

Notification No. 165/2003 - Customs

WHEREAS, in the matter of import of Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including processed glass meant for decorative, industrial or automotive purposes (hereinafter referred to as the subject goods), falling under heading 7005 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the Peoples' Republic of China and Indonesia (hereinafter referred to as the subject countries), and imported into India, the designated authority *vide* its preliminary findings, No. 14/19/2002-DGAD, dated the 20th November, 2002, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 20th November, 2002, had come to the conclusion that –

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

and the designated authority had recommended imposition of provisional anti-dumping duty, pending final determination, on all imports of the subject goods, originating in, or exported from, the subject countries;

AND WHEREAS, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty *vide* notification of the Government of India in the erstwhile Ministry of Finance and Company Affairs (Department of Revenue), No. 7/2003-Customs, dated the 7th January, 2003, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 7th January, 2003[G.S.R. 14(E), dated the 7th January, 2003];

AND WHEREAS, the designated authority, *vide* its final findings No. 14/19/2002-DGAD, dated the 22nd August , 2003, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 22nd August, 2003, has come to the conclusion that-

- (a) Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes have been exported to India from the subject countries below their normal value;
- (b) the domestic industry has suffered material injury;
- (c) the material injury has been caused by the dumped imports of the subject goods from the subject countries,

and the designated authority has considered it necessary to impose final anti-dumping duty on all imports of Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes, originating in, or exported from the subject countries so as to remove the injury to the domestic industry;

Now, THEREFORE, in exercise of the powers conferred by sub-section (1) 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, the Central Government, on the basis of the aforesaid 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 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 countries 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

S.No.	Sub - Heading	Description of goods	Specification	Country of Origin	Country of Export	Producer	Exporter	Amount	Unit of Measure-ment	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm	Any country other	Indonesia	Any producer	PT Mulia Glass	71.16	Metric tonne	US\$

			(both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes	than China						
2.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes	Any country other than China	Indonesia	Any producer	PT Tensindo	77.76	Metric tonne	US\$
3.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive	Any country other than China	Indonesia	Any producer	PT Abdi Rakyat	81.21	Metric tonne	US\$

			purposes							
4.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes	Any country other than China	Indonesia	Any producer	All exporters except PT Mulia , PT Tensindo and PT Abdi Rakyat	81.21	Metric tonne	US\$
5.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed glass meant for decorative, industrial or automotive purposes	China	Indonesia	Any producer	Any exporter	81.21	Meric tonne	US\$
6.	70 05	Float Glass	Float Glass of thickness 2mm to 12mm (both thickness inclusive) of clear as well as tinted variety (other than green glass) but not including reflective glass, processed	Any country	China	Any producer	Any exporter	72.27	Metric tonne	US\$

			glass meant for decorative, industrial or automotive purposes							
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2. The anti-dumping duty imposed under this notification shall be levied with effect from the date of imposition of the provisional anti-dumping duty , i.e. the 7th January 2003, and shall be paid in Indian currency.

Explanation -

For the purpose of this notification, rate of exchange applicable for the purposes of calculation of the anti-dumping duty under this notification shall be the exchange rate 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 powers conferred under 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 .

G.S . Karki
Under Secretary to the Government of India

F.No . 354/211/2002-TRU