

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(Department of Revenue)

Notification No. 51/2018-Customs (ADD)

New Delhi, the 9th October, 2018

G.S.R. (E).- Whereas in the matter of Ductile iron pipes (hereinafter referred to as the subject goods) falling under tariff items 7303 00 30 or 7303 00 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from China PR, (hereinafter referred to as the subject country), and imported into India, the designated authority (hereinafter referred as authority) in its final findings *vide* notification number 15/1006/2012-DGAD dated the 4th September, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 4th September, 2013, had recommended continuation of anti-dumping duty on the imports of subject goods, originating in, or exported from the subject country;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed anti-dumping duty on the subject goods with effect from the 10th October, 2013 *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 23/2013-Customs (ADD) dated the 10th October, 2013, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 680 (E), dated the 10th October, 2013;

And whereas, M/s Electro Steel Casting Limited, M/s Srikalahasti Pipes Ltd. (SPL) and M/s Jindal Saw Limited (hereinafter referred as applicants) filed an application before the authority for review and continuation of the anti-dumping duties, imposed on the imports of the subject goods, originating in or exported from the subject country.

And, whereas the said application was examined by the authority and authority issued an Order F. No. 7/18/2018 - DGAD dated the 17th May, 2018 stating that:

- a) the applicant has not been able to provide sufficient and satisfactory evidence to initiate sunset review investigation;
- b) therefore, the authority decides that the case is not fit for initiation of sunset review investigation concerning import of "Ductile Iron Pipes" originating in or exported from China PR.

And whereas, M/s Jindal Saw Limited (hereinafter referred as petitioner) filed a Special Civil Application No. 12368 of 2018 before the Hon'ble High Court of Gujrat and the Hon'ble High Court of Gujrat *vide* Judgement dated the 26th September, 2018, has ordered that:

“12. Accordingly, Impugned order dated 17.05.2018 of DGAD is set aside, as the same is without reasons. The respondent authority shall decide the application requesting a sunset review afresh, in accordance with law, within six months from the date of receipt of the order. Till such a decision is taken, the period of anti-dumping duty, which ceases to have effect on and from 09.10.2018, shall stand extended. Petition is allowed accordingly. Rule is made absolute. Direct service is permitted.”

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act read with rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 and in pursuance of the Hon’ble High Court Judgement dated the 26th September, 2018, the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 23/2013, Customs (ADD), dated the 10th October, 2013, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 680 (E), dated the 10th October, 2013, namely:-

In the said notification, after paragraph 2 and before the Explanation, the following paragraph shall be inserted, namely: -

“3. Notwithstanding anything contained in paragraph 2, this notification, unless revoked earlier, shall remain in force up to and inclusive of the 9th April, 2019.”.

[F. No. 354/3/2007-TRU (Pt. I)]

(Gunjan Kumar Verma)
Under Secretary to the Government of India

Note. - The principal notification No. 23/2013- Customs (ADD), dated the 10th October, 2013 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 680 (E), dated the 10th October, 2013.

