



Bangalore Chamber of Industry and Commerce

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Taxation (Customs)

Circular No.131

21.12.2009

All Members

Dear Sirs,

We enclose herewith the following Notifications and Circular issued from Government of India, Ministry of Finance and Department of Revenue – for your reference and record.

1. Notification No.135/2009-Customs, dated 9th December, 2009- [F. No: 354/1/2009- TRU] - Import of Cathode Ray Colour Television Picture Tubes Originating in or Exported from Indonesia
2. Notification No. 136/2009-Customs, dated 9th December, 2009 - [F.No. 354/54/2006 -TRU (Pt. I)]

Thanking you,

Yours faithfully

T.S. Sampath Kumar
Secretary General

Notification No.135/2009-Customs, dated 9th December, 2009- [F. No: 354/1/2009- TRU]

Import of Cathode Ray Colour Television Picture Tubes Originating in or Exported from Indonesia

G.S.R. (E).- Whereas, in the matter of import of Cathode Ray Colour Television Picture Tubes (hereinafter referred to as the subject goods), falling under sub-

heading 8540 11 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from, Indonesia (hereinafter referred to as the subject country), the designated authority, in its preliminary findings vide notification No. 14/15/2008-DGAD, dated the 30th December, 2008, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 30th December, 2008, has come to the conclusion that—

- a) the subject goods have been exported to India from the subject country below its normal value;
- b) the domestic industry has suffered material injury;
- c) the injury has been caused by the dumped imports from the subject country,

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification No. 31/2009-Customs, dated the 27th March, 2009, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, vide number G.S.R. 215(E), dated the 27th March, 2009;

And whereas, the designated authority, in its final findings vide notification No. 14/15/2008-DGAD, dated the 10th September, 2009, published in the Gazette of India, Extraordinary, Part I, Section I, dated the 11th September, 2009, has come to the conclusion that –

- i. imports originating in the subject country are taking place at dumped prices and the same have caused material injury to the domestic industry; subject goods exported from the subject country are at prices below their normal values, non injurious price of the domestic industry and have caused injury to the domestic industry;
- ii. decline in market share of domestic industry as a consequence of increase in market share of subject imports from the subject country prevented the domestic industry from increasing their sales commensurate to growth in demand;
- iii. significant price-undercutting and substantial increase in the volume of dumped imports adversely affected the performance of the domestic industry in terms of profits, cash flow, and return on investment; and
- iv. significant increase in volume of dumped imports from the subject country (both in absolute terms as well as in relation to the share in demand) has resulted in significant decline in market share of the domestic industry;

and has recommended to impose definitive anti-dumping duties on all imports of the subject goods, originating in or exported from the subject country;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty

on Dumped Articles and for Determination of Injury) Rules, 1995, and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 31/2009-Customs, dated the 27th March, 2009, vide G.S.R. 215(E), dated the 27th March, 2009, except as respects things done or omitted to be done before such supersession, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, falling under sub-heading 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 (8), originating in the country as specified in the corresponding entry in column (4) and produced by the producers as specified in the corresponding entry in column (6), when exported from the country as specified in the corresponding entry in column (5), by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty equal to the difference between the amount specified in the corresponding entry 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.

Table

Sl. No.	Sub-heading	Description of Goods	Country of origin	Country of export	Producer	Exporter	Specification in inches	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	PT LP Displays Indonesia	PT LP Displays Indonesia	14"	21.76	Per Pc	US \$
2.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	Any other	Any other	14"	21.76	Per Pc.	US\$
3.	8540 11	Colour Television Picture Tubes	Any other than Korea RP, China PR, Malaysia and Thailand	Indonesia	Any	Any	14"	21.76	Per Pc.	US\$
4.	8540 11	Colour Television Picture Tubes	Indonesia	Any other than Korea RP, China PR, Malaysia and Thailand	Any	Any	14"	21.76	Per Pc.	US\$
5.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	PT LP Displays Indonesia	PT LP Displays Indonesia	20"	32.16	Per Pc.	US\$
6.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	Any other	Any other	20"	32.16	Per Pc.	US\$
7.	8540 11	Colour Television Picture Tubes	Any other than Korea RP, China PR, Malaysia and Thailand	Indonesia	Any	Any	20"	32.16	Per Pc.	US\$
8.	8540 11	Colour Television Picture Tubes	Indonesia	Any other than Korea RP, China PR, Malaysia and Thailand	Any	Any	20"	32.16	Per Pc.	US\$

9.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	PT LP Displays Indonesia	PT LP Displays Indonesia	21"	36.99	Per Pc.	US\$
10.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	Any other	Any other	21"	42.93	Per Pc.	US\$
11.	8540 11	Colour Television Picture Tubes	Any other than Korea RP, China PR, Malaysia and Thailand	Indonesia	Any	Any	21"	42.93	Per Pc.	US\$
12.	8540 11	Colour Television Picture Tubes	Indonesia	Any other than Korea RP, China PR, Malaysia and Thailand	Any	Any	21"	42.93	Per Pc.	US\$
13.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	Any	Any	15"	31.38	Per Pc.	US\$
14.	8540 11	Colour Television Picture Tubes	Any other than Korea RP, China PR, Malaysia and Thailand	Indonesia	Any	Any	15"	31.38	Per Pc.	US\$
15.	8540 11	Colour Television Picture Tubes	Indonesia	Any other than Korea RP, China PR, Malaysia and Thailand	Any	Any	15"	31.38	Per Pc.	US\$
16.	8540 11	Colour Television Picture Tubes	Indonesia	Indonesia	Any	Any	29"	92.06	Per Pc.	US\$
17.	8540 11	Colour Television Picture Tubes	Any other than Korea RP, China PR, Malaysia and Thailand	Indonesia	Any	Any	29"	92.06	Per Pc.	US\$
18.	8540 11	Colour Television Picture Tubes	Indonesia	Any other than Korea RP, China PR, Malaysia and Thailand	Any	Any	29"	92.06	Per Pc.	US\$

Explanation. - For the purposes of this notification, -

- a) "colour television picture tubes" means complete or incomplete thermionic, cold cathode or photo cathode valves and tubes such as vacuum or vapor or gas filled valves and tubes, mercury arc rectifying valves and tubes, also called cathode ray tubes, television camera tubes or cathode ray colour television picture tubes, or colour television picture tubes, or colour picture tubes etc. but does not include video and computer monitor cathode ray tubes.
- b) "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.

- c) 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 conferred by section 14 of the Customs Act, 1962 (52 of 1962) 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.
- d) the anti-dumping duty imposed under this notification shall be levied with effect from the date of imposition of the provisional anti-dumping duty, that is, 27th March, 2009, and shall be payable in Indian currency.

Sd/-
(Limatula Yaden)
Deputy Secretary to the Government of India

Notification No. 136/2009-Customs, dated 9th December, 2009 - [F.No. 354/54/2006 -TRU (Pt. I)]

G.S.R. (E). - Whereas in the matter of import of Saccharin (hereinafter referred to as the subject goods), falling under sub-heading 2925 11 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from People's Republic of China (hereinafter referred to as the subject country), the designated authority in its preliminary findings vide notification No. 14/27/2004-DGAD dated the 1st April, 2006, published in the Gazette of India, Extraordinary, Part 1, Section 1, dated the 4th April, 2006 had come to the conclusion that –

- i) the subject goods had been exported to India from the subject country below its normal value;
- ii) the domestic industry had suffered material injury;
- iii) the injury had been caused by the dumped imports from subject country;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in or exported from the subject country;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods, vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 54/2006-Customs, dated the 6th June, 2006, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 6th June, 2006 *vide* number G.S.R. 342(E), dated the 6th June, 2006;

And whereas, the designated authority, in its final findings *vide* notification No. 14/27/2004-DGAD, dated the 3rd January, 2007, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 3rd January, 2007, subsequently amended *vide* notification No. 14/27/2004-DGAD, dated the 12th February, 2007, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 13th February, 2007, had come to the conclusion that-

- (a) the subject goods had been exported to India from the subject country below its normal value;
- (b) the domestic industry had suffered material injury;
- (c) the injury had been caused by the dumped imports from subject country;

and had recommended the imposition of definitive anti-dumping duty on imports of the subject goods originating in or exported from the subject country;

And whereas on the basis of the aforesaid final findings of the designated authority, the Central Government had imposed final anti-dumping duty on the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No 41/2007-CUSTOMS, dated the 19th March, 2007 published in Part II, Section 3, Subsection (i) of the Gazette of India, Extraordinary, dated the 19th March, 2007 *vide* number G.S.R. 205(E), dated the 19th March, 2007;

And whereas the designated authority, in its final findings in mid-term review, *vide* notification No. 15/15/2008-DGAD, dated the 6th November, 2009, published in the Gazette of India, Extraordinary, Part I, section 1, dated the 6th November, 2009, has come to the conclusion that-

- a) the subject goods are entering the Indian market at dumped prices and dumping margins of the subject goods imported from China PR is significant and above de-minimize limits prescribed. The subject goods continue to be exported to India at dumped prices in spite of existing anti dumping duties;
- b) considering the facts available on record, the subject goods are likely to enter Indian market from subject country at dumped prices, should the present measures be withdrawn;
- c) the situation of domestic industry deteriorated further in spite of existing anti dumping duties;
- d) the deterioration in the performance of the domestic industry is because of dumped imports from China PR;
- e) the current level of anti dumping duty is insufficient to address continued dumping and consequent injury to the domestic industry and thus the anti-dumping duty is required to be modified as recommended below;

and has recommended continued imposition of definitive anti-dumping duty on imports of the subject goods originating in, or exported from, the subject country;

Now, therefore, in exercise of the powers conferred by sub sections (1) and (5) of section 9A of the said Customs Tariff Act 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 and in super session of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 41/2007-Customs, dated the 19th March, 2007, *vide* number G.S.R 205 (E), dated the 19th March, 2007, except as respects things done or omitted to be done before such super session, the Central Government, on the basis of aforesaid finding and recommendation 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 or sub-heading 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), 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 at a rate which is equal to the amount as specified in the corresponding entry in column (9), 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.

TABLE

Sl. No	Tariff item	Description of Goods	Specification	Country of Origin	Country of Export	Producer	Exporter	Amount	Unit of Measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2925 11 00	Saccharin	All grades	People's Republic of China	People's Republic of China	Shanghai Fortune Chemicals Co. Ltd., China	Majestic International Trading Co. Ltd.	0.96	Kg	US Dollar
2	2925 11 00	Saccharin	All grades	People's Republic of China	People's Republic of China	Any combination other than serial Number 1		3.99	Kg	US Dollar
3	2925 11 00	Saccharin	All grades	People's Republic of China	Any other than People's Republic of China	Any	Any	3.99	Kg	US Dollar

1	2925 11 00	Saccharin	All grades	Any other than People's Republic of China	People's Republic of China	Any	Any	3.99	Kg	US Dollar
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2. This notification shall remain in force upto and inclusive of the 5th June, 2011, unless the notification is revoked earlier. The anti-dumping duty shall be paid in Indian currency.

Explanation. - For the purposes of this notification, "rate of exchange" applicable for the purposes of calculation of 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 conferred by sub-clause (i) of clause (a) of sub-section (3) of section 14 of the Customs Act, 1962 (52 of 1962) and the relevant date for 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.

Sd/-
(Limatula Yaden)
Deputy Secretary to the Government of India.

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