



# भारत का राजपत्र

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वाणिज्य एवं उद्योग मंत्रालय

( वाणिज्य विभाग )

( पाटनरोधी एवं संबद्ध शुल्क महानिदेशालय )

अधिसूचना

नई दिल्ली, 17 जुलाई, 2007

अंतिम जाँच परिणाम

विषय : कोरिया गणराज्य और तुर्की के मूल के अथवा वहाँ से निर्यातित आंशिक रूप से विन्यासित यार्न ( पी ओ वाई ) के आयातों पर पाटनरोधी शुल्क की निर्णायक समीक्षा से संबंधित पाटनरोधी जाँच ।

सं. 15/21/2006-डी जी ए डी.—1995 में यथा संशोधित सीमाशुल्क टैरिफ अधिनियम, 1975 की धारा 9 क (5) और सीमाशुल्क टैरिफ (पाटित वस्तुओं की पहचान, उन पर पाटनरोधी शुल्क का आकलन एवं संग्रहण तथा क्षति निर्धारण) नियमावली, 1995 को ध्यान में रखते हुए :

क. पृष्ठभूमि एवं प्रक्रिया

समीक्षा जाँच की पृष्ठभूमि और समीक्षा जाँच में वर्णित प्रक्रिया का ब्यौरा नीचे दिया गया है।

क.1 निर्दिष्ट प्राधिकारी ने 1995 में यथा संशोधित सीमाशुल्क टैरिफ अधिनियम, 1975 की धारा 9 क (5) और सीमाशुल्क टैरिफ (पाटित वस्तुओं की पहचान, उन पर पाटनरोधी शुल्क का आकलन एवं संग्रहण तथा क्षति निर्धारण) नियमावली, 1995 को ध्यान में रखते हुए उपशीर्ष 5402.42 के अंतर्गत आने वाले कोरिया गणराज्य 3193 GI/2007

(कोरिया आर पी) और तुर्की (जिन्हें एतदपरचात् संबद्ध देश भी कहा गया है) के मूल के अथवा वहाँ से निर्यातित आंशिक रूप से विन्यासित यार्न (जिसे एतदपरचात् संबद्ध वस्तु कहा गया है) के आयातों पर अनंतिम पाटनरोधी शुल्क लागू करने की सिफारिश की थी। प्रारंभिक जांच परिणाम दिनांक 23 नवम्बर, 2001 की अधिसूचना सं. 36/1/2001-डी जी ए डी द्वारा प्रकाशित किए गए थे और 27 दिसम्बर, 2001 की सीमाशुल्क अधिसूचना सं. 131/2001-सीमाशुल्क के तहत संबद्ध वस्तुओं पर अनंतिम शुल्क लगाया गया था। निर्दिष्ट प्राधिकारी ने दिनांक 16 अगस्त, 2002 को अधिसूचना सं. 36/1/2001-डी जी ए डी के तहत अंतिम जांच परिणाम जारी किए थे और दिनांक 12 सितम्बर, 2002 की अधिसूचना सं. 97/2002-सीमाशुल्क के अनुसार सीमाशुल्क द्वारा निश्चयात्मक पाटनरोधी शुल्क लगाया गया था।

क.2 पाटनरोधी शुल्क को लागू किए जाने की तारीख से 4 वर्ष की समाप्ति के बाद और प्राधिकारी द्वारा भेजे गए चेतावनी पत्र के उत्तर में एसोसिएशन आफ सिंथेटिक फाइबर इंडस्ट्री (ए एस एफ आई) ने मै. अपोलो फाइबर्स लि., मै. सेन्चुरी एंका लि., मै. सेंट्रल इंडिया पोलिएस्टर्स लि., मै. फिलाटेक्स इंडस्ट्रीज लि., मै. इंडो रामा सिंथेटिक्स (आई) लि., मै. गार्डन सिल्क मिल्स लि., मै. जे बी एफ लि., मॉडर्न पेट्रोफिल्स, मै. रेक्रॉन सिंथेटिक लि. और मै. वेल्सपन सिंटेक्स लि. की ओर से संयुक्त रूप से एक आवेदन प्रस्तुत किया है जिसमें कोरिया गणराज्य (कोरिया आर पी) और तुर्की के मूल के अथवा वहाँ से निर्यातित संबद्ध वस्तु पर लगाए गए पाटनरोधी शुल्क की समीक्षा की आवश्यकता को सही ठहराया गया है। अपने आवेदन में याचिकाकर्ताओं ने प्रथम दृष्टया साक्ष्यों के साथ यह दावा किया है कि संबद्ध देशों से संबद्ध वस्तु पर लागू पाटनरोधी शुल्क की समाप्ति से पाटन और क्षति के जारी रहने और उनकी पुनरावृत्ति होने की संभावना है और उपर्युक्त उल्लिखित अधिसूचनाओं के अंतर्गत संबद्ध

अनुशासा करते हैं जैसाकि निर्दिष्ट प्राधिकारी द्वारा 16 अगस्त, 2002 को अधिसूचना सं. 36/1/2001-डोजीएडी द्वारा जारी अंतिम जांच परिणामों में अनुशासा की गई है और जिसे सीमाशुल्क विभाग द्वारा दिनांक 12 सितम्बर, 2002 की अधिसूचना सं. 97/2002- सीमाशुल्क द्वारा लगाया गया था और जिसे दिनांक 20-12-2006 की सीमाशुल्क अधिसूचना सं. 118/2006 द्वारा बढ़ाया गया था।

आर. गोपालन, निर्दिष्ट प्राधिकारी

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

(DIRECTORATE GENERAL OF ANTI-DUMPING  
AND ALLIED DUTIES)

NOTIFICATION

New Delhi, the 17th July, 2007

FINAL FINDINGS

Sub. : Anti-Dumping investigations concerning Sunset Review of anti-dumping duty on imports of Partially Oriented Yarn (POY) originating in or exported from Korea RP and Turkey.

No. 15/21/2006-DGAD.—Having regard to the Section 9A(5) of the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of anti-dumping duty on Dumped Articles and for Determination of Injury) Rules, 1995, thereof :

A. BACKGROUND AND PROCEDURE

The Background of the review investigations and procedure described in the review investigations are described below.

A.1. The Designated Authority, having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1995, recommended imposition of provisional Anti-Dumping duty on Imports of Partially Oriented Yarn (hereinafter referred to as subject goods) originating in or exported from Republic of Korea (Korea RP) and Turkey (also referred to as subject countries) falling under Sub-heading 5402.42. The preliminary findings were published *vide* Notification No. 36/1/2001-DGAD, dated 23rd November, 2001 and provisional duty was imposed on the subject goods *vide* Customs Notification No. 131/2001-Customs, dated 27th December, 2001. The Designated Authority came out with final findings on 16th August, 2002 *vide* Notification No. 36/1/2001-DGAD and definitive anti-dumping duty was imposed by Customs as per Notification No. 97/2002-Customs, dated 12th September, 2002.

A.2. Following the expiry of the 4 years from the date of imposition of anti-dumping duty and in response to an alert letter issued by the Authority, Association of

Synthetic Fiber Industry (ASFI) on behalf of M/s. Apollo Fibres Ltd., M/s. Century Enka Ltd., M/s. Central India Polyesters Ltd., M/s. Filatex Industries Ltd., M/s. Indorama Synthetics (I) Ltd., M/s. Garden Silk Mills Ltd., M/s. JBF Ltd., Modern Petrofils, M/s. Recron Synthetics Ltd. and M/s. Welspun Syntex Ltd. jointly filed an application substantiating the need for review of the anti-dumping duty imposed on the subject goods originating in or exported from Republic of Korea (Korea RP) and Turkey. In their application, the petitioners claimed with *prima facie* evidence that cessation of anti-dumping duty imposed on subject goods from subject countries is likely to lead to continuation or recurrence of dumping and injury and requested to continuation and enhancement of the anti-dumping duty imposed on subject goods under the above mentioned notifications for a further period of 5 years.

A.3. Having decided to review the final findings notified *vide* No. 36/1/2001-DGAD, dated 16th August, 2002 and final duty imposed by No. 97/2002-Customs, dated 12th September, 2002, the Authority initiated investigations to review whether cessation of anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury on Imports of Partially Oriented Yarn originating in or exported from subject countries, in accordance with the Customs Tariff (Amendment) Act, 1995 and the Customs Tariff (Identification, Assessment & Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

A.4. The review covered all aspects of Notification No. 36/1/2001-DGAD, dated 16th August, 2002. M/s. Association of Synthetic Fiber Industry (ASFI) on behalf of M/s. Century Enka Ltd., M/s. Reliance Industries Ltd., M/s. Sanghi Polysters Ltd., M/s. Raymond Synthetics Ltd. and M/s. JCT Ltd., represented domestic industry in the original investigations. In the sunset review, the application was filed by M/s. Association of Synthetic Fiber Industry (ASFI) on behalf of M/s. Apollo Fibres Ltd., M/s. Century Enka Ltd., M/s. Central India Polyesters Ltd., M/s. Filatex Industries Ltd., M/s. Indorama Synthetics (I) Ltd., M/s. Garden Silk Mills Ltd., M/s. JBF Ltd., Modern Petrofils, M/s. Recron Synthetics Ltd., and M/s. Welspun Syntex Ltd. The application was also supported by M/s. Reliance Industries Ltd., (RIL), M/s. Sanghi Industries Ltd., M/s. Nova Petrochemicals Ltd., M/s. Gokulanand Petrofibers, M/s. Affees Industries Ltd., M/s. Rajvi Petrochem (P) Ltd. and M/s. Nakoda Textiles Industries Ltd. The Authority proposed to consider the petitioners who constitute the major proportion of the production of the subject goods in India to represent the domestic industry in accordance with the Rules *supra*.

A.5. The countries involved in the present investigations are Republic of Korea (Korea RP) and Turkey (also referred to as subject countries hereinafter).

A.6. The Period of Investigation (POI) for the purpose of the present review is 1st April, 2005 to 31st March, 2006

(12 months). The period of injury examination would however include POI and three years prior to the POI i.e. from 1st April, 2002 to the end of POI.

A.7. The exporters in subject countries, their Government through their Embassy/High Commission in India, the importers and users in India known to be concerned and the domestic industry were addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority, Ministry of Commerce and Industry, Department of Commerce, Directorate General of Anti-Dumping and Allied Duties, (DGAD), Room No. 240, Udyog Bhavan, New Delhi-110011. It was also added in the initiation notification that any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit as prescribed in the initiation notification.

A.8. Following the initiation, the following procedures were followed :

- A.8.1 The Authority forwarded a copy of the public notice to all the known exporters (whose details were available in view of investigations conducted earlier) and industry/user associations and gave them an opportunity to make their views known in writing in accordance with the Rule 6(2).
- A.8.2 The Authority forwarded a copy of the public notice to all the known importers (whose details were available in view of investigations conducted earlier) of subject goods in India and advised them to make their views known in writing within forty days from the date of issue of the letter in accordance with the Rule 6(2).
- A.8.3 Request was made to the DGCI&S to arrange details of imports of subject goods made in India during the past three years, including the period of investigation.
- A.8.4 The Authority provided a copy of the initiation notification to the known exporter and the Embassy of the subject countries in accordance with Rules 6(3) supra.
- A.8.5 The Authority sent a questionnaire to elicit relevant information to the exporters/producers, in accordance with the Rule 6(4).
- A.8.6 No Response/information to the questionnaire was filed by any of known exporters/producers or other exporters/producers within the time limit.
- A.8.7 The Embassy of the subject countries in New Delhi were informed about the initiation of the investigation in accordance with Rule

6(2) with a request to advise all concerned exporters/producers from their country to respond to the questionnaire within the prescribed time. A copy of the letter and questionnaire sent to the known exporter was also sent to the Embassy of the subject countries under rule 6(3).

A.8.8 A questionnaire was sent to the known importers/user associations of the subject goods whose details were made available by the petitioner for necessary information in accordance with Rule 6(4).

A.8.9 No Response/information to the questionnaire was filed by any of the importers and exporters.

A.8.10 Information regarding injury was sought from domestic industries represented by M/s. Association of Synthetic fiber industry (ASFI) on behalf of ~~M/s. Apollo Fibres Ltd.~~, M/s. Century Enka Ltd., M/s. Central India Polyesters Ltd., M/s. Filatex Industries Ltd., M/s. Indorama Synthetics (I) Ltd., M/s. Garden Silk Mills Ltd., M/s. JBF Ltd., Modern Petrofils, M/s. Recron Synthetics Ltd and M/s. Welspun Syntex Ltd. The cost of production/injury information was furnished by the domestic industry which was analyzed by the Authority. The deficiencies in respect of the information sought were conveyed to the domestic industry and their replies were being awaited.

A.8.11 The Authority kept available non-confidential version of the evidence presented by various interested parties in the form of a public file maintained by the Authority and kept open for inspection by the interested parties as per Rule 6(7).

## B. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

### B.1 Product under Consideration

The Product Under Consideration in the present investigation is Partially Oriented Yarn (also referred to as subject goods), originating and exported from Korea RP and Turkey. Partially Oriented Yarn is generally known as "POY" in the commercial and market parlance and has also been referred to as POY in this investigation. POY is a yarn of polyester and is made in wide range from 50 Denier to 530 Denier to meet the requirement of different segments. Denier relates to the fineness of the yarn, lower the denier, finer the yarn. POY is an intermediate, which is subject to further processes (e.g. texturing or draw-twisting) to make it suitable for weaving or knitting into fabrics. POY is different form PFY (having custom classification 5402.43) and PFY is not within the scope of the present

investigations. Present investigation being a review investigation, product under consideration remains the same as has been defined in the original investigation and there has been no significant development in the product during the period thereafter. The product is classified under customs heading 5402. The classification is, however, indicative and in no way binding on the scope of the present investigations.

B.2 There is no difference in the subject goods produced by the Indian industry and that exported from the subject countries. The subject goods produced by the Indian industry and that imported from the subject countries is comparable in all relevant parameters such as physical & chemical characteristics, manufacturing process & technology, functions & uses. The two are technically and commercially substitutable and consumers have used the two interchangeably. There are no arguments advanced by any of interested parties with regards to the issue of like article.

B.3 In light of the above, the Authority holds that the POY produced by the Petitioners is like article to the product under consideration in the present Petition and consequently domestically produced POY is considered as "like article" to the subject goods being imported from the subject countries in accordance with the Anti Dumping Rules.

#### C. INITIATION, REVIEW, STANDING AND DOMESTIC INDUSTRY

C.1 There are no arguments with regards to the initiation as well as the standing of the domestic industry in this case. The Authority notes that production of subject goods of Association of Synthetic fiber industry (ASFI) on behalf of M/s. Apollo Fibres Ltd., M/s. Century Enka Ltd., M/s. Central India Polycesters Ltd., M/s. Filatex Industries Ltd., M/s. Indorama Synthetics (I) Ltd., M/s. Garden Silk Mills Ltd., M/s. JBF Ltd., Modern Petrofils, M/s. Recron Synthetics Ltd and M/s. Welspun Syntex Ltd. constitute a major proportion of the production of subject

goods in the country and therefore, the Authority holds that Association of Synthetic Fiber Industry (ASFI) on behalf of M/s. Apollo Fibres Ltd., M/s. Century Enka Ltd., M/s. Central India Polyesters Ltd., M/s. Filatex Industries Ltd., M/s. Indorama Synthetics (I) Ltd., M/s. Garden Silk Mills Ltd., M/s. JBF Ltd., Modern Petrofils, M/s. Recron Synthetics Ltd and M/s. Welspun Syntex Ltd constitutes domestic industry within the meaning of the rule 2(b) of the Anti Dumping rules having accounted for a major proportion of the production of the subject goods in the country.

#### D. SUBSEQUENT DEVELOPMENTS

##### Submission made by Association of Synthetic Fibre Industry on June 22nd, 2007

D.1 "During the POI, for the sunset review, imports from South Korea were only to the tune of 148 MT while there were no imports from Turkey. Considering these facts, we would like to withdraw the application for further extension of anti dumping duties in terms of rule 14(a). This is, however, without prejudice to our right to file a fresh application if the need so arises in the future."

#### E. CONCLUSIONS

E.1 On the basis of the submissions made by the domestic industry requesting withdrawal of the application for review of imposition of Anti dumping duty on POY from subject countries, the Authority concludes that there is no justification for the continued imposition of the anti dumping duty and therefore the Authority recommends discontinuance of anti dumping duty on POY originating in or exported from subject countries as recommended by the Designated Authority vide final findings on 16th August, 2002 vide Notification No 36/1/2001-DGAD and imposed by Customs as per Notification No. 97/2002-Customs dated 12th September, 2002 which was extended by Customs Notification No. 118/2006 dated 20-12-2006.

R. GOPALAN, Designated Authority