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Govern00ent of India
Ministry of Finance
(Department of Revenue)

Notification No. 41/2011-Customs

New Delhi, the 23rd May, 2011

G.S.R. (E). - Whereas, in the matter of import of Vitrified Porcelain Tiles, (hereinafter referred to as the 'subject goods'), falling under Chapter 69 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the 'Customs Tariff Act') and originating in, or exported from the People's Republic of China (China PR)(hereinafter referred to as the 'subject countries'), the designated authority, vide its final findings in notification No.37/1/2001-DGAD dated 4thFebruary, 2003 in the original anti-dumping case published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 4th February, 2003 had come to the conclusion that-

(i) Vitrified/ Porcelain Tiles have been exported to India from UAE and China PR below its normal value resulting in dumping;

(ii) the Indian industry has suffered material injury;

(iii) the injury has been caused cumulatively by the imports from the subject countries;

and had recommended to impose anti dumping duty on all imports of Vitrified/ Porcelain Tiles from subject countries in order to remove the injury to the domestic industry;

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on subject goods falling under Chapter 69 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR and imported into India vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 73/2003-Customs, dated the 1stMay, 2003, published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, G.S.R. 376(E) dated the 1st May, 2003;

And whereas, the designated authority, in its final findings notification No. 15/17/2006-DGAD dated 21st April, 2008 in the Sunset Review anti-dumping case published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 21st April, 2008 had come to the conclusion that-

(ii) the subject goods are likely to enter Indian market at dumped prices from China PR, should the present measures be withdrawn;

(iii) in spite of the anti-dumping measures in place, there exists significant current injury to the domestic industry. There is also no evidence on record to suggest that dumping or the injury to the domestic industry would cease to exist or is not likely to recur in case the anti-dumping duties are discontinued;

and had recommended continued imposition of the anti-dumping duty on the subject goods originating in, or exported from, China PR in order to remove injury to the domestic industry;

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on subject goods falling under heading 6907 or 6908 or 6914 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR and imported into India vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 82/2008-Customs, dated the 27th June, 2008 published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary, G.S.R. 485(E) dated the 27th June, 2008;

And whereas, in the said matter, M/s. Jiangxi Zhengda Ceramics Co. Ltd, China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) have requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of exports made by them, and the designated authority, vide new shipper review notification No. 15/29/2010-DGAD, dated the 21st February, 2011 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 21st February, 2011 has recommended provisional assessment of all exports of the subject goods made by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer)

through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) when imported in to India, till the completion of the said review;

Now, therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 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 recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, export of Vitrified Porcelain Tiles falling under heading 6907 or 6908 or 6914 of the First Schedule to the Customs Tariff Act by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) when imported into India, shall be subjected to provisional assessment till the review is completed.

2. The provisional assessment may be subject to such security or guarantee as the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, deems fit for payment of the deficiency, if any, in case a definitive anti dumping duty is imposed retrospectively, on completion of investigation by the designated authority.

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of Vitrified Porcelain Tiles, when exported by M/s. Jiangxi Zhengda Ceramics Co. Ltd., China PR (producer) through M/s Foshan Z&D Ceramics Co. Ltd., China PR (exporter) from the date of initiation of the said review.

[F. No. 354/214/2001-TRU (Pt.IV)]

(Sanjeev Kumar Singh)

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