

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No.142/2009-Customs

New Delhi, dated the 21st December, 2009

G.S.R. (E). – Whereas, in the matter of import of Flax Fabric (hereinafter referred to as the subject goods), falling under sub-heading 5309 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), originating in, or exported from, People's Republic of China and Hong Kong (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings vide notification No.14/08/2008-DGAD dated the 17th February, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 17th February, 2009, had come to the conclusion that-

- (a) the margin of dumping in respect of each of the subject country was more than two per cent. and the volume of imports from each country was also more than three per cent.;
- (b) the subject goods had been imported from the subject countries under the same tariff classification;
- (c) the imported subject goods were commercial substitutes of the domestically produced Flax fabric; and

1. the designated authority holds that it was appropriate to cumulatively assess the effect of imports of the subject goods on the domestically produced like article in the light of conditions of competition between the imported products and the like domestic product;

and had recommended imposition of provisional anti-dumping duty on imports of the 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 provisional anti-dumping duty on the subject goods vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 30/2009-Customs,

dated the 26th March, 2009, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.202(E), dated the 26th March, 2009;

And whereas, the designated authority in its final findings vide notification No. 14/08/2008-DGAD dated the 1st October, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 1st October, 2009, has come to the conclusion that-

- i. Imports originating in the subject countries are taking place at dumped prices and the same have caused material injury to the domestic industry.
- ii. Subject goods exported from the subject countries are at prices below their normal value, Non Injurious Price of the domestic industry and the net sales realisation of the subject goods of the applicants, and have caused injury to the domestic industry.
- iii. Decline in market share of domestic industry as a consequence of increase in market share of subject imports from the subject countries prevented the domestic industry from increasing their sales commensurate to growth in demand.
- iv. Significant price-undercutting and substantial increase in the volume of dumped imports adversely affected the performance of the domestic industry in terms of profits, cash flow, and return on investment.
- v. Significant increase in volume of dumped imports from the subject countries (both in absolute terms as well as in relation to the share in demand) has resulted in significant decline in market share of the domestic industry.

and has recommended the imposition of definitive anti-dumping duty on imports of the subject goods originating in, or exported, from the subject country;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under the said sub-heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), and produced by the producer as specified in the corresponding entry in column (6), when exported from the country as specified in the corresponding entry in column (5), by the exporter as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at a rate which is equivalent to difference between the amount mentioned in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and as per unit of measurement as specified in the corresponding

entry in column (9), of the said Table and the landed value of imported goods in like currency as per like unit of measurement.

Table

Sl. No	Sub-heading	Description of Goods	Country of Origin	Country of Export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
2	5309	Flax fabric	People's Republic of China	People's Republic of China	Any	Any	206.24	Meter	Rupee
3	5309	Flax fabric	People's Republic of China	Any	Any	Any	206.24	Meter	Rupee
4	5309	Flax fabric	Any	People's Republic of China	Any	Any	206.24	Meter	Rupee
5	5309	Flax fabric	Hong kong	Hong kong	Any	Any	209.72	Meter	Rupee
6	5309	Flax fabric	Hong kong	Any	Any	Any	209.72	Meter	Rupee
7	5309	Flax fabric	Any	Hong kong	Any	Any	209.72	Meter	Rupee

2. The anti-dumping duty imposed shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, 26th March, 2009 and shall be payable in Indian currency._

Explanation. - For the purposes of this notification,-

(a) "landed value" means the assessable value as determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under sections 3, 8B, 9 and 9A of the said Customs Tariff Act, 1975;

(b) rate of exchange applicable for the purposes of calculation of anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962) and the relevant date for determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No.354/62/2009 –TRU]

(Prashant Kumar)

Under Secretary to the Government of India.