

[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. 01/2020-Customs (ADD)

New Delhi, the 24th January, 2020

G.S.R. (E).-Whereas, the designated authority vide notification No. 15/06/2016 DGAD dated the 27th July, 2016, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th July, 2016, had initiated third sunset review investigation in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of Sodium Nitrite (hereinafter referred to as the subject goods), falling under tariff item 2834 10 10 of the First Schedule to the Customs Tariff Act, originating in or exported from People's Republic of China (hereinafter referred to as the subject country), imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.76/2011-Customs, dated the 17th August 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.628 (E), dated the 17th August 2011;

And whereas, the Central Government had issued the notification in supersession of notification No.76/2011-Customs, G.S.R.628 (E), dated the 17th August 2011 for continued imposition of anti-dumping duty at the modified rates *vide* notification No. 46/2014- Customs (ADD), dated the 8th December, 2014, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.877 (E), dated the 8th December, 2014;

And whereas, the Central Government had extended the period of imposition of anti-dumping duty on the subject goods, originating in or exported from the subject country up to and inclusive of the 16th August, 2017 *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 39/2016-Customs (ADD), dated 8th August, 2016, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.773 (E), dated the 8th August, 2016;

And whereas, in the matter of review of anti-dumping duty on imports of the subject goods, originating in or exported from the subject country, the Designated Authority in its final findings, published *vide* notification No. 15/06/2016-DGAD, dated the 19th July, 2017, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 19th July, 2017 had come to the conclusion that—

- (i) there is continued dumping of the product concerned from subject country, causing injury to the domestic industry;
- (ii) imports are significantly undercutting and underselling the prices of the domestic industry;

(iii) cessation of antidumping duty is likely to lead to continuation and recurrence of dumping and injury to the domestic industry,

and had recommended continued imposition of 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 the anti-dumping duty on the subject goods, vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 40/2017-Customs (ADD), dated the 25th August, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1066(E), dated the 25th August, 2017;

And whereas the domestic industry filed an appeal before the Hon'ble Customs, Excise and Service Tax Appellate Tribunal (CESTAT), Principal Bench, New Delhi challenging the Final Findings dated the 19th July, 2017 and the aforesaid Customs notification No 40/2017-Customs (ADD) dated the 25th August 2017;

And whereas the Hon'ble CESTAT vide final order No. AD/A/50774/2019-CU (DB), dated 17.06.2019 (Anti-Dumping Appeal No. 50401 of 2018) inter-alia decided as under: -

“The final findings of the designated authority notified in the Government Gazette dated 19 July 2017 in regard to the determination of NIP, therefore, cannot be sustained and are set aside. Thus, the extent of imposition of duty in the notification dated 25 August 2017 issued by the Ministry of Finance is not correct. The matter is, therefore, remitted to the designated authority to re-determine the NIP, keeping in mind the observations made in this Order. However, the imposition of duty contained in the notification dated 25 August 2017 shall continue till a fresh notification is issued in this regard by the Ministry of Finance. The Appeal is, accordingly, allowed to the extent indicated above”.

And whereas, the designated authority after considering the contentions raised, information provided and submissions made by the interested parties and the facts available before it, vide notification No. 15/06/2016-DGTR, dated the 8th November, 2019, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 8th November, 2019 has recommended that revised anti-dumping duties be continued to be imposed from the date of issue of notification by the Central Government on imports of Sodium Nitrite falling under chapter 28 of Custom Tariff Classification Act 1975, originating in or exported from China PR. The anti-dumping duty shall be the revised amount mentioned in Column No. 8 of the duty table. This anti-dumping duty will remain effective for 5 years from the date of Customs Notification No. 40/2017-Custom (ADD) dated 25.08.2017.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18, 20 and 23 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 final findings of the designated authority, hereby makes the following amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 40/2017-Customs (ADD), dated the 25th

August, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1066(E), dated the 25th August, 2017, namely:-

In the said notification, for the Table, the following Table shall be substituted, namely: -

“Table

S. No .	Sub-heading or Tariff Item	Descripti on of Goods	Countr y of origin	Countr y of Export	Produce r	Export er	Duty Amou nt	Unit of Measure ment	Currenc y
1	2	3	4	5	6	7	8	9	10
1	2834 10 10	Sodium Nitrite	China PR	China PR	Any	Any	79.58	MT	US\$
2	-Do-	-Do-	China PR	Any Countr y other than China PR	Any	Any	79.58	MT	US\$
3	-Do-	-Do-	Any Countr y other than China PR	China PR	Any	Any	79.58	MT	US\$”.

[F. No.354/41/2000-TRU (Pt.VI)]

(Gaurav Singh)
Deputy Secretary to the Government of India