

The CEGAT (Countervailing Duty and Anti-Dumping Duty) Procedure Rules, 1996

UNION OF INDIA

India

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Rule

THE-CEGAT-COUNTERVAILING-DUTY-AND-ANTI-DUMPING-DUTY-PR of 1996

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The CEGAT (Countervailing Duty and Anti-Dumping Duty) Procedure Rules, 1996Published vide Notification in the Gazette of India, Extraordinary, Part 2, Section 3(i), dated 9th February, 1996 (w.e.f. 9th February, 1996.)G.S.R. 86 (E), dated 2nd February, 1996. - In exercise of the powers conferred by sub-section (6) of Section 129-C of the Customs Act, 1962 read with sub-section (4) of Section 9-C of the Customs Tariff Act, 1975, the Customs, Excise and Gold (Control) Appellate Tribunal makes the following rules, namely : -

1. Short title and commencement.

(1)These rules may be called the CEGAT (Countervailing Duty and Anti-Dumping Duty) Procedure Rules, 1996.(2)They shall come into force with effect from the date of their publication in the official Gazette.

2.

(i)In these Rules unless the context otherwise requires. -(a)"Act" means the Customs Tariff Act, 1975.(b)"Anti -Dumping Duty Rules" shall mean the Custom Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on dumped Articles and for (Determination of Injury) Rules, 1995.(c)"Authorised representative" in relation to any proceedings before the Tribunal means a person referred to in as. (a), (c) and (d) of sub section (2) of Section 146-A of the Customs Act, 1962.(d)"Bench" means a Bench of the Tribunal referred to in sub-section (5) of Section 9C of the Act.(e)"Concerned Officer" means Registrar or an officer authorised as such by the

Registrar.(f)"Countervailing Duty Rules" shall mean the Customs Tariff (Identification Assessment and Collector of Countervailing Duty on Subsidies articles and for determination of Injury) Rules, 1995.(g)"Department Representatives" in relation to the proceedings before the Tribunal means a person appointed by the Central Government or by an officer duly authorised in this behalf, as authorised representative to appear, plead and act for the designated authority in such proceedings.(h)"Designated Authority" means the person appointed by the Central Government under Rule 3 of the Countervailing Duty rules or Rule 3 of the Anti-Dumping Duty Rules.(i)The expression "Customs Act" "Member" "President" Registrar "Registry" "Tribunal" and "Vice-President" shall have the same meaning attached to them as in the Customs, Excise and Gold (Control) Appellate Tribunal (Procedure) Rules, 1982.

3.

The expression "Domestic Industry" and "Interested Party" shall have the same meaning as ascribed to these expressions in Rule 2(b) and Rule 2(c) respectively of the Countervailing Duty Rules and in Rules 2(b) and Rule 2(c) respectively of the Anti-Dumping Duty Rules.

4. Sitting of Bench.

- Subject to general or special order as may be made by the President, the Bench shall hold its sittings at New Delhi.

5.

The language of the Tribunal shall be English :Provided that if any of the parties file documents in Hindi, the same shall be accompanied by translation in English duly attested by the party or the authorised representative of the party to be true translation;Provided further that the Bench may in its discretion permit the use of Hindi in its proceedings, so , however, the final order shall be in English.

6.

Procedure for filing of the appeals and who may be joined as respondents:(1)A memorandum of appeal shall be in the proforma appended to these Rules and shall be presented by the appellant in person or by any agent to the concerned officer or sent by Registered Post addressed to the concerned officer. A memorandum of appeal sent by post shall be deemed to have been presented to the concerned officer on the date on which it is received in the office of the concerned officer.(2)The following persons shall be joined as respondents to the appeal, unless any person so required to be made respondent is himself the appellant.(a)The designated authority;(b)Representative of the domestic industry on whose application investigation was commenced by the designated authority.(c)Interested persons who submitted representations to the designated authority in the course of investigation.

7.

(i) On receiving notice of appeal, the designated authority shall transmit to the Tribunal the records and the procedure leading to the appeal including confidential information, if any, under Rule 8 of the Countervailing Duty Rules or Rule 8 of the Anti-Dumping Rules, as the case may be. The provisions of Rule 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35, 38, 40 and 41 of the Customs, Excise and Gold (Control) Appellate Tribunal (Procedure) Rules, 1982 shall be deemed to be a part of these Rules.

Schedule

Proforma of the memorandum of appeal
 Form of Appeal to the Appellate Tribunal under Section 9-C of the Customs Tariff Act, 1975.
 (1) No. of 19.....
 (2) Names and address of the appellant
 (3) Designation and Address of the officer passing the decision or order appealed against and the date of the decision or order.
 (4) Address to which notices may be sent to the appellant.
 (5) Whether the appellant wishes to be heard in person.
 (6) Reliefs claimed in appeal.
 Statement of Facts
 Grounds of Appeal (i) (ii) (iii) etc.
 Signature of appellant
 Signature of authorised representative if any.
 Verification I.....the appellant, do hereby declare that what is stated above is true to the best of my information and belief.
 Verified today, the day of 1997
 Place.....Date.....
 Signature of authorised representative, if any.
 Signature of appellant