

**F.No.354/54/ 2006-TRU (Pt-III)
Government of India
Ministry of Finance
(Department of Revenue)
Tax Research Unit

Room No 156, North Block,
New Delhi, dated 25th October, 2018

To,

All Principal Chief Commissioners/Chief Commissioner of Customs/ Customs Preventive/ Customs and Central Excise for necessary compliance.

All Principal Commissioners/ Commissioners of Customs/ Customs (Preventive) for necessary compliance.

Madam/Sir,

Subject: Representation from all India Saccharin manufacturing Association-implementation of Hon'ble Gujarat High Court order dated 07.02.2018 in Special Civil Application No. 1399 of 2018 -reg.

Kind attention is invited to the Civil Notice dated 12.02.2018 in the Special Civil Application No. 1399/2018 in the Hon'ble High Court of Gujarat and subsequently letter No. 528/24/2017-STO (TU) dated 13.03.2018 in this regard (copy enclosed).

2.1 To briefly recapitulate, anti-dumping duty on Saccharin originating in and exported from China PR was imposed vide notification No. 41/2007 -Customs (ADD) dated 19.03.2007 for five years. These duties were extended vide notification No. 7/2012-Customs (ADD) dated 13.01.2012 for a period of five year following a sunset review initiated by the Director General of Trade Remedies (DGTR).

2.2 Subsequently, the petitioner Shree Vardayini Chemical Industries Pvt. Ltd had filed a petition seeking extension of anti-dumping duty. Accordingly, the DGTR had initiated the investigation vide notification No. 15/23/2016-DGAD dated 30.12.2017. After concluding investigation, the DGTR issued final findings vide notification No. 15/23/2016-DGAD dated 30.12.2017 holding that there was no justification for further continuation of anti-dumping duty, largely because anti-dumping duty has been in force for ten years and has served the intended purpose for which anti-dumping duty was imposed.

3. The petitioner Shree Vardayini Chemical Industries Pvt. Ltd., aggrieved from the final findings of the DGTR, had filed a Special Civil Application No. 1399 of 2018 before the High Court of Gujarat. The Hon'ble High Court of Gujarat vide civil notice has directed that:

“goods that may be given clearance are accounted for and there should be information to the importer that a litigation is pending in form of this petition and as the Court has issued notice, the clearance in absence of any protection would be viewed in proper prospective in light of the contention raised in the petition and subject to result of this petition”.

4. Hence, it is therefore requested to follow the directions of the Hon’ble High Court of Gujarat and letter issued by Tariff Unit by issuing a ‘Trade Notice’ wherein the observations of the Court may be quoted. The trade Notice may be given wider publication so that the trade and importers could be aware of it.

This issues with the approval of the Board.

Encl.: As above

Your’s Sincerely,

Mahipal Singh
Technical Officer, TRU

Copy to: Joint Secretary (Customs), CBIC