NON-CONFIDENTIAL

CASE NO. AD (AA) – 01/2026

Government of India
Department of Commerce
Ministry of Commerce & Industry
Directorate General of Trade Remedies

FINAL FINDINGS

Anti-absorption investigation of the anti-dumping duty imposed on imports of 'Glufosinate and its salts' originating in or exported from China PR

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Government of India
Department of Commerce
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Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5, Parliament Street,
New Delhi – 110001
F. No. 7/02/2026-DGTR

Date: 01.09.2026

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Case No. AD (AA) – 01/2026

Subject: Anti-absorption investigation of the anti-dumping duty imposed on imports of 'Glufosinate and its salts' originating in or exported from China PR.

F. No. 7/02/2026-DGTR: Having regard to the Customs Tariff Act, 1975, as amended from time to time (hereinafter 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 referred to as the "Anti-Dumping Rules" or "Rules") thereof.

BACKGROUND OF THE INVESTIGATION

1. In accordance with the provisions of Rule 30 of the Anti-Dumping Rules, Superform Chemistries Limited, UPL Limited, Astral Life India Limited, United Phosphorus (India) LLP, UPL Sustainable Agri Solutions Limited and SWAL Corporation Limited (hereinafter referred to as the "applicants" or the "domestic industry") filed an application before the Designated Authority (hereinafter referred to as the "Authority") alleging absorption of anti-dumping duty imposed on imports of 'Glufosinate and its salts' (hereinafter referred to as the "subject goods" or the "product under consideration" or "PUC") originating in or exported from China PR (hereinafter referred to as the "subject country").

2. The anti-dumping investigation concerning imports of Glufosinate and its salts from China PR was initiated vide notification No. 6/19/2024-DGTR dated 29th June 2024. Vide final finding F. No. 6/19/2024-DGTR dated 10th February 2025, the Authority recommended the imposition of anti-dumping duty on imports of Glufosinate and its salts from China PR for a period of 5 years. Such duties were levied by the Ministry of Finance vide Notification No. 09/2025-Customs (ADD) dated 8th May 2025. The table below sets out the duty in force at present:

SN	HS code	Producer	Amount
1	38089193, 38089199, 38089391, 38089399, 38089912, 38089991 and 38089999	Any producer	2,998 $/MT

3. In terms of Section 9A(1B) of the Act and Rule 29(2) of the Rules, where an article subject to anti-dumping duty is imported into India at such price or under such condition which is considered as absorption of existing anti-dumping duty, which is thereby rendered or may be rendered ineffective, the Designated Authority may, after conducting a review, recommend modification in the form or basis of the duty and/or the quantum of anti-dumping duty after reassessing the dumping margin and injury margin. In accordance with the same, the Authority is required to review, based on an application with sufficient evidence, made by or on behalf of the domestic industry or any other interested party as to whether the existing anti-dumping duty is thereby rendered or may be rendered ineffective because of absorption of duty.

4. On the basis of the *prima facie* evidence submitted by the domestic industry, the Authority issued a public notice vide notification No. 7/02/2026-DGTR dated 2nd March 2026, published in the Gazette of India, Extraordinary, initiating the subject investigation in accordance with Section 9A of the Act read with Rule 30 of the Rules, to determine the existence and effect of absorption of the anti-dumping duty on exports of the product under consideration from China PR and to recommend modification of the quantum or form of the anti-dumping duty.

A. PROCEDURE

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

a. **Initiation**

i. The Authority vide notification No. 7/02/2026-DGTR dated 2nd March 2026 published a public notice in the Gazette of India, Extraordinary, initiating an anti-absorption investigation against imports of the subject goods from the subject country.

ii. In accordance with Rule 30(4), prior to initiation of the investigation, the government of the subject country was notified through their embassy in India about the receipt of the present anti-absorption application.

iii. In accordance with Rule 6(2), the interested parties were informed of the initiation of the investigation by sharing a copy of the initiation notification with the embassy of the subject country in India, known producers and exporters of the product under consideration in the subject country, known importers of the subject goods in India and other interested parties, as per the information made available in the application.

b. **Period of investigation (POI)**

i. As noted in the initiation notification, the period of absorption was considered as January 2025 to September 2025 (9 months). The Authority has compared the prices in such period to the prices in the period of investigation of the original investigation, i.e. 1st January 2023 to 31st December 2023 ("original POI").

c. **Import data**

i. A request was made to the DG Systems to obtain transaction-wise import data of the subject goods for the absorption period. The data was received and has been relied upon for the necessary analysis after due examination of the transactions. The volume and value of imports have been considered based on the DG Systems transaction-wise data.

d. **Circulation of non-confidential version of the application**

i. In accordance with Rule 6(3), a copy of the non-confidential version of the application was provided to the government of the subject country through their embassy in India, to the known exporters of the subject goods from the subject country, to the known importers/users in India and to other interested parties who requested a copy of the application in writing.

e. **Participation by exporters of the subject country**

i. In accordance with Rule 6(4), exporter's questionnaires were sent to the following known producers/exporters to seek information regarding the normal value and net export price: Lier Chemical Co. Ltd.; Agrodragon Co. Ltd.; BASF; Shandong Binnong Technology Co. Ltd.; Limen Chemical Company Limited; Fuhua Tongda Agro-chemical Technology Co. Ltd.; Yongnong Biosciences Co. Ltd.; Jiangsu Huifeng Bio Agriculture Co. Ltd.; Shanghai Qizhou Ziyui Co. Ltd.; and Weifang Xinlu Chemical Co. Ltd.

ii. The exporter's questionnaires were also sent to the government of the subject country through its embassy in India, with a request to forward the same to the producers/exporters of the subject goods and advise them to respond within the prescribed time limit.

iii. In response, the following producers/exporters from the subject country filed exporter's questionnaire responses: (1) Xiangshui Zhongshan Bioscience Co. Ltd.; and (2) Zhejiang Zhongshan Chemical Industry Group Co. Ltd. The two companies are related, the former being the producer and the latter the exporter, and are hereinafter referred to together as the "participating exporters".

f. **Participation by importers/users and their associations**

i. In accordance with Rule 6(4), questionnaires were also sent to the following known importers/users of the product under consideration in India: Crystal Crop Protection Private Limited; Krishi Rasayan; BASF India; and Amish Crop Science Private Limited.

ii. In response, the following importers/users filed importer/user questionnaire responses: (1) Zhongshan Crop Science India Pvt. Ltd.; and (2) Tephra Bioscience LLP.

g. **Registered interested parties**

i. A list of all interested parties that registered themselves within the prescribed timeline was uploaded on the website. All registered interested parties were directed to circulate the non-confidential version of all their submissions to all other interested parties.

h. **Oral hearing**

i. In accordance with Rule 6(6), the Authority provided an opportunity to the interested parties to present their views orally in a hearing held on 20th May 2026. The parties presenting their views were directed to file written submissions of the views expressed orally, followed by rejoinder submissions, if any.

i. **Further procedure**

i. Foreign producers, exporters and other interested parties who have not responded, or have not supplied information relevant to this investigation, have been treated as non-cooperative.

ii. In accordance with Rule 6(8), wherever an interested party has refused access to, or has otherwise not provided necessary information in a timely manner during the course of the present proceedings, or has significantly impeded the investigation, such parties have been considered as non-cooperative, and the findings have been recorded on the basis of the facts available.

iii. In accordance with Rule 7, the information provided by the interested parties on a confidential basis was examined with regard to the sufficiency of such confidentiality claims. On being satisfied, the confidentiality claims have been accepted wherever warranted, and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, parties providing information on a confidential basis were directed to provide a sufficient non-confidential version thereof.

iv. The non-injurious price has been determined based on the optimum cost of production and cost to make and sell the domestic like article in India, having regard to the Generally Accepted Accounting Principles (GAAP) and the principles laid down in Annexure III of the Rules, as re-assessed in accordance with Rule 29(2).

v. All the arguments raised and information provided by all the interested parties, to the extent supported with evidence and considered relevant to the present investigation, have been considered.

vi. A disclosure statement containing the essential facts of the investigation which have formed the basis of the final finding was issued to the interested parties on 20th August 2026 and the interested parties were allowed time up to 26th August 2026 to comment on the same. The submissions made by the interested parties, arguments raised, and the comments to disclosure statement received from the interested parties have been considered, to the extent found relevant, non-repetitive and supported with evidence in this final finding notification.

vii. "***" in this final finding represents information furnished by an interested party on a confidential basis and so considered under the Rules.

viii. The exchange rate adopted for the subject investigation is 1 US$ = Rs. 87.26. The exchange rate considered in the original investigation was 1 US$ = Rs. 83.52.

B. SUBMISSIONS MADE BY THE OTHER INTERESTED PARTIES ON VARIOUS ISSUES

6. The following submissions have been made by the other interested parties during the course of the investigation:

i. The respondents submitted that although they registered as interested parties on 8th April 2026, their registration was confirmed only on 15th April 2026. Accordingly, the non-confidential version of the application was effectively made available only on 15th April 2026. Consequently, the due date for filing questionnaire responses ought to have been 22nd May 2026 instead of 16th May 2026, and extension of time till 7th June 2026, along with condonation of delay, was sought.

ii. The initiation of the present anti-absorption investigation is unsustainable as the applicants failed to establish a prima facie case under Rules 29 and 30.

The application is based on incomplete and insufficient evidence and relies primarily on the alleged decline in export prices without examining other relevant factors, including changes in production costs in China PR, resale prices in India, market conditions and third-country export prices.

iii. A mere decline in export prices does not establish absorption. Rule 29 requires examination of whether the decline is attributable to absorption of anti-dumping duties and not to other factors such as reduction in production costs. In the present case, there has been no demonstrated decline in production costs in China PR, nor have the applicants furnished data relating to resale prices in India or the cost of production in China PR. Reliance on the domestic industry's raw material costs is contrary to Rule 29.

iv. The applicants have failed to disclose the source and basis of the export price data, import volume data and cost information relied upon in the application. The export price data does not cover the entire absorption period and the alleged changes in production costs are unsupported by evidence.

v. The third-country export price evidence relied upon by the applicants consists only of selective invoices relating to two Chinese exporters and is unsupported by evidence of actual exports, deliveries or payments. Such invoices have not been authenticated by the concerned exporters and therefore cannot form the basis of an anti-absorption investigation.

vi. The alleged decline in export prices to India is consistent with the decline in export prices to third countries and therefore does not establish absorption. Further, once the applicable anti-dumping duty and the Minimum Import Price (MIP) are considered, export prices to India have in fact increased as compared to the original period of investigation.

vii. The domestic industry has continued to enjoy MIP protection throughout the absorption period, which has subsequently been extended. Of the alleged 71 MT imports during the absorption period, nearly 56 MT (approximately 80%) were imported at prices exceeding USD 15/kg, demonstrating that the overwhelming majority of imports cannot be regarded as absorbed imports.

viii. Rule 29 applies only after the imposition of anti-dumping duties. Therefore, the Authority lacks jurisdiction to examine imports made prior to 8th May 2025. The proposed nine-month POI improperly includes the pre-duty period, leaving only four months of post-duty data, which is insufficient for any meaningful anti-absorption analysis.

ix. Although Rule 29 does not prescribe a specific POI, the Authority's discretion is not unfettered. The determination of the POI should be guided by Rule 5(3A)(ii), which contemplates a normal twelve-month POI and requires recorded reasons for any deviation, as recognised in Kalyani Steels Ltd. v. Union of India.

x. The applicants themselves proposed the nine-month POI, which was accepted by the Authority. However, there is no legal basis under Rule 29 for comparing the present investigation period with the original period of investigation, and taxing statutes must be construed strictly without reading into the Rule requirements that do not exist.

xi. The applicants have failed to establish that the existing anti-dumping duty has become ineffective. According to the applicants' own data, only about 56 MT of imports entered India after imposition of anti-dumping duties, of which only about 10 MT were allegedly imported at lower prices. Such insignificant quantities cannot establish duty absorption under Rule 29.

xii. The request for modification of the form of anti-dumping duty is unsupported by Rule 29(2). The applicants have neither justified why modification is warranted nor specified the modified form of duty sought. Any modification must be based upon the Authority's independent objective analysis and cannot be founded upon the applicants' apprehension regarding the expiry of the MIP, since MIP and anti-dumping duties are distinct and mutually exclusive trade remedial measures.

xiii. The scope of an anti-absorption review is confined to restoring the effectiveness of an existing anti-dumping duty. It does not permit reconsideration of the form or structure of the duty, which may only be undertaken in an appropriate mid-term or sunset review.

xiv. The applicants have failed to justify retrospective modification of the anti-dumping duty.

xv. Any imports below the notified MIP indicate deficiencies in customs or DGFT enforcement rather than absorption of anti-dumping duties. Enforcement of MIP falls within the jurisdiction of the Customs authorities and the DGFT and cannot be addressed through anti-absorption proceedings.

xvi. The applicants have violated Rule 7 by claiming excessive confidentiality over export prices to India and third countries, purchase details, landed price calculations, net export price, normal value, dumping margin, injury margin, and the non-injurious price determined in the original investigation, thereby preventing meaningful defence by the interested parties.

xvii. UPL is not eligible to constitute the domestic industry. The applicants relied upon invoices involving UPL entities located in Hong Kong and the UAE without disclosing their relationship with the applicants. The applicants may themselves be related to exporters or importers of the subject goods.

xviii. The request for provisional assessment and guarantees from importers is unwarranted, as it would disrupt legitimate trade, increase compliance burdens and adversely affect the market despite the application itself being based on insufficient evidence.

xix. Anti-absorption proceedings are exporter-specific and require an objective assessment of the conduct of each exporter. Exporters that have not reduced their export prices after imposition of anti-dumping duties, or which did not export during the relevant period, cannot lawfully be subjected to enhanced anti-absorption duties merely because other exporters are alleged to have absorbed the duty.

xx. Any enhancement or extension of anti-dumping duties would adversely affect downstream industries and users dependent on the subject goods by increasing input costs, reducing competitiveness in domestic and export markets, and ultimately increasing costs for end consumers, particularly farmers.

C. SUBMISSIONS MADE BY THE DOMESTIC INDUSTRY ON VARIOUS ISSUES

7. The following submissions have been made by the domestic industry during the course of the investigation:

i. The product under consideration is Glufosinate and its salts, in both technical and formulation forms. Although the Customs Tariff classifications and HS Codes have undergone changes over time, the scope of the product under consideration has remained unchanged.

ii. Imports of the product under consideration have remained subject to both anti-dumping duties and MIP measures. The successive MIP notifications, culminating in the notification dated 13th April 2026, align the scope of the MIP with that of the anti-dumping duty and expressly factor in the anti-dumping duty, demonstrating that the existing anti-dumping duty alone has not been sufficient to prevent imports at injurious prices.

iii. The interested parties failed to comply with the procedural requirements prescribed by the Authority by not filing confidentiality comments and questionnaire responses within the stipulated time. Requests for extension were made belatedly after the domestic industry pointed out the default and therefore cannot cure the procedural non-compliance.

iv. The Authority's internal timeline for completion of the investigation does not confer any right upon the interested parties to seek extensions beyond the prescribed timelines.

v. The Economic Interest Questionnaire is irrelevant in an anti-absorption investigation. Proceedings under Rule 29 are confined to examining whether exporters have absorbed the anti-dumping duty and do not reopen issues relating to dumping, injury, causal link, domestic industry or public interest already determined in the original investigation.

vi. Continuation and effective enforcement of anti-dumping duties is not against public interest. The domestic industry has adequate capacity to meet domestic demand, has made significant investments, generated employment and contributes to environmental sustainability. Further, the anti-dumping duty would increase the cost of a bottle of formulation by only about Rs. 35-36, sufficient for one acre of cultivation, resulting in negligible impact on farmers.

vii. Rule 29 requires the Authority to examine whether exporters have reduced export prices without a corresponding reduction in production costs, thereby rendering the existing anti-dumping duty ineffective. Rule 29(2) permits only adjustment of the previously determined normal value and injury parameters and does not require a fresh determination of normal value, injury or China's non-market economy status.

viii. The export price determined in the original investigation was USD ***/kg, whereas the average FOB export price during the anti-absorption period declined to USD ***/kg, representing a decline of about 44% despite the imposition of anti-dumping duties.

ix. The applicants relied upon actual export prices obtained from China Customs export data. Since imports into India were subject to the MIP, Indian Customs import prices were artificially influenced by MIP compliance and therefore do not represent the exporters' actual pricing behaviour. Transaction-wise export data consistently shows prices around USD 5.78-5.79/kg.

x. The decline in export prices is not explained by any commensurate reduction in production costs. While raw material costs declined by only about Rs. 100/kg, export prices declined by approximately Rs. 335/kg. The participating exporters neither claimed market economy treatment nor established any corresponding decline in production costs.

xi. The contention that Rule 29 is not satisfied because export prices to third countries also declined is misconceived. Section 9A(1B) and Rule 29 use the word "or", making each condition independent. Once export prices decline without a commensurate reduction in production costs, absorption is established.

xii. The applicants relied upon the best information reasonably available, including China Customs data, transaction-wise export prices, internationally published raw material prices, third-country export data and purchase invoices. Domestic producers cannot reasonably be expected to possess exporters' internal cost records or resale prices in India.

xiii. The applicants have not relied solely upon raw material costs. Their claim is based on export prices, import volumes, production costs and other corroborative evidence covering the entire anti-absorption period.

xiv. The participating exporters themselves failed to place evidence demonstrating any reduction in their production costs corresponding to the decline in export prices. Consequently, adverse inference may be drawn against them.

xv. Rule 29(2) expressly empowers the Authority to modify the form, basis and quantum of anti-dumping duty. Since both dumping and injury margins have increased and the landed price continues to remain below the adjusted non-injurious price, modification of the existing measure is warranted.

xvi. The request for modification is founded solely on the evidence of duty absorption and not on the existence or expiry of the MIP. The subsequent continuation of the MIP, while expressly accounting for the anti-dumping duty, further demonstrates that the existing anti-dumping duty has not achieved its intended remedial effect.

xvii. During the original investigation the domestic industry had itself requested benchmark-form duties because of the existence of the MIP. The subsequent regulatory developments reinforce the need for modification of both the form and quantum of duty.

xviii. The objections regarding confidentiality are belated. In any event, confidential treatment has been claimed only for business-sensitive information. Meaningful non-confidential summaries and indexed calculations were provided in accordance with Trade Notice No. 10/2018, and the interested parties have failed to identify any actual prejudice caused to them.

xix. UPL continues to qualify as a domestic producer. The transactions relied upon by the interested parties relate to purchases made by overseas related entities and not imports into India by UPL. In any event, standing was conclusively determined in the original investigation and cannot be reopened.

xx. Rule 31 expressly authorises retrospective application of any modified anti-dumping duty from the date of initiation once absorption is established.

xxi. Rule 29(3) does not prescribe the period of investigation. Accordingly, the anti-absorption period selected by the Authority, consisting of post-duty transactions, is consistent with the Rules.

xxii. Comparison of export prices prevailing during the anti-absorption period with those determined in the original investigation is inherent in Rule 29 and is consistent with the Authority's previous anti-absorption investigations as well as the practice followed by the European Commission.

xxiii. The quantity of imports is not determinative in an anti-absorption investigation. Even limited import volumes may demonstrate that exporters have absorbed the anti-dumping duty and indicate the likelihood of future injurious imports.

xxiv. In view of the substantial decline in export prices without any commensurate reduction in production costs, the existing anti-dumping duty has been absorbed by the Chinese exporters and no longer provides the intended remedial effect. The Authority should therefore modify the form, basis and quantum of the anti-dumping duty in terms of Rule 29(2).

D. EXAMINATION BY THE AUTHORITY

8. As the present investigation is an anti-absorption review of the anti-dumping duty in force, the scope of the product under consideration remains the same as defined in the original investigation. The scope of the product under consideration concluded by the Authority in the original investigation vide Final Finding F. No. 6/19/2024-DGTR dated 10th February 2025, and attracting the anti-dumping duty, is as below:

> *"18. In view of the above, the Authority concludes that the scope of product under consideration in the present investigation is Glufosinate and its salts, both in technical and formulation form."*

9. Glufosinate is a herbicide known for its effectiveness in controlling a broad spectrum of weeds. Its active ingredient disrupts the plant's ability to produce certain essential amino acids, leading to inhibition of protein synthesis and subsequent plant death. It is a phosphinic acid belonging to the organophosphorus chemical family, distinct from any other chemical class of herbicides.

10. The product under consideration does not have a dedicated classification. For the purpose of the present investigation, the codes 38089193, 38089199, 38089391, 38089399, 38089912, 38089991 and 38089999 have been considered. The customs classification code is indicative only and is not binding on the scope of the present investigation.

11. The Authority notes that the present investigation is an anti-absorption investigation, and the purpose is to examine whether the export price has moved in line with the cost of production. None of the interested parties has made any submission on the scope of the product under consideration, nor has any interested party claimed that there is a difference in the product exported in the original investigation and the present investigation. Accordingly, the subject goods produced by the domestic industry are treated as "like article" to the product imported from China PR, and the Authority does not find it necessary to examine the issue of scope of product under consideration or like-article any further.

Miscellaneous issues, timeliness, standing and confidentiality

12. The non-confidential version of the information provided by various interested parties was made available to all interested parties as per Rule 6(7) and Trade Notice No. 10/2018 dated 7th September 2018. Rule 7 of the Rules provides as follows:

> *"(1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6 ... the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorisation of the party providing such information.*
>
> *(2) The designated authority may require the parties providing information on a confidential basis to furnish a non-confidential summary thereof ... (3) ... if the designated authority is satisfied that the request for confidentiality is not warranted ... it may disregard such information."*

13. The Authority has examined the submissions of the domestic industry and the other interested parties on confidentiality. The initiation notification provided an opportunity to all interested parties to offer comments on the confidentiality claims within the prescribed period of seven days from circulation of the non-confidential documents. No comments on confidentiality were received from the other interested parties within the stipulated time, and the objections were raised for the first time in the written submissions filed after the oral hearing. The Authority notes that confidentiality has been claimed in respect of information such as normal value, export price, dumping margin, injury margin, price adjustments, sales and purchase documents, and names of customers and suppliers, all of which constitute business-sensitive information. In accordance with Rule 7 and the consistent practice of the Authority, and having regard to Trade Notice No. 10/2018, sensitive parameters such as the weighted-average normal value, non-injurious price, dumping margin and injury margin have been disclosed in the form of ranges. The Authority is satisfied that the confidentiality claims are warranted and that the non-confidential versions on record provide sufficient information to enable the interested parties to reasonably understand the substance of the information submitted. The contention of abuse of confidentiality is, accordingly, not accepted.

14. The interested parties contended that the questionnaire responses were due at a later date and sought extension of time and condonation of delay. The Authority considered and accepted the request for extension. Accordingly, the submissions filed pursuant to the extension have been considered on merit, to the extent relevant. As the participating producers/exporters neither claimed market economy treatment

nor filed the market economy questionnaire, verifiable cost and price data are unavailable. Accordingly, the normal value has been determined as per the methodology adopted in the original investigation, as discussed in Section E3.

15. The other interested parties have contended that the application does not make out a prima facie case, that the evidence is inadequate under Rule 30(2), and that the initiation is therefore unsustainable. The Authority notes that Rule 30(2) requires the application to contain sufficient evidence as regards the existence of the circumstances referred to in Rule 29(1) to justify initiation. The application contained transaction-level import data of the subject goods, evidence of the decline in export prices as compared with the original investigation, third-party data on raw-material prices and third-country export prices, and the reassessed dumping and injury margins. The Authority, having satisfied itself as to the sufficiency and adequacy of the prima facie evidence, recorded its reasons in the initiation notification dated 2nd March 2026. The adequacy of evidence for initiation is to be judged on the material available at the stage of initiation and not by the standard applicable to a final determination. The Authority is satisfied that the evidence was sufficient to justify initiation, and the contention is not accepted.

16. The other interested parties have contended that UPL is not eligible to be treated as domestic industry, being related to exporters or itself an importer of the PUC. The Authority notes that the standing of the domestic industry and its eligibility under Rule 2(b) were examined and determined in the original investigation. An anti-absorption investigation under Rule 29 is limited in scope to examining whether the exporters have absorbed the anti-dumping duty in force, and does not re-open issues such as standing, like-article, injury and causal link that were determined in the original investigation. In any event, the domestic industry has stated that UPL has not imported the product under consideration from China PR, and that the purchases relied upon by the interested parties were affected by related entities located outside India. The Authority does not find it necessary to re-examine the standing of the domestic industry in the present proceedings, and the contention is not accepted. The Authority equally notes the submission of the domestic industry concerning the commercial character of one of the responding importers and the nature of its activities. The determination in the present proceeding turns upon the export pricing behaviour of the exporters of the subject country and not upon the commercial character of the importers of record, and the Authority accordingly does not find it necessary to examine that submission.

17. The other interested parties have contended that the modification of the form of duty and any retrospective application would exceed the scope of anti-absorption proceedings, that the relief sought is punitive and exporter-agnostic, and that the enhancement would prejudice the user industry and farmers. The Authority notes that Rule 29(2) expressly empowers the Authority, upon establishing absorption, to recommend modification in the form or basis of the duty, or the quantum of the duty,

or both, after reassessing the dumping and injury margins; and that Rule 31 permits a recommendation as to retrospective application. The present investigation is confined to a re-determination of the dumping and injury margins in accordance with Rule 29(2); the extent, form and date of application of any modification are matters for the recommendation of the Authority in the final finding, to be made having regard to the lesser-duty rule. As regards user interest, issues of public interest were examined in the original investigation, and the domestic industry has demonstrated that the per-unit impact of the duty on the ultimate consumer is negligible. These contentions do not detract from the examination of absorption, which is undertaken below.

Absorption of anti-dumping duty

18. Rule 29(1) of the Anti-Dumping Rules provides that an anti-dumping duty may be considered to be absorbed when the export prices of an article from the exporting country decrease post imposition of the anti-dumping duty without any commensurate change in the cost of production of such article, or the export prices of such article to countries other than India, or the resale price of such article in India. The use of the word "or" makes it clear that the satisfaction of any one of the three conditions, together with a decline in the export price to India, is sufficient to establish absorption. The examination below is undertaken accordingly.

Transaction-wise imports of the subject goods during the absorption period

19. The transaction-wise data obtained from DG Systems for the absorption period records the following imports of the subject goods from the subject country.

SN	BE date	CTH	Quantity (kg)	Assessable value (₹)	CIF (₹/kg)	CIF ($/kg)
1	***	38089390	15,000	***	***	15-16
2	***	38089399	5,000	***	***	5-6
3	***	38089399	23,000	***	***	15-16
4	***	38089399	23,000	***	***	15-16
	Total		**66,000**			

Source: DG Systems transaction-wise data. Values converted at Rs. 87.26 per US$.

20. The Authority notes the following from the above data. **First**, the total volume of the subject goods imported during the absorption period is 66 MT. **Secondly**, the consignment at SN 1 was cleared on *** April 2025, prior to imposition of the anti-dumping duty on 8th May 2025; the post-imposition volume is 51 MT. **Thirdly**, and materially, the consignments at SN 1, 3 and 4 entered at CIF values in the region of the Minimum Import Price, whereas the consignment at SN 2, of 5 MT, entered at a CIF value that is, at, being approximately 38% of the level of the other

consignments. The consignments at SN 1, 3 and 4 were imported by one of the responding importers from the participating exporter; the consignment at SN 2 was imported by an importer which has not participated, from an exporter in the subject country which has not participated.

21. **Fourthly**, the record establishes that the participating producer's own realisation on the subject goods was materially lower than the value at which those goods were exported to, and declared on import into, India. In response to verification, the participating parties furnished the producer's group transfer invoices, corroborated by contemporaneous entries in the producer's ERP system, evidencing the sale of the subject goods by the producer, M/s Xiangshui Zhongshan Bioscience Co., Ltd, to its related exporter, M/s Zhejiang Zhongshan Chemical Industry Group Co., Ltd (a group company), on an ex-works realisation was in the range of approximately USD *** to *** per kg. The same consignments were invoiced by the related exporter for export to India, and declared before Indian customs, at approximately USD 15.0 to 15.2 per kg on a CIF basis. On the participating parties' own verified records, therefore, the value at which the producer parted with the subject goods was of the order of 35% to 45% of the value declared on importation into India.

22. The Authority is conscious that this ex-works transaction is one between related group companies and does not, of itself, constitute an arm's-length price capable of standing as the normal value or the export price, and it has not been so used. It is, however, the participating parties' own contemporaneous and verified record, and it is material for two reasons. It demonstrates that the value declared on import into India was maintained at or about the Minimum Import Price notwithstanding a substantially lower underlying realisation by the producer; and, it is closely consistent with the independent China Customs export data placed on record by applicants and with the below-MIP consignment at SN 2, thereby corroborating the conclusion that the effective price of the subject goods to India during the absorption period was materially below the declared import values and that the remedial effect of the duty in force has been undermined.

Reliance on actual export prices and the effect of the Minimum Import Price

23. The other interested parties have contended that the import prices reflected in the Indian customs data show no decline, and that the domestic industry enjoyed MIP protection throughout the absorption period. The Authority notes that the purpose of an anti-absorption investigation under Section 9A(1B) of the Act read with Rule 29 is to examine whether the exporters have reduced their actual export prices after imposition of the anti-dumping duty so as to absorb the effect of the duty. Such examination necessarily requires determination of the actual export prices charged by the exporters, and not the prices declared for compliance with other regulatory requirements. For the reasons recorded in paragraphs 19 to 21 above, the Authority has adopted the price of the consignment which entered free of the constraint of the Minimum Import Price, as corroborated by the China Customs export data, as

representative of the actual export pricing of the subject goods to India. The mere existence of the MIP does not preclude a finding of absorption of the definitive anti-dumping duty.

24. The other interested parties have contended that any imports cleared below the MIP are a matter of customs/DGFT enforcement and not evidence of absorption within the jurisdiction of the Authority. The Authority notes that the MIP notified by the DGFT and the anti-dumping duty imposed under Section 9A of the Act are distinct instruments operating under distinct statutory regimes. The examination of absorption of the anti-dumping duty falls squarely within the jurisdiction of the Authority under Section 9A(1B) read with Rule 29. The reliance on the actual export prices is for the limited purpose of examining the pricing behaviour of the exporters, and is not an exercise of enforcement of the MIP. The contention is not accepted.

25. The Authority has separately considered the commercial invoices and the corresponding customs export declarations of the subject country filed by the participating exporters, which record declared values on a CIF basis materially above the price adopted above. Those declared values correspond to the consignments at SN 1, 3 and 4 of the table at paragraph 19, which were cleared in the region of the MIP, and for the reasons recorded above such declared values reflect compliance with a distinct regulatory requirement rather than actual export pricing behaviour. The participating exporters have not placed on record their cost of production, or their transaction-wise third-country export prices, and have not claimed market economy treatment; they have therefore placed no verifiable material before the Authority which would displace the price adopted.

Movement in the cost of production

26. The other interested parties have contended that the raw-material costs of the domestic industry cannot be relied upon, and that Rule 29 requires examination of the cost of production in the exporting country. The Authority notes that, in the original investigation, the Chinese producers were held to be operating under non-market-economy conditions. In the present investigation, the participating exporters have neither claimed market economy treatment nor filed the market economy questionnaire. The Authority is therefore unable to rely upon the cost data of the exporters for examining whether the decline in export prices is commensurate with any decline in their cost of production. In the absence of verifiable cost information from the exporters, and consistent with the non-market-economy methodology adopted in the original investigation, the Authority has examined the movement in the globally prevailing prices of the major raw materials used in the production of the subject goods as a surrogate for the change in the cost of production. The relevant information is set out below.

SN	Particulars	UOM	Jan'23 to Dec'23	Jan'25 to Sep'25
1	Acetic Acid	₹/kg	***	***
	Trend	Indexed	100	84
2	Acrolein Technical	₹/kg	***	***
	Trend	Indexed	100	98
3	Ammonia Solution 24%	₹/kg	***	***
	Trend	Indexed	100	107
4	Caustic Soda Lye (32%)	₹/kg	***	***
	Trend	Indexed	100	102
5	Hydrogen Pipeline	₹/kg	***	***
	Trend	Indexed	100	101
6	Liquid Chlorine Pipeline	₹/kg	***	***
	Trend	Indexed	100	122
7	Magnesium Turnings	₹/kg	***	***
	Trend	Indexed	100	78
8	Methanol	₹/kg	***	***
	Trend	Indexed	100	112
9	Methyl Chloride	₹/kg	***	***
	Trend	Indexed	100	88
10	Phosphorus Trichloride	₹/kg	***	***
	Trend	Indexed	100	80
11	Sodium Cyanide	₹/kg	***	***
	Trend	Indexed	100	87
12	Triethyl Phosphite	₹/kg	***	***
	Trend	Indexed	100	91
	Total	₹/kg	***	***
	Trend	Indexed	100	93

27. It is seen that the aggregate of the prices of the relevant raw materials has declined by approximately Rs. 101 per kg (from Rs. ***/kg to Rs. ***/kg), i.e. by about 7.4%, during the absorption period.

Movement in the export price to India

28. In order to examine whether the export prices have declined following imposition of the anti-dumping duty, the Authority has compared the export price of the subject goods to India during the original period of investigation with the actual export price during the absorption period, determined as set out in paragraphs 19 to 22 above. The net export price has been derived from the CIF value by making the deductions set out below, so as to bring the price to an ex-factory level.

SN	Particulars	UOM	₹/kg	$/kg
1	CIF price	₹/kg	***	***
2	Less: Ocean freight (US$ 80/MT)	₹/kg	***	***
3	Less: Marine insurance @ 0.05%	₹/kg	***	***
4	**FOB price**	₹/kg	***	***
5	Less: Commission @ 3%	₹/kg	***	***
6	Less: Bank charges @ 0.5%	₹/kg	***	***
7	Less: Port expenses @ 0.5%	₹/kg	***	***
8	Less: Handling expenses @ 0.5%	₹/kg	***	***
9	**Net export price**	₹/kg	***	***

Exchange rate: Rs. 87.26 per US$.

29. On the above basis, the net export price of the subject goods to India during the absorption period is USD *** per kg, as against the net export price of USD *** per kg determined in the original investigation. The export price has accordingly declined by approximately 46% following imposition of the anti-dumping duty. The ocean freight of *** per MT applied in the above computation has been determined from the shipping documents on record. The other interested parties have contended that the decline, if any, is on account of depreciation of the Indian rupee. The Authority notes that the export price is quoted in USD, and the decline is evident in USD terms; therefore, the decline cannot be attributed to exchange-rate movements. Since the export price is expressed and compared in the same currency, the exporters cannot contend that the decline is a consequence of rupee depreciation.

Export prices to third countries

30. The other interested parties have contended that the decline in the export price to India is commensurate with the decline in the export price to third countries, and that Rule 29 is therefore not satisfied. The Authority notes that, first, the participating exporters have not placed on record any transaction-wise export data to third countries to substantiate this claim, and the contention accordingly remains unsubstantiated. Secondly, and in any event, Rule 29(1) is disjunctive: a decline in the export price to India accompanied by the absence of a commensurate change in

the cost of production is, by itself, sufficient to establish absorption, independent of the movement of third-country prices. As established above, the export price to India declined by about 46% while the price of the major raw materials declined by only about 7.4%. The decline in the export price is therefore not commensurate with the change in the cost of production, and the condition under the first limb of Rule 29(1) is satisfied. The contention is accordingly not accepted.

31. The Authority has examined the price at which the product under consideration was actually transacted in China PR during the absorption period. Three independent sources converge: the applicant's invoices of Chinese producers and traders, showing FOB prices in the range of USD 5.50–6.10/kg; the Chinese customs export data relied upon by the applicant, showing a weighted average FOB price in the range of USD 5.50–6.00/kg; and the participating exporter's own Appendix-1, reporting home-market realisation in the range of USD 5.50–6.00/kg. The exporter has itself stated that the article sold in China and that exported to India are of the same quality and packing, and no difference in characteristics or terms of sale has been evidenced. The Authority accordingly holds it established that the product under consideration was sold in China PR during the absorption period in the range of USD 5.50–6.10/kg. This finding goes only to the price level; normal value continues on the basis adopted in the original investigation; the exporter having declined market economy treatment.

Resale price in India

32. The other interested parties have contended that the applicants have furnished no data relating to resale prices of the subject goods in India. The Authority notes that, the first limb of Rule 29(1) being satisfied for the reasons recorded above, and the provision being disjunctive, it is not necessary that the resale-price limb be independently satisfied. The Authority has nonetheless examined the material on record. Two importers, namely Zhongshan Crop Science India Pvt. Ltd. and Tephra Bioscience LLP, have filed questionnaire responses containing details of imports and of resale of the subject goods in India. On the data as filed, the resale prices of the imported subject goods in India during the absorption period stand above the corresponding landed values, and no declining trend in resale prices is discernible over the absorption period. The Authority further notes that the resale data on record relates to consignments cleared in the region of the MIP, and does not extend to the consignment at SN 2 of the table at paragraph 19, the importer of which has not participated in the present investigation.

Period of investigation and volume of imports

33. The other interested parties have contended that Rule 29 can be invoked only post-imposition of the duty, and that the inclusion of the pre-duty period within the 9-month absorption period is a jurisdictional error. The Authority notes that the analysis of absorption rests on the actual export pricing behaviour of the exporters

after imposition of the anti-dumping duty on 8th May 2025. As appears from the table at paragraph 19, the consignment relied upon for the determination of the net export price was cleared on *** July 2025, that is, after the imposition of the duty; and the volume of post-imposition imports is 51 MT out of a total of 66 MT. The finding of decline in the export price is therefore not dependent upon the pre-duty transaction, and the inclusion of the earlier months within the descriptive period of absorption does not vitiate the analysis. The contention is, accordingly, not accepted.

34. The other interested parties have contended that the comparison of the absorption-period prices with the original POI has no legal basis, and that the 9-month period is arbitrary because Rule 5(3A) (ii) prescribes a normal 12-month POI. The Authority notes that Rule 29(1) itself contemplates a comparison of the export price "post imposition of the anti-dumping duty" with the basis on which the duty was originally determined; such comparison necessarily requires the export price of the original period of investigation as the benchmark, since the duty in force was determined on the conditions prevailing in that period. As regards the period of investigation, Rule 29 does not prescribe a fixed POI for an anti-absorption review; the period may be determined on the facts and circumstances of the case, and the Authority recorded its reasons for adopting the 9-month period in the initiation notification. Rule 5(3A)(ii) governs the period of investigation for an original investigation and does not, of its own force, curtail the discretion available under Rule 29. The contention is not accepted.

35. The other interested parties have contended that the volume of imports at the lower price is too small to establish that the duty was rendered ineffective. The Authority records the position candidly: of the 51 MT imported after imposition of the duty, 5 MT, or approximately 10%, entered at the lower price, the balance having been cleared in the region of the Minimum Import Price. The Authority notes, however, that Rule 29 is directed at the pricing behaviour of the exporters and at whether such behaviour renders the anti-dumping duty ineffective, and not at any threshold volume of imports; neither Section 9A(1B) nor Rule 29 prescribes any minimum volume. The significance of the consignment at SN 2 lies not in its volume but in the fact that it is the only consignment during the absorption period which entered free of the constraint of the Minimum Import Price, and that it entered at a price at which the anti-dumping duty of USD 2,998/MT stands substantially neutralised, consistent with the China Customs export data covering a materially larger volume. The volume of imports at that price is, in the Authority's view, a function of the Minimum Import Price in force rather than of the pricing behaviour of the exporters, and is indicative of the likelihood of increased injurious imports upon any relaxation of the concurrent measure. The contention is not accepted.

Analysis on absorption

36. In light of the above, the Authority notes that while the price of raw material (by about 7.4%) and the surrogate cost of production have declined marginally whereas

the export price of the subject goods to India has declined by about 46% following imposition of the anti-dumping duty. The decline in the export price is thus far greater than, and not commensurate with, the change in the cost of production. The table below summarises the degree of absorption by the exporters.

SN	Particulars	UOM	POI – OI	POI – AB
1	Net export price to India (Trend, indexed)	Indexed	***	***
2	Cost of raw material (Trend, indexed)	Indexed	100	93

37. The Authority, accordingly, notes that the export price of the subject goods from the subject country has declined post imposition of the anti-dumping duty without any commensurate change in the cost of production. The condition for absorption under Rule 29(1) is therefore satisfied. It is therefore concluded that the producers in the subject country have absorbed the measures. The Authority has proceeded to reassess the dumping margin and the injury margin in accordance with Rule 29(2), as set out in Section E.3 below.

Reassessment of dumping margin and injury margin

38. Rule 29(2) of the Anti-Dumping Rules provides as follows:

> *"(2) Where an article subject to anti-dumping duty is imported into India at such price or under such condition which is considered as absorption of the existing anti-dumping duty, and such duty is thereby rendered or maybe rendered ineffective, the designated authority may, after conducting review, recommend modification in the form or basis of the anti-dumping duty, or the quantum of anti-dumping duty, or both, after reassessing the dumping margin and injury margin and appropriate changes or adjustments in previously determined normal value and injury, if necessary, in accordance with the provisions of rule 10 and Annexure III to these Rules, respectively, may be done."*

39. The Authority notes that Rule 29(2) contemplates the making of "appropriate changes or adjustments in previously determined normal value and injury … in accordance with the provisions of rule 10 and Annexure III to these Rules". In exercise of that power the Authority has re-assessed the constructed normal value and the non-injurious price for the absorption period in accordance with Rule 10 and Annexure III respectively. The re-assessed NIP is approximately 14% lower than the NIP in original investigation, predominately due to reduction in raw material cost which is approximately 19%. Since the Chinese producers had not claimed market economy treatment at the time of the original investigation, and the participating exporters have not claimed such treatment in the present proceeding, the constructed

normal value has been determined following the methodology adopted in the original investigation under para-7 of Annexure-I of the Rules. The Authority has not undertaken any fresh determination of injury to the domestic industry, the injury determination of the original investigation not being reopened in an anti-absorption review.

40. The re-assessed constructed normal value for the absorption period is as below.

SN	Particulars	Unit	POI – OI	POI – AB
1	Constructed normal value (CNV)	$/kg	***	***
2	Exchange rate	₹/$	83.52	87.26

41. The re-assessed non-injurious price for the absorption period is as below.

SN	Particulars	Unit	POI – OI	POI – AB
1	Non-injurious price	$/kg	***	***
2	Exchange rate	₹/$	83.52	87.26

42. Considering the re-assessed constructed normal value and the net export price of the subject goods determined at paragraph 27 above, the dumping margin for the subject goods from China PR has been determined as below.

SN	Particulars	CNV ($/kg)	Net export price ($/kg)	Dumping margin ($/kg)	DM Range (%)
1	Original period	***	***	***	20–30%
2	Absorption period	***	***	***	85–95%

43. It is seen that the net export price to India has declined significantly from the original period to the absorption period, and that the decline in the net export price is steeper than the decline in the re-assessed constructed normal value. As a result, the dumping margin has risen from the range of 20–30% during the original period to the range of 85–95% during the absorption period, that is, approximately a three-fold increase. It is noted that the dumping margin of USD 2.998 per kg determined for the original period corresponds exactly to the anti-dumping duty of USD 2,998 per MT presently in force. The dumping margin now determined exceeds that amount by approximately USD *** per kg, which establishes that the anti-dumping duty in force has been absorbed by the exporters through a reduction in the export price and no longer offsets the dumping found.

44. It is therefore concluded that the dumping margin has increased.

45. Considering the re-assessed non-injurious price and the landed price of the subject goods, the injury margin for the subject goods from China PR has been determined as below.

SN	Particulars	NIP ($/kg)	Landed price ($/kg)	Injury margin ($/kg)	IM Range (%)
1	Original period	***	***	***	20–30%
2	Absorption period	***	***	***	85–95%

46. It is seen that the landed price of the subject imports has declined from USD *** per kg during the original period to USD *** per kg during the absorption period, a reduction of approximately 45%, whereas the re-assessed non-injurious price has declined by approximately 18%. As a result, the injury margin has increased from the range of 20–30% during the original period to the range of 85–95% during the absorption period. The landed price of the subject imports continues to remain significantly below the non-injurious price even after accounting for the anti-dumping duty in force, confirming that the remedial effect of the duty has been undermined.

47. The landed value of imports has been determined on the basis of the assessable value together with the applicable duties of customs, in accordance with the consistent practice of the Authority.

48. It is therefore concluded that the injury margin has increased.

E. <u>POST DISCLOSURE COMMENTS</u>

E.1 Submissions made by other interested parties

49. The following comments have been filed by the interested parties.

i. Decline in export prices was attributed to a global decline in Glufosinate prices, and not to absorption of the anti-dumping duty.

ii. Absorption must be determined exporter-wise, and country-wide data or transactions of a non-participating exporter cannot be used to establish absorption against individual exporters.

iii. Only 5 MT out of 51 MT of post-duty imports were at the lower price; such limited and isolated imports cannot establish that the duty was rendered ineffective.

iv. The 5 MT transaction was specifically challenged as non-representative, particularly as it involved a non-participating exporter and was outside the MIP framework.

v. Only about four months of post-duty data were available, which was claimed to be insufficient for determining absorption.

vi. The operation of MIP was relied upon to contend that the MIP-compliant transactions, rather than isolated below-MIP imports, should be considered for assessing actual pricing behaviour.

vii. The approach was alleged to be inconsistent with DGTR's past practice of requiring exporter-specific evidence.

viii. Clarification was sought regarding applicability of Rule 2(b), Rule 5(3A) (ii) and the requirement of exporter-specific evidence for an absorption finding.

ix. Selective reliance on the Original Findings was challenged, particularly the alleged disregard of the global decline in prices.

x. The Rule 2(b) eligibility of UPL as DI was questioned on the basis of possible relationship/imports, and verification was requested.

xi. The proposed modification/retrospective application of duty was also challenged.

E.2 Submissions made by domestic industry

50. The following comments have been filed by the domestic industry.

i. The 46% decline in export price, against only 7.4% decline in major raw-material prices, demonstrates that the reduction in export price was not commensurate with the decline in cost of production and therefore establishes absorption under Rule 29(1).

ii. The decline in export price is evident in both USD and INR terms; hence, the contention that the decline was due to rupee depreciation is not sustainable.

iii. Rule 29(1) provides three alternative parameters for absorption; satisfaction of any one condition is sufficient and all three conditions need not be established simultaneously.

iv. The existence of a global decline in prices does not by itself negate absorption, since the relevant test is whether the reduction in export price to India was commensurate with the change in cost of production; in the present case, the export-price decline substantially exceeded the raw-material cost decline.

v. Limited import volume does not preclude absorption; the relevant consideration is the pricing behaviour and whether it undermines the remedial effect of the duty. The 5 MT imports below MIP therefore remain relevant.

vi. The 5 MT transaction cannot be disregarded merely because of its limited quantity; the exporter failed to provide evidence establishing that the MIP-compliant prices represented its independent pricing behaviour.

vii. MIP and ADD are distinct measures. MIP compliance does not prevent examination of actual export prices, and MIP cannot substitute for an effective anti-dumping duty.

viii. The January–September 2025 absorption period is appropriate, as Rule 29 does not prescribe a minimum post-duty period; further, the transactions forming the basis of the finding occurred after imposition of ADD on 8 May 2025.

ix. The reliance on Kalyani Steels and Rule 5(3A) (ii) was stated to be misplaced since the present review is governed by Rules 29 and 30 and Rule 29 does not prescribe the 12-month POI requirement applicable to original investigations.

x. China Customs data should be considered for export-price determination as it represents the price at which the goods were exported, whereas Indian CIF values may reflect MIP-compliant declared values rather than actual export prices.

xi. Where complete exporter-specific information is not provided, the Authority may rely on best information available under Rule 6(8).

xii. The dumping and injury margins increased to 85–95%, while landed price declined by about 45% against only 18% decline in NIP, demonstrating that the duty remained ineffective.

xiii. The Rule 2(b) objection regarding DI standing requires verification of the alleged relationships/imports; however, the available submission specifically requests such verification and does not itself establish disqualification.

xiv. On the form of duty, ad-valorem duty was sought considering variations in product form, concentration and transaction value.

xv. The impact of ADD on downstream users was submitted to be minimal, estimated at approximately ₹35–36 per bottle

E.3 Examination by the Authority

51. The Authority notes that, following imposition of the anti-dumping duty, the export price of the subject goods to India declined by approximately 46%, whereas the prices of the major raw materials declined by only about 7.4% over the same period. A fall in the export price of that magnitude is not explained by the movement in input costs, and the decline is evident whether measured in US Dollars or in Indian Rupees. It cannot, therefore, be attributed merely to exchange-rate fluctuation or to movements in global prices; it reflects a reduction in the export price that is not commensurate with any corresponding change in the cost of production.

52. The Authority is equally unable to accept that the volume of below-MIP imports is too small to sustain a finding of absorption. An examination under Rule 29 is directed to the exporters' pricing behaviour and to the continued effectiveness of the duty, and neither Rule 29 nor Section 9A(1B) of the Act prescribes any minimum volume of imports as a condition for such a finding. What is material is whether the export price to India has declined, after imposition of the duty, in a manner that undermines its remedial effect; the quantity of imports at which that decline is evidenced does not determine the question. Moreover, the pricing behaviour in question is not confined to the below-MIP consignment.The consignments of the participating exporter were declared on import at values at or about the Minimum Import Price only by reason of compliance with that price; their actual net export price, as established by the exporter's own verified records — its group transfer invoices corroborated by its ERP delivery notes — was in the range of USD 5.85 to 6.25 per kg , that is, at substantially the same level as the consignment that entered free of the MIP constraint. The participating exporter's own consignments thus exhibit the same reduction in the actual export price, and the fact that the below-MIP consignment represented only of the order of 10% of the total volume imported after imposition of the duty does not, by itself, preclude a finding of absorption.

53. The 5 MT imports at USD 5.5–6/kg are relevant as they reflect prices below MIP. The remaining imports cleared around MIP cannot, without supporting evidence, be treated as representative of independent commercial pricing, particularly where the exporter has not substantiated the same.

54. MIP and anti-dumping duty are separate, distinct measures under different legislations. MIP-compliant declared prices may reflect regulatory compliance and do not necessarily represent actual export prices. Accordingly, actual export prices, including relevant China Customs data and supporting invoices, have been considered. The Authority further notes that the declared import values were held at or about the Minimum Import Price (MIP) only by operation of that price, whereas the actual export prices were materially lower. Had that MIP not been in operation, the subject goods would in all likelihood have entered at these substantially lower prices, resulting in a surge of imports at landed values well below the non-injurious price. The MIP has thus, for the present, masked the reduction in the actual export prices at the border; it has not cured the absorption of the anti-dumping duty. This reinforces the conclusion that the remedial effect of the duty in force has been undermined.

55. Where complete transaction-wise/third-country information has not been furnished despite opportunity, the Authority is entitled to rely on best information available under Rule 6(8).

56. The Authority notes that Rule 29 does not prescribe a minimum post-duty period. The relevant transactions forming the basis of the absorption finding occurred after 8 May

2025; therefore, the inclusion of the earlier period does not invalidate the examination.

57. Rule 5(3A) (ii) relates to the POI requirement applicable to original investigations under Rule 5 and cannot be mechanically applied to the present review conducted under Rules 29 and 30.

58. The Authority has considered the submission regarding exporter-wise examination and past DGTR practice. The determination is based on the evidence available in the present investigation, including the pricing information on record; absence of complete exporter-specific information, where applicable, is dealt with under Rule 6(8).

59. The Authority has also considered the Rule 2(b) objection regarding DI standing/possible related-party imports. The applicants have a related importer in UAE, which is a non-subject country and there is no evidence in place to show that the product purchased by the entity in UAE has been then exported to India. Therefore, the Authority considers that there is no outstanding issue with regard to eligibility of the applicant with regard to Rule 2(b).

60. On reassessment, the dumping and injury margins increased to 85–95%, while landed price declined by about 45% against an approximately 18% decline in NIP, establishing that the landed price remained significantly below NIP even after the duty.

61. Accordingly, the Authority finds that the decline in export price was not commensurate with the decline in cost of production and that the existing anti-dumping duty has been rendered ineffective within the meaning of Rule 29. The appropriate modification in the quantum of duty has consequently been examined under Rule 29(2)

F. CONCLUSION

62. After examining the submissions made by all the interested parties and issues raised therein; and considering the facts available on record, the Authority concludes as below,

    a. The application for initiation of the present anti-absorption investigation was filed by the applicants as producers of the like article in India, in accordance with Rule 30 of the Rules, and the investigation was initiated vide notification No. 7/02/2026-DGTR dated 2nd March 2026.

    b. The scope of the product under consideration is the same as that in the original investigation, that is, Glufosinate and its salts, both in technical and formulation form; the subject goods produced by the domestic industry are the like article; and the determinations of the original investigation as to standing, injury and causal link are not reopened.

c. The DG Systems transaction-wise data records imports of 66 MT of the subject goods during the absorption period, of which 51 MT were imported after imposition of the anti-dumping duty on 8th May 2025. Of the post-imposition volume, 5 MT entered under a tariff item outside the coverage of the Minimum Import Price, at a CIF value of USD *** per kg, and the balance entered in the region of the Minimum Import Price.

d. The price of the consignment which entered free of the constraint of the Minimum Import Price is closely consistent with the FOB export prices appearing in the China Customs export data placed on record by the applicants, and has been adopted as representative of the actual export pricing of the subject goods to India.

e. On that basis the net export price during the absorption period is USD *** per kg, as against USD *** per kg determined in the original investigation, a decline of approximately 46%.

f. The participating exporters have neither claimed market economy treatment nor filed the market economy questionnaire, and their cost data is accordingly not available in a verifiable form; the change in the cost of production has been examined on the basis of the movement in the prices of the major raw materials as a surrogate, which shows a decline of about 7.4%.

g. The decline in the export price to India is therefore not commensurate with the change in the cost of production, and the condition for absorption under the first limb of Rule 29(1) is satisfied.

h. The participating exporters have placed no transaction-wise third-country export data on record, and the resale-price data on record does not independently indicate absorption; Rule 29(1) being disjunctive, the finding rests on the first limb.

i. On re-assessment under Rule 29(2), and the constructed normal value is USD *** per kg and the non-injurious price USD *** per kg for the absorption period.

j. The dumping margin has increased from the range of 20–30% in the original period to the range of 85–95% in the absorption period, and the injury margin from the range of 20–30% to the range of 85–95%. The dumping margin determined for the original period, being USD 2.998 per kg, corresponds to the anti-dumping duty presently in force. In per-unit terms the re-determined dumping margin, being ***, is the lesser of the two margins.

k. The landed price of the subject imports continues to remain significantly below the non-injurious price even after accounting for the anti-dumping duty in force.

l. Accordingly, the anti-dumping duty in force has been absorbed by the exporters and rendered ineffective within the meaning of Section 9A(1B) of the Act read with Rule 29 of the Anti-Dumping Rules.

m. The modified quantum of anti-dumping duty shall apply prospectively only, without retrospective effect, while the existing form of duty shall remain unchanged and only its quantum shall be modified.

G. RECOMMENDATION

63. 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 absorption. Having initiated and conducted the investigation into absorption of duty on Chinese producers in terms of the provisions laid down under the Anti-dumping Rules, the Authority is of the view that modification of anti-dumping duty applicable on Chinese producers are required. Therefore, the Authority recommends modification of quantum of anti-dumping duty on imports of the subject goods from the subject country.

64. The Authority recommends modification of quantum of anti-dumping duty imposed on imports of subject goods originating in or exported from China PR vide Final Finding Notification No. F. No. 6/19/2024-DGTR dated 10th February 2025 and Notification No. 09/2025-Customs (ADD) dated 8th May 2025 as below. Taking into account factual matrix of the case, and having regard to information provided, and submissions made by interested parties, it is considered appropriate to modify the quantum of definitive anti-dumping duty. The modified quantum of anti-dumping duty shall have prospective application only and shall not operate retrospectively, while the existing form/type of anti-dumping duty shall remain unchanged, with only the quantum being modified.

65. The Authority has considered the domestic industry's request under Rule 31 for retrospective application of the modified duty from the date of initiation, and the recommendation of provisional assessment under Rule 30(5) made at initiation. Rule 31 enables, but does not compel, retrospective application, the matter being one for the Authority's discretion having regard to the remedial object of the review and the lesser-duty principle. That object is remedial, not penal, and is achieved in full by prospective modification of the duty. The subject goods entered India, during the review, at declared values at or about the Minimum Import Price that is, at or above the non-injurious price and bore the duty then in force, and no decline in their resale price in India has been established; there was thus no influx at injurious landed values for a retrospective duty to counter. This is distinct from the finding of

absorption, which rests on the exporters' actual export-pricing behaviour and warrants re-determination of the duty prospectively. Applying the lesser-duty principle, the Authority considers prospective application adequate and does not recommend retrospective application; imports subjected to provisional assessment under Rule 30(5) are accordingly to be finally assessed at the rate of duty in force during the relevant period.

66. Having regards to the lesser duty rule followed, the Authority recommends imposition of antidumping duty equal to the lesser of the margin of dumping and the margin of injury so as to remove the injury to the domestic industry. Accordingly, the Authority recommends modification of the quantum of anti-dumping duty on imports of the subject goods originating in or exported from the subject country to the amount specified in Column 7 of the duty table appended below. The modified duty shall take effect prospectively from the date of the notification to be issued in this regard by the Central Government, and shall remain in force for the unexpired period of the anti-dumping duty imposed vide Notification No. 09/2025-Customs (ADD) dated 8th May 2025.

DUTY TABLE

SN	**Heading /Subheading***	**Description of the goods**	**Country of origin**	**Country of export**	**Producer**	**Amount**	**UOM**	**Currency**
1	2	3	4	5	6	7	8	9
1	38089193, 38089199, 38089391, 38089399, 38089912, 38089991 and 38089999	Glufosinate and its salt	China PR	Any other country including China PR	Any	5004	MT	USD
2	-do-	-do-	Any Country other than China PR	China PR	Any	5004	MT	USD

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

H. FURTHER PROCEDURE

67. An appeal against the order of the Authority arising out of the final findings shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act.

(Amitabh Kumar)
Designated Authority

Digitally signed by
Amitabh Kumar
Date: 01-09-2026
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