company	***	***	***	***	20-30
	Any other	***	***	***	***	30-40

L. INDIAN INDUSTRY’S INTEREST & OTHER ISSUES

L.1. Submissions by other interested parties

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

- a. Imposition of duties is not in public interest as the domestic industry is not capable of catering to entire demand, making users dependent on imports.
- b. Imposition of duty would increase costs for downstream users, creating supply uncertainty, discouraging long-term contracts and investment, and limiting access to advanced materials and technology, thereby adversely affecting consumers.

Particulars	Unit	Calculation				
Polyol CIF Price \$1300						
If ADD per tonne taken as-	\$/MT	50	100	150	200	250
Price Including ADD	\$/MT	1,350	1,400	1,450	1,500	1,550
Price Including		1,12,725	1,16,900	1,21,075	1,25,250	1,29,425

ADD	Rs/MT					
Landed price including ADD	Rs/MT	1,21,225	1,25,400	1,29,575	1,33,750	1,37,925
Contribution of Polyol to Foam Cost	Rs/MT	78,796	81,510	84,224	86,938	89,651
Net Contribution adjusting for Yield Loss	Rs/MT	98,495	1,01,888	1,05,280	1,08,672	1,12,064
Foam per mattress	Kg	12.20	12.20	12.20	12.20	12.20
Cost Contribution	Rs	1,202	1,243	1,284	1,326	1,367
Cost of Polyol ADD per mattress	Rs/MT	41	83	124	165	207
Impact on retail sale	Rs	124	248	372	496	620

Particulars	Unit	Calculation				
If ADD per tonne taken as-	\$/MT	300	350	400	450	500
Price Including ADD	\$/MT	1,600	1650	1,700	1,750	1,800
Price Including ADD	Rs/MT	1,33,600	1,37,775	1,41,950	1,46,125	1,50,300
Landed price including ADD	Rs/MT	1,42,100	1,46,275	1,03,220	1,54,625	1,58,800
Contribution of Polyol to Foam Cost	Rs/MT	92,365	95,079	97,793	1,00,506	1,03,220
Net Contribution						

adjusting for Yield Loss	Rs/MT	1,15,456	1,18,848	1,22,241	1,25,633	1,29,025
Foam per mattress	Kg	12.2	12.2	12.2	12.2	12.2
Cost Contribution	Rs	1,408	1,449	1,491	1,532	1,573
Cost of Polyol ADD per mattress	Rs	248	290	331	372	414
Impact on retail sale	Rs	745	869	993	1,117	1,241

- c. Imposition of duties on FSP subsequent to recommendation of duties on TDI would cause a huge burden on the downstream users, which the MSME users cannot absorb.
- d. The applicant has underestimated the impact of proposed duties by considering a Rs. 20,000 mattresses, which does not reflect the price realities of the mainstream Indian mattress segment.
- e. Majority of mattresses, particularly those produced by MSMEs, fall within the 6,000 to 8,000 price range and for this segment, even a moderate increase in the cost of FSP would result in increased costs.
- f. The downstream industry largely constitutes of MSME manufacturers. While Sheela Foam claimed that there are 20-25 major manufacturers, there was no reference as to the nature of such enterprises.
- g. The vulnerability of MSMEs to sudden increases in input costs is recognized through the MSMED Act.
- h. The applicant cannot demand that MSMEs demonstrate actual closures before their adverse impact is acknowledged.
- i. While the petitioner relies on "Make in India" policy to justify protection for its own operations, it simultaneously disregards the same when it comes to the MSME-dominated downstream sector.
- j. The imports are necessary to meet the demand-supply gap as the domestic industry does not have capacity to cater to the existing demand in the country.
- k. Imposition of anti-dumping duty is not in public interest as it would sharply increase the production costs of the user industry, squeeze already thin margins, and risk losses, production cuts, or shutdowns across downstream sectors.

- i. Downstream manufacturers already face high cost from duty on key inputs, making additional duty on FSP unsustainable.

L.2. Submissions by the domestic industry

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

- a. Imposition of duties will have a negligible impact on the cost of downstream users and end users. For a mattress priced at Rs. 20,000, imposition of duties to the extent of current duties would have an impact of only 0.63%. Further, with respect to mattress of Rs. 6,000, the impact would be only 0.71%.

Price of one mattress	₹/u	A	20,000	6,000
Weight	KG/u	B	30	10
FSP consumed in 1	KG/u	C	6	2
Current price of FSP	₹/KG	D	98	98
Cost of FSP in 1 mattress	₹/KG	$E = D * C$	589	196
Current duty on FSP	\$/MT	F	253	253
Current duty on FSP	₹/KG	$G = (F * 84.27)$	21	21
Impact of proposed	₹/kg	$H = G * C$	126	42
Impact of proposed add	%	$I = H / A$	0.63%	0.71%

- b. The total impact of proposed duties on FSP and TDI, major raw materials for foam, would be only 2.4%. For a mattress of Rs. 6,000, the total impact of the proposed duties would be only Rs. 144 per mattress.
- c. The impact of duties calculated on behalf of users is highly inflated as it relies on inaccurate CIF price, applicable customs duty and consumption factor. Further, the impact has been calculated on the margin of the users and not the cost of such users.
- d. The foam industry is a passthrough industry and the impact of imposition of duties would invariably be passed on to the mattress industry.
- e. Imposition of duties would not be disadvantageous for the users as even after imposition of duties, the import price would still be lower than the normal value in the domestic market of the subject countries.
- f. The profitability of the users have not been impacted by imposition of duties on imports from other countries.

- g. While the users are claiming themselves to be MSMEs, certain users have earned bumper profits, which is more than double the revenue that the domestic industry is able to gain from sales of the product.
- h. Contrary to its claims, the Users' Association has not provided details regarding its members, number of members that are in the MSME sector or consumption share of such MSME producers in the total consumption.
- i. An increase in prices will not impact the demand of the product since the demand for FSP remained significant even when the prices were high in 2021-22.
- j. The domestic industry is currently in the process of expanding its capacity, which is currently under threat. There is a need to protect the sole producer of the subject goods in the country.
- k. Contrary to the claim that imports are necessary to meet the demand-supply gap, the dumped imports are entering the market in excess of any demand-supply gap.
- l. It has been a well settled principle that imports are inevitable where there is a demand-supply gap, but the same cannot be a justification for dumping.
- m. While the domestic industry is seeking re-establishment of fair market conditions, the users are demanding availability of imports at unfair prices. If the operations of users cannot survive based on imports at fair prices, it underlines the inefficiency of their operations.
- n. The product can be imported from other countries like Japan, Korea, Singapore, Taiwan and United States and at fair prices from the subject countries.
- o. Propylene oxide is majorly used in production of FSP by the applicant and non-imposition of duties will adversely impact the viability of propylene oxide operations as well.
- p. Non-imposition of duties will force the applicant to permanently shut down operations for FSP and shift to other products.
- q. Non-imposition of duties will make users completely reliant on subject imports creating a monopoly of the subject imports. In such a situation, the exporters can take advantage of the monopoly situation and exploit the users in order to maximize profits.

L.3. Examination by the Authority

116. 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. This is not merely a regulatory measure, but a matter of national interest. The imposition of anti-dumping measures is not designed to curtail imports from the subject countries arbitrarily. Rather, it is a mechanism to ensure a level playing field. The

Authority acknowledges that the persistence of anti-dumping duties may influence the price levels of the product in India. However, it is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the imposition of these measures. Far from diminishing competition, the imposition of anti-dumping measures serves to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the subject goods. Thus, anti-dumping duties are not a hindrance but a facilitator of fair-trade practices.

117. The Authority issued the initiation notification, inviting views from all interested parties including importers, users and consumers. An Economic Interest Questionnaire was also prescribed to allow various stakeholders, including the domestic industry, producers/exporters and importers/users/consumers to provide relevant information concerning the present investigation, including the possible effect of anti-dumping duty on their operations.
118. The domestic industry has emphasized that the imposition of duty does not restrict imports but only ensures fair prices. Even otherwise, the subject goods are also produced in a number of non-subject countries, such as Singapore USA, Japan, Korea. Therefore, the users are free to source the subject goods from the domestic industry and from other countries at competitive prices.
119. The other interested parties have argued that the domestic industry has underestimated the impact of proposed duties by considering a Rs 20,000 mattresses, whereas majority of mattresses fall within Rs 6,000 to 8,000. Contrary to this, the domestic industry has submitted that the imposition of duties will have a negligible impact of 0.6% for a mattress priced at Rs 20,000 and 0.71% for a mattress priced at Rs 6,000. Therefore, in either of the case, the impact of the duties will be negligible on the prices of the mattresses.
120. The Authority has noted the submissions made by all parties. The Association has submitted that 12.2 kg of the product under consideration is consumed per piece of mattress. Considering the import price of US \$ 1300, it implies that the product under consideration constitutes about 20% of the mattress price sold for Rs. 6000 (and 15% for a mattress sold for 8000). The Authority, therefore, finds that if the cost on account of the product under consideration is only 15-20% for a mattress, a 10%, 20% or 30% increase in the price shall be in the region of only 1.5%-6%. Further, the Authority notes that the present investigation is a sunset review investigation and the interested parties have not provided evidence showing increase in the price of the product under

consideration as a result of imposition of the present anti-dumping duties. Table below shows impact of price increase in a mattress sold for Rs. 6000.

Particulars	Unit	Remarks	Value
CIF Price of Polyol	US\$/MT	A	1,300
Net contribution of polyol in foam	Rs./kg	B =	95
Foam used per mattress	Kg	C	12.2
Cost of polyol in a mattress	Rs./kg	D = C*B	1,160
Price of mattress	Rs.	E	6,000
Share of polyol in a mattress	%	F = D/E	19%
Impact of 10% ADD on price of mattress	%	F*10%	1.9%
Impact of 20% ADD on price of mattress	%	F*20%	3.8%
Impact of 30% ADD on price of mattress	%	F*30%	5.7%

121. Having examined the information submitted by domestic industry and the interested parties, the Authority notes that imposition of the anti-dumping duty would have a negligible impact on the downstream users.
122. Some interested parties have contended that the imports are inevitable due to the demand-supply gap in India and they would be forced to pay higher price for the imports. The Authority notes that the demand-supply gap is not a justification for dumping in India. Even if there is a demand-supply gap in the country, it is necessary that the product is available at fair prices. The imposition of the anti-dumping duty will not hamper the availability of the product under consideration but will ensure that the same is available at the fair prices. In fact, the re-establishment of fair competition in the market may encourage further investment, which would help further bridge the demand-supply gap. Further, it is noted that the domestic industry has provided evidence in the form of project report, permission from Government of Gujarat allowing the domestic industry to set up production facility in Gujarat, and investor presentations referring to expansion and has submitted that the domestic industry is currently in the process of expanding its capacities in the state of Gujarat, and would be able to cater to a larger segment of the market share once these capacities are online.
123. Public interest comprises both consumer interests and producer interests, both of which are important and relevant. No doubt consumer interests are highly relevant, particularly in the case of final consumption of goods. However, producer interests are equally relevant, if not more. Producer interests became especially significant during

once-in-a-lifetime crises such as the COVID-19 pandemic. Therefore, it is essential that producer interests are given due consideration alongside consumer interests, if not greater importance.

124. The Authority further notes that imposition of duties is necessary to protect the investments made by the domestic industry. The domestic industry has claimed that it has undertaken significant expansions which needs to be protected by the adverse impact of dumping. Non-imposition of duties will force the domestic industry permanently shut down its operations for FSP and shift to other products. Therefore, the imposition of duties is necessary to protect the operations of the domestic industry and viability of the investments made.
125. The domestic industry has also emphasized that propylene oxide is majorly used in the production of subject goods and rely on the local production of subject goods. Therefore, non-imposition of duties will adversely impact the viability of the operations of the propylene oxide industry.

M. POST-DISCLOSURE COMMENTS

126. 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 5th March 2026. The Authority has examined all the post-disclosure comments made by the interested parties in these parties in these final findings to the extent deemed relevant. Submissions regarding past history of duties, lack of backward integration, impact of cyclone, impact of other imports on the domestic industry and existence of demand-supply gap in the country, are reproduction of the previous submissions and which have been adequately examined by the Authority have not been repeated for the sake of brevity.

M.1. Submissions by the other interested parties

127. The other interested have made the following new submissions post issuance of the disclosure statement:
- a. The product produced by the domestic industry is inferior in terms of quality and technical characteristics. It contains higher potassium residue, which is not a minor variation and directly affects processability for downstream users, which are largely MSME.
 - b. The Authority has disregarded the fact that the potassium residue is significantly high in the product produced by KOH technology which renders the product

completely unusable for consumption in polymer polyol. Limited use by some customers under adjusted process conditions cannot justify inclusion of technologically distinct products within a single product scope.

- c. There are significant differences in the import volumes reported by the Authority for 2021-22 in the previous investigations and in this investigation.
- d. The basis for key conclusions such as demand, market share, price undercutting and injury has not been disclosed appropriately in the disclosure statement.
- e. The Authority has failed to address the fact that the technical data sheet submitted by the applicant relates to viscoelastic polyether polyol, and not FSP, which warrants clarification.
- f. The Authority has failed to calculate the impact of imposition of duties on foam manufacturers and have simply calculated impact on mattresses as a simple percentage-of-retail-price exercise. Further, impact of duties should be seen in light of existing duties on TDI.
- g. The downstream industry operates on limited margins and slightest increase in the cost of a major raw material can impact margins and affect commercial viability.
- h. Merely because the applicant is expanding capacities which may become operational in the future, the users cannot be asked to bear present cost increases.
- i. Considering the ongoing geopolitical disruption in the Middle-East region, the imports from Saudi Arabia are already disrupted and imposition of duties would add to the burden.
- j. The duty should be based on the injury margin of the present case and duty determined in the past should not be continued as it is, particularly in view of the fact that the costing methodology for determination of raw material cost has changed for the domestic industry.
- k. The normal value for Sadara Chemicals is highly inflated and must be revised.
- l. Participation by Dow Chemical International Private Limited must be duly recognised.
- m. The sales channel determined for Sadara is incorrect and must be revised.

M.2. Submissions by the domestic industry

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

- a. The documentary evidence submitted on record clearly demonstrate that the applicant has made significant investment and is seriously committed to expanding its production capacities, which would help bridge the demand-supply gap.

- b. Continuation of duties will protect the applicant from permanently shutting down its operations and significant investments made to bridge the demand-supply gap.
- c. The possible impact of duties calculated based on the lowest price of mattress is not accurate as mattresses are offered at various prices in the market. Impact of duties considering various prices of mattresses will also be negligible.
- d. The total raw material cost has been calculated disregarding the cost of raw material purchased which accounts for significant share in the total raw material consumed.
- e. The utility cost has been erroneously determined by considering the cost of utility consumed at only 1 plant, while applying the consumption factor for the other plant. The utility cost should be revised by considering the consumption factor for the plant whose cost has been considered.

M.3. Examination by the Authority

129. The Authority has examined the post-disclosure submissions made by the domestic industry and the other interested parties and notes that some of the comments are reiterations of submissions which have already been examined suitably and addressed adequately in the relevant paras of the final findings. The issues raised for the first time in the post-disclosure comments/submissions by the interested parties and the domestic industry and considered relevant by the Authority are examined below.
130. Certain interested parties have reiterated their request for exclusion of FSP produced using DMC catalyst technology. The parties have repeated their submission claiming that the product produced by the domestic industry, using KOH catalyst route is inferior in quality and the higher potassium residue of the same makes the product entirely unusable for the downstream users. It has been claimed that the exporters in the subject countries are producing the product using DMC catalyst technology and thus, the users are forced to import in absence of supply of good quality product in the market.
131. The Authority has carefully examined the submissions and evidence provided by both sides. It is noted that the arguments regarding differences in the product produced by the domestic industry (KOH catalyst product) and that imported from other countries (DMC catalyst product) were raised before the Authority in the previous investigations as well. However, the Authority finds that no additional justification has been presented in the current investigation to support the exclusion sought or warrant a departure from the conclusions reached in the previous investigations.

132. Further, the Authority notes that the domestic industry has continued to supply the product to users in the market, who are also importing the subject goods. Thus, it is evident that the users are purchasing and using the products produced by the domestic industry and that imported from the subject countries interchangeably. In view of the same, exclusion of product produced using DMC technology is not warranted.
133. The domestic industry has claimed that the non-injurious price should be revised on account of raw material and utility cost. In this regard, it is noted that the raw material rates for PUC (including captively produced raw material) are determined based on the best-utilized production capacity and optimisation of raw material usage over the injury period as per guidelines contained in the Annexure III of the Anti-Dumping Duty Rules. Similarly, best utilisation of utility over the injury period is considered for determination of non-injurious price. Further, necessary adjustments have been made based on the verification carried out by the team and replies furnished by Domestic Industry.
134. With regards to the argument that the impact of duties should not be calculated with respect to mattresses alone, it is noted that none of the interested parties have submitted information on record which would allow the Authority to determine the impact of duties on any other downstream product. Further, the domestic industry as well as the Users' Association have also quantified impact with respect to mattresses only. In absence of any other information on record, the Authority does not find merit in this argument.
135. The other interested parties have argued that the impact of duties should be considered having regard to the fact that anti-dumping duties have also been imposed on other key raw material, namely TDI. The Authority has considered the submissions of parties. It is noted that the anti-dumping duty of upto US\$ 344.33 per MT has been imposed on imports of TDI. Considering the same, it is noted that the cumulative impact of duties on FSP and TDI would only be in the range of 2.4% with respect to mattresses.

Particulars	Unit	Remarks	Value
CIF Price of Polyol	US\$/MT	A	1,300
Net contribution of polyol in foam	Rs./kg	B	95
Foam per mattress	kg	C	12

Cost of polyol in a mattress	Rs./kg	$D = C*B$	1,160
Price of mattress	Rs	E	6,000
Share of polyol in a mattress	%	$F = D/E$	19%
Impact of 10% on price of mattress	%	$G = F*10\%$	1.9%
Impact of 10% on price of mattress	Rs./kg	$H = G/E$	116
Duty on TDI	Rs./kg	$I = (344.33*83.50)/1000$	29
Total impact on price of	Rs./kg	$J = H+I$	145
Total impact on price of	%	$K = J/E$	2.4%

136. With regards to the argument that duties should be revised for Sadara Chemicals based on the facts of the present case, it is noted that normal value, export price and landed price of Sadara has been worked out after examining the response of the cooperating producer and exporter, and all these parameters were shared with Sadara in the disclosure statement, The Authority has rechecked all calculations, and corrections have been made with respect to the landed value, and the same is mentioned in the relevant headings of this final findings.
137. It has also been argued that the normal value for Sadara Chemicals should be revised. in this regard, it is noted that the normal value is determined taking into account the response filed by sadara, and as per relevant anti-dumping rules.
138. With regards to the sales channel of the cooperative exporter, the same has been corrected in the relevant headings of this final findings.
139. With regards to the submissions that volume of the import quantified by the Authority is incorrect, it is noted that volume of imports mentioned by the Authority in the injury examination pertain to country wise import volume as per DG systems data. In fact import volumes for all years in the injury period have been taken from the DG systems data.

140. Following the comments to the disclosure statement, the Authority has acknowledged receipt of importers questionnaire by DCIPL (I) Ltd within the time limit.
141. With regard to comments from SABIC about re computation of net export price and landed value, the Authority has rechecked all calculations, and it is noted that while the net export price has been correctly computed as per rules, however, the landed value determination has been corrected.

N. CONCLUSION

142. After examining the submissions made by the interested parties and issues raised therein; and considering the facts available on record, the Authority concludes that:
- i. The product under consideration is Flexible Slabstock Polyol, having molecular weight of 3000-4000.
 - ii. The product under consideration includes product produced using KOH route and DMC catalyst route, in view of the similarity in the technical and physical properties of the end-product produced using both routes. Further, the product produced using both routes is used interchangeably in end-applications.
 - iii. The domestic industry has produced like article to the imported product under consideration.
 - iv. The application for initiation of the sunset review of anti-dumping duty was filed by Manali Petrochemicals Limited.
 - v. The applicant is the sole producer of subject goods in the country accounting for 100% of the total Indian production, and has been considered eligible to constitute domestic industry.
 - vi. Considering the normal value and export price determined, the dumping margin for the subject goods from the subject country is above de minimis level and is significant.
 - vii. The demand for the subject goods has increased throughout the injury period.
 - viii. The domestic industry has continued to suffer injury, despite anti-dumping duties in force, as a result of the subject goods which is evident from the following.
 - a. The volume of imports continued to increase over the injury period, in absolute and relative terms, and were the highest in the period of investigation.
 - b. The volume of imports has increased at a rate higher than the increase in demand in the country.
 - c. The subject imports are undercutting the prices of the domestic industry.
 - d. The landed price of subject goods has continued to decline over the injury period, and the delta of the landed price over the raw material cost of the domestic industry has declined, and has become negative.

- e. The cost of sales of the domestic industry increased over the period, while the selling price of the domestic industry declined in response to the decline in the landed price of imports.
 - f. The market share of the domestic industry declined, while that of the imports increased.
 - g. The domestic industry has faced a decline in production and sales, despite a significant increase in demand.
 - h. The domestic industry was faced with significantly underutilized capacities.
 - i. The domestic industry was unable to dispose of its production, thereby resulting in the piling up of inventories.
 - j. The domestic industry has supplied the subject goods at a price lower than its costs in order to compete with the imported goods.
 - k. The domestic industry faced significant losses and cash losses.
 - l. The return on capital employed of the domestic industry is negative.
 - m. The imports have adversely impacted the ability of the domestic industry to raise further capital investments.
- ix. There is a likelihood of continuation of dumping and injury in the event of cessation of current anti-dumping duties, as evident from the following.
- a. The exporters in the subject country have continued to dump the goods despite duties in force.
 - b. The volume of imports has continued to increase in absolute and relative terms.
 - c. The volume of imports to India has increased at higher rate than increase in the exports to third countries, as seen from the response of the cooperative producer.
 - d. The imports are entering at prices which are likely to further suppress or depress the domestic prices.
 - e. The domestic industry has continued to suffer injury despite duties, and thus, is vulnerable to further injury.
 - f. The volume of imports has continued to increase in the post-POI period, while the landed price of imports has continued to decline.
- x. The injury margin for the subject country is positive.
- xi. No other factor appears to have caused injury to the domestic industry.
- xii. Factors such as absence of backward integration are factors inherent to the domestic industry and have remained unchanged over the period, and thus, cannot have now caused injury to the domestic industry.
- xiii. The domestic industry segregated the impact of Michaung cyclone by reducing its available capacities. However, despite the same, the domestic industry has faced significant underutilization of capacities and decline in production.
- xiv. It is noted that domestic industry has suffered material injury as a result of the dumped imports.

- xv. The imposition of anti-dumping duty is in the interest of the public and would have no adverse impact on the interests of public at large.
- xvi. Imposition of duties would result in negligible increase in the prices of the end-product and would not be a measurable burden for the end-consumers.
- xvii. The domestic industry has made significant investments in order to expand its production capacities and increase supply of its product in the market, as is evident from the supporting evidence and documents submitted showing the seriousness of commitment and investments made.
- xviii. Imposition of duties is necessary to protect the operations of the domestic industry and the viability of investments made.
- xix. Non-imposition of duties would also adversely impact the viability of operations of the upstream industry of propylene oxide.

O. RECOMMENDATIONS

143. 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 continuation / recurrence of dumping and injury in the event of cessation of duties. Having concluded that there is continuation of dumping and injury to the domestic industry and likelihood of further injury if the anti-dumping measure are allowed to cease, the Authority is of the view that continued imposition of measures is necessary on imports of the product under consideration from the subject country. The Authority considers it appropriate to recommend continuation of definitive antidumping duty as notified vide final finding F. No. 6/20/2019-DGTR, dated 1st September 2020.
144. Considering the facts and circumstances of the case, as established hereinabove, anti-dumping duty equal to the amount indicated in Column (7) of the duty table given below is recommended to be imposed from the date of notification to be issued in this regard by the Central Government, on all imports of the product under consideration, from the subject countries for a further period of five (5) years.

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.	39072910, 39072990	Flexible Slabstock Polyol of molecular weight 3000-4000	Saudi Arabia	Any country including Saudi Arabia	Sadara Chemical Company	150.06	MT	USD
2.	-do-	-do-	Saudi Arabia	Any country including Saudi Arabia	Any, other than that mentioned at S.N. 1	235.02	MT	USD
3.	-do-	-do-	Any country other than Saudi Arabia	Saudi Arabia	Any	235.02	MT	USD

145. 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 Flexible Slabstock Polyol sold for export to 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."

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.

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P. FURTHER PROCEDURE

146. 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