

Notification No. 61/2006 - Customs

Whereas the designated authority vide notification No. 15/9/2003-DGAD, dated the 8th April, 2005, published in Part I, Section 1 of the Gazette of India, Extraordinary, had initiated review in the matter of continuation of final anti-dumping duty on import of Metronidazole (hereinafter referred to as the subject goods) originating in, or exported from, the Peoples' Republic of China (hereinafter referred to as the subject country) imposed *vide* notification No. 115/2000-Customs, dated the 31st August, 2000, G.S.R. 698(E), dated the 31st August, 2000, and had requested for suitable extension of anti-dumping duty pending the results of the review investigations;

And whereas, the Central Government has extended the anti-dumping duty imposed on the subject goods originating in, or exported from the subject country *vide* notification No. 54/2005-Customs dated the 14th June, 2005, G.S.R. 392(E), dated the 14th June, 2005, up to and inclusive of 15th April, 2006;

And whereas, the designated authority vide notification No. 15/9/2003-DGAD dated 5th April, 2006, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5th April, 2006, has concluded that –

- (a) the subject goods originating in, or exported from, the subject country have been exported to India below their normal value, resulting in dumping;
- (b) the domestic industry has suffered material injury due to dumped imports;
- (c) and discontinuation of anti-dumping duties on the subject goods from subject country may likely to continue or lead to the recurrence of injury to the domestic industry and dumping,

and has recommended imposition of anti-dumping duty on the subject goods originating in, or exported from, the subject country in order to remove injury to the domestic industry.

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 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 aforesaid 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 tariff item of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4) of the said Table, originating in the country as specified in the corresponding entry in column (5), and exported from the countries as specified in the corresponding entry in column (6) and produced by the producers as specified in the corresponding entry in column (7) and exported by the exporters as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty which shall be equal to the difference between the reference price as indicated in column (9) and the landed value, in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10), of the said Table.

Sl. No.	tariff item	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	Reference price	Unit of measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2933 29 20	Metronidazole	-	People's Republic of China	Any Country	Any Producer	Any Exporter	9.94	Kilogram	US Dollar

2. The anti-dumping duty imposed under this notification 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 and 9A of the said Customs Tariff Act.
- (b) "rate of exchange" applicable for the purposes of calculation of such 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 under sub-clause (i) of clause (a) of sub-section (3) of section 14 of the said Customs Act, and the relevant date for the 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.