

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 54 /2008-Customs

New Delhi, the 28th April, 2008

G.S.R.(E).— Whereas, the designated authority vide notification No. 4/13/2006-DGAD, dated the 17th March, 2007, published in Part I, Section 1 of the Gazette of India, Extraordinary, dated the 19th March, 2007, had initiated review, in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) 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 Hydrofluoric acid (hereinafter referred to as the subject goods), falling under tariff item 2811 11 00 of the First Schedule to the Customs Tariff Act 1975 (51 of 1975) originating in, or exported from, the People's Republic of China (hereinafter referred to as the subject country), imposed *vide* notification of the Government of India in the erstwhile Ministry of Finance and Company Affairs (Department of Revenue), No.10/2003-CUSTOMS, dated the 15th January, 2003, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.31(E), dated the 15th January, 2003;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in, or exported from, the subject country upto and inclusive of the 27th March, 2008 *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 45/2007 -CUSTOMS dated the 26th March, 2007, published in Part II, Section 3, Sub-section (i) *vide* number G.S.R. 238(E), dated the 26th March, 2007;

And whereas, in the matter of review of anti-dumping on import of the subject goods, originating in, or exported from, the subject country, the designated authority *vide* its final findings No. 4/13/2006-DGAD dated the 25th March, 2008 published in the Gazette of India, Extraordinary, Part I, Section 1, dated 25th March, 2008, has come to the conclusion that-

- (i) the subject goods have entered from the People's Republic of China at less than its normal value and the dumping margin of the subject goods imported is significant;
- (ii) there is a likelihood of dumping to continue if the duties are revoked;
- (iii) the domestic industry has suffered some injury at present due to the dumped imports and there is a likelihood of intensified injury if duties are withdrawn; and
- (iv) therefore, continued imposition of anti dumping duty is warranted against subject goods, originating in, or exported from, the People's Republic of China; and has recommended continued imposition of definitive anti-dumping duty against 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 said rules, 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 country as specified in the corresponding entry in column (6), and produced by the producer as specified in the corresponding entry in column (7), and exported by the exporter as specified in the corresponding entry in column (8), and imported into India, an anti-dumping

duty at a rate which is equivalent to difference between the reference price mentioned in the corresponding entry in column (9) in the currency as specified in the corresponding entry in column (11) and as per unit of measurement as specified in the corresponding entry in column (10), of the said Table and the landed value of imported goods in like currency as per like unit of measurement.

Table

S. 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	2811 11 00	Hydrofluoric Acid	All concentrations (bulk)	People's Republic of China	Any	Any	Any	10.108 multiplied by % concentration	MT	USD
2	2811 11 00	Hydrofluoric Acid	All concentrations (packed)	People's Republic of China	Any	Any	Any	132.94+ 10.108 multiplied by % concentration	MT	USD
3	2811 11 00	Hydrofluoric Acid	All concentrations (bulk)	Any	People's Republic of China	Any	Any	10.108 multiplied by % concentration	MT	USD
4	2811 11 00	Hydrofluoric Acid	All concentrations (packed)	Any	People's Republic of China	Any	Any	132.94+ 10.108 multiplied by % concentration	MT	USD

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Gazette of India.

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, 3A, 8B, 9 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, issued from time to time, in exercise of the powers conferred by 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.

[F.No.354/30/2002-TRU]

(Sonal Bajaj)
Under Secretary to the Government of India