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ถึง สมาอุตสาหกรรมแห่งประเทศไทย

กรมการค้าต่างประเทศ ขอแจ้งประกาศของหน่วยงาน Directorate General of Trade Remedies (DGTR) กระทรวงพาณิชย์และอุตสาหกรรมอินเดีย ลงวันที่ ๓๐ กันยายน ๒๕๖๖ เรื่อง ผลการไต่สวนขั้นที่สุด (Final Finding) กรณีสารานุกรมอินเดียไต่สวนการทุ่มตลาด (Anti – Dumping: AD) สินค้า Synthetic Grade Zeolite 4A ที่มีแหล่งกำเนิดจากสาธารณรัฐอิสลามอิหร่าน และประเทศไทย โดยกำหนดอากร AD สำหรับผู้ผลิต/ผู้ส่งออกจากไทยในอัตรา ๕๔.๐๙ - ๙๒.๕๕ เหรียญสหรัฐต่อตัน เป็นระยะเวลา ๕ ปี ซึ่ง DGTR จะเสนอผลการไต่สวนให้รัฐบาลกลาง (Central Government) พิจารณาการใช้อำนาจมาตรการ AD ต่อไป ทั้งนี้ สามารถดาวน์โหลดประกาศดังกล่าวได้ตาม QR Code ที่แนบมาเพื่อทราบ และแจ้งสมาชิกที่เกี่ยวข้องให้ทราบโดยทั่วกัน



กองปกป้องและตอบโต้ทางการค้า
โทร ๐๒ ๕๔๗ ๔๗๓๘
โทรสาร ๐๒ ๕๔๗ ๔๗๔๑



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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi – 110001**

Dated: 29.09. 2023

**Final Findings
Case No. AD(OI) 04/2022**

Subject: Anti-dumping Investigation concerning imports of "Synthetic Grade Zeolite 4A" originating in or exported from Iran and Thailand.

A. BACKGROUND OF THE CASE

1. M/s Gujarat Credo Mineral Industries Limited (hereinafter referred to as the "applicant" or the "domestic industry") filed an application in the form and manner prescribed before the Designated Authority (hereinafter also referred to as the "Authority") in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred as the "Act") and the Customs Tariff (Identification Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter also referred as the "Rules"), for initiation of an anti-dumping investigation and imposition of anti-dumping duty on imports of "Synthetic Grade Zeolite 4A" (hereinafter also referred to as the 'subject goods' or the 'product under consideration') originating in or exported from Iran and Thailand (hereinafter also referred to as the "subject countries").

B. PROCEDURE

2. The procedure described below has been followed with regards to the investigation.
 - i) The Authority, *vide* Notification No. F. No. 6/05/2022-DGTR dated 30th September 2022 published a public notice in the Gazette of India, Extraordinary, initiating an anti-dumping investigation concerning imports of the subject goods from the subject countries.
 - ii) The Authority forwarded a copy of the public notice along with the questionnaires to the Embassies of the subject countries in India, all known exporters, importers and users (whose details were made available by the applicant) and gave them the opportunity to make their views known in writing in accordance with Rule 6(2) of the AD Rules. They were advised to reply within thirty days from the date of publication of the notification or from the date of letters.
 - iii) The Authority provided a copy of the non-confidential version of the application to the known exporters and the Embassies of the subject countries in accordance with Rule 6(3)

of the AD Rules. A copy of the application was also provided to the other interested parties, as requested.

- iv) The Authority sent questionnaires to elicit relevant information to the following known producers/exporters in the subject countries in accordance with Rule 6(4) of the AD Rules:

SN	Name of known producer	SN	Name of known producer
1.	V.C.S. Supply Company Limited	2.	P.Q. Chemicals Thailand Ltd.
3.	Thaisilicate Chemicals Company Ltd.	4.	Zettachem International
5.	Behdash Chemical Co.		

- v) PQ Chemicals (Thailand) Ltd. producer/ exporter from Thailand, and M/s. Unilever Asia Private Limited (“UAPL”), Singapore and M/s. United Raw Material Pte Ltd (“URMPL”), Singapore has filed the Exporter’s Questionnaire Response.
- vi) Questionnaires were also sent to the following known importers/ users of the subject goods in India seeking necessary information in accordance with Rule 6(4) of the AD Rules:

SN	Name of known importer/user	SN	Name of known importer/user
1	M/s Procter & Gamble Home Products Private Limited	2	M/s A L A Chemicals Private Limited
3	M/s Aaditya Finechem Pvt. Ltd.	4	M/s Soneko Marketing Private Limited
5	M/s Agarwal Minerals	6	M/s Prevest Denpro Limited
7	M/s Basil Prompt Vinyl Private Ltd.	8	M/s Platinum Industries Limited Liability Partnership
9	M/s Baerlocher India Additives Private Limited	10	M/s Sudarshan Minchem Limited
11	M/s Associated Stabplast & Chemicals	12	M/s Saan Global Limited
13	M/s Bhawani Chemicals	14	M/s Shrestha Chemicals Private Limited
15	M/s Indo Reagens Polymer Additives Private Limited	16	M/s Subray Catal Chem Private Limited
17	M/s Jyoti Vinyl Limited	18	M/s Vaaghani Inc.
19	M/s Galata Chemicals India Private Limited	20	M/s Shri Sai Network Private Limited
21	M/s Lalitha Chem Industries Private Limited	22	M/s Nirmesh Enterprises Private Ltd.
23	M/s Globelark Corporation LLP	24	M/s Stabplast Chemo Industries Private Limited
25	M/s Faith Industries Limited	26	M/s Oham International
27	M/s Indofil Industries Limited	28	M/s Manav Globaltrade
29	M/s Platinum Industries Private Limited		

- vii) M/s Sudarshan Minchem Ltd., importer of the subject goods in India filed an importer questionnaire response. The user questionnaire response is filed by only Hindustan Unilever Limited.
- viii) The Authority subsequently sent economic interest questionnaire to all interested parties and the concerned ministry. The Authority extended the deadline for filing EQR/IQR/UQR to 25th November 2022 and then further extending it to 28th November 2022. Economic Interest questionnaire was filed by the following:
- a. PQ Chemicals (Thailand) Ltd. (producer/exporter)
 - b. Unilever Asia Private Ltd. (Trader)
 - c. United Raw Material Pte Ltd. (Trader)
 - d. Sudarshan Minchem Ltd
 - e. Hindustan Unilever Limited.
- ix) The Authority further notes that no responses have been filed by exporters/producers from Iran even after multiple opportunities by way of extensions were provided by the Authority.
- x) The information provided by the interested parties on confidential basis was examined with regard to the sufficiency of such claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- xi) Further information was sought from the applicant to the extent deemed necessary.
- xii) Verification of the domestic industry was conducted to the extent considered necessary for the purpose of the present investigation.
- xiii) The non-injurious price (hereinafter referred to as 'NIP') based on the cost of production and the cost to make and sell the subject goods in India based on the information furnished by the domestic industry, maintained as per Generally Accepted Accounting Principles (GAAP), has been worked out so as to ascertain whether the present anti-dumping duty is sufficient to remove injury to the domestic industry.
- xiv) The period of investigation for the purpose of the present review is 1st April 2021 to 31st March 2022 (12 months) (hereinafter referred to as the "period of investigation" or "POI"). The injury analysis period included the period of investigation and the preceding three years, 2018-19, 2019-20 and 2020-21.
- xv) In accordance with Rule 6(6) of the AD Rules, the Authority provided opportunity to the interested parties to present their views during the oral hearing held on 10th March 2023. The interested parties were requested to submit their rejoinder submissions by 24th March 2023 at the latest. The Authority had granted extension to rejoinder submissions by 28th March 2023.
- xvi) The submissions made by the interested parties to the extent considered relevant by the Authority have been addressed in this final finding.
- xvii) In accordance with Rule 16 of the Rules, the essential facts of the investigation were disclosed to the known interested parties vide disclosure statement dated 21st September,

2023 and comments received thereon, considered relevant by the Authority, have been addressed in these final findings. The Authority notes that most of the post disclosure submissions made by the interested parties are mere reiteration of their earlier submissions. However, the post disclosure submissions to the extent considered relevant are being examined in these final findings.

- xviii) Wherever an interested party has refused access to or has otherwise not provided necessary information during the course of the present investigation, or has significantly impeded the investigation, the Authority has recorded its observation on the basis of the facts available.
- xix) *** in this final finding represents information furnished by an interested party on confidential basis, and so considered by the Authority under the Rules.
- xx) Exchange rate considered for the POI for conversion of USD to Indian Rupees is 1 USD = Rs. 75.37.

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

C.1 Views of the other interested parties

- 3. No submission has been made by other interested parties with regard to the scope of the product under consideration (PUC) and like article.

C.2 Views of the domestic industry

- 4. The domestic industry has made the following submission with regard to the scope of the product under consideration and like article:
 - i) The product under consideration in the present application is 'Synthetic Grade Zeolite 4A' also known as 'Zeolite 4A'.
 - ii) Zeolites are microporous crystalline solids with well-defined structures. Generally, they contain silicon, aluminium and oxygen in their framework and cations, water and/or other molecules within their pores. Many occur naturally as minerals and are extensively mined in many parts of the world. Others are synthetic and are made commercially for specific uses in various industries. The general formula of Zeolite is given as $\text{Na}_x[(\text{AlO}_2)_x(\text{SiO}_2)_y] \cdot z\text{H}_2\text{O}$
 - iii) The PUC functions as a detergent builder primarily as a water softener resulting in softening of water, which requires less soap for the same cleaning effort, as soap is not wasted mopping up calcium ions.

C.3 Examination by the Authority

- 5. The product under consideration in the present investigation is "Synthetic Grade Zeolite 4A" also known as "Zeolite 4A".
- 6. Zeolite is micro porous crystalline solids with well-defined structures. Generally, they contain silicon, aluminum, and oxygen in their framework and cations, water and/or other molecules

within their pores. They also occur naturally as minerals and are extensively mined in many parts of the world. Others are synthetic and are made commercially for specific uses in various industries.

7. Synthetic Grade Zeolite 4A which is mainly used in detergents as a builder. The molecular structure of Synthetic Grade 4A is given as: $\text{Na}_{12}[(\text{AlO}_2)_{12}(\text{SiO}_2)_{12}]\cdot 27\text{H}_2\text{O}$.
8. The product under consideration is classified under Chapter 28 of the Customs Tariff Act, 1975 (51 of 1975), under sub-heading of the custom classification 2842 1000. The customs classification is only indicative and is not binding on the scope of the product under consideration.

D. SCOPE OF DOMESTIC INDUSTRY & STANDING

D.1 Views of the other interested parties

9. No submission has been made by other interested parties with regard to the domestic industry and the standing.

D.2 Views of the domestic industry

10. The domestic industry has made the following submissions with regard to the domestic industry and the standing:
 - i) The application has been filed by M/s Gujarat Credo Mineral Industries Limited (GCMIL).
 - ii) The applicant has neither imported the subject goods from the subject countries nor are they related to any importer in India or producer/ exporter from the subject countries.
 - iii) There is one more producer of the subject good in India, M/s Chemical India.
 - iv) The applicant constitutes 'a major proportion' of the total Indian production according to Rule 2(b).

D.3 Examination by the Authority

11. Rule 2(b) of the AD Rules defines domestic industry as under:

"(b) 'domestic industry ' means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term 'domestic industry ' must be construed as referring to the rest of the producers"

12. The application has been filed by M/s Gujarat Credo Mineral Industries Limited (GCMIL). There is one more producer of the subject good in India, M/s Chemical India. The Authority notes that the production of the applicant constitutes around ***% of the total domestic production of the subject goods in India. Further, information on record shows that the applicant has not imported the subject goods and are neither related to an importer or exporter

thereof. The applicant company is thus, eligible, domestic industry within the meaning of the Rule2(b) and the application satisfies the criteria of standing in terms of Rule5(3) of the Rules.

E. CONFIDENTIALITY

E.1 Views of the other interested parties

13. Following submissions have been made by other interested parties regarding confidentiality:
- i) The exporter has endeavoured to file all the relevant data in its questionnaire response in the prescribed form and manner. However, the averments made by the petitioner in written submissions regarding this, are baseless.
 - ii) The petitioner has claimed excessive confidentiality on the following aspects – manufacturing process, volume and value of production, average industry norm with respect to capacity utilization, productivity per day, inventory and PBIT as % of average capital employed, sales quantity, sales value, sales realization for export and captive consumption.
 - iii) No excess confidentiality is being claimed by the exporter.
 - iv) Trade Notice No. 10/2018 does not require the user to disclose details of all units linked to the PUC in India, list of products sold, reasonable summary of the production process for products manufactured using the PUC, information pertaining to utilization details of the PUC.
 - v) No excess confidentiality is being claimed by the user.

E.2 Views of the domestic industry

14. The domestic industry has made the following submissions with regard to confidentiality:
- i) The responding exporter from Thailand has claimed excessive confidentiality in filing the questionnaire responses.
 - ii) The responding exporter has failed to disclose the information related to the nature of relation with related parties, employment, productivity, inventory, cost of sales per unit in both domestic and export sales, profitability etc.
 - iii) The only responding producer from Thailand has failed to disclose the details of related parties, employment, inventory, cost of sales per unit in both domestic and export sales, profitability etc.
 - iv) The only responding importer has failed to provide complete data regarding the volume and value of import of the subject goods.
 - v) The responding importer also failed to disclose the details of related parties, sales realization per unit, inventory, cost of sales per unit, profitability, and purchase quantity.
 - vi) The only responding user has failed to provide the details of all units linked to the PUC in India, list of products sold by the company, reasonable summary of the production process for products manufactured using the PUC, utilization details of PUC etc. in their questionnaire responses.

E.3 Examination by the Authority

15. Various submissions have been made by the applicant as well as the other interested parties during the course of the investigation with regard to confidentiality, to the extent considered relevant by the Authority, have been examined below.

16. With regard to confidentiality of information, Rule 7 of the Rules provides as follows:

"Confidential information : (1) Notwithstanding anything contained in sub-Rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, and sub-rule (4) of rule 15, and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of the investigation shall, upon the designated authority being satisfied as to its confidentiality be treated as such by it and no such information shall be disclosed to any other party without specific authorisation of the party providing such information.

(2) The designated authority may require the party's providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarization is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information."

17. The Authority considers that any information which is by nature confidential (for example, because its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom that person acquired the information), or which is provided on a confidential basis by the parties to an investigation shall, upon good cause shown, should be treated as such by the Authority. Such information cannot be disclosed without the specific permission of the party submitting it.

18. The Authority has considered the claims of confidentiality made by the applicant and the other interested parties and on being satisfied about the same, the Authority has allowed the claims on confidentiality. The Authority made available to all the interested parties the non-confidential version of evidence submitted by various interested parties for inspection.

F. MISCELLANEOUS SUBMISSIONS

F.1 Views of the other interested parties

19. The other interested parties have made the following miscellaneous submissions:

- i) The present initiation failed to examine the accuracy and adequacy of the evidence provided in the petition. The Authority initiated the investigation against Iran for whom no dumping margin claims have been made in the petition and is in violation of Rule 5 of AD Rules.
- ii) The efforts made by the petitioner was to find the domestic prices and export prices for UAE, however, the Authority recorded that the efforts made by the petitioner was for determining the domestic price and export price of Iran.
- iii) The petitioner in the written submissions have provided a comparison of import behaviour (price and volume) of the subject goods in the last ten years. However, such behaviour is to be assessed only for injury period of the present investigation.
- iv) Even if the petitioner is in the process of setting up a plant to ramp up the production of the PUC, the same cannot be a ground for the petitioner to seek protection of duties, especially considering the absolute lack of causality in the underlying facts.
- v) On account of past behaviours of the petitioner, the user industry continues to have apprehensions on whether the petitioner will be able to cater the demand for the PUC in India.
- vi) The petitioner has made no claims of dumping against one subject country (Iran) in the petition. Despite which, the Authority has initiated the present investigation against Iran. *prima facie* assessment of dumping from Iran and initiation is not based on evidence in the petition.
- vii) Initiation is in violation of Rule 5 of ADD Rules and is bad in law.

F.2 Views of the domestic industry

20. The domestic industry has made the following miscellaneous submissions:

- i) The applicant has claimed that the subject goods originating in Iran are however being exported from UAE. The export price from UAE itself is the export price for Iran as the Iranian origin goods were exported by UAE.
- ii) Regarding the argument of no claim of dumping margin, the applicant stated that, the applicant had clearly submitted in the letter dated 28th September 2022 that while it understands that the producer in Iran is exporting the product to India, it has no documentary evidence to show that it is exporting.
- iii) Examining the adequacy and accuracy of the information provided in the application, the Authority had considered the issue of UAE and Iran extensively and thereafter decided to initiate the investigation against Iran.
- iv) All the information provided by the applicant and considered relevant by the Authority for the purpose of initiation of the investigation is in the non-confidential version of the application shared.
- v) The domestic industry is not able to utilise its existing capacity to the fullest. Further, its related party is also expanding production capacity which will be sufficient to cater the demand.

- vi) Demand supply gap does not give license to dumping. In fact, demand supply gap generally leads to better prices. However, presence of dumped imports has prevented the domestic industry from making even reasonable profits.

F.3 Examination by the Authority

21. The miscellaneous submissions by the interested parties to the extent found relevant have been addressed below:

- i) In reference to the submissions made on the application lacking justification for initiation of the present investigation as there was no information on normal value and export price from Iran in the application, it is noted that the applicant had submitted in its application and subsequent submissions that there are no producers of the subject goods in UAE and the goods are, in fact, produced in Iran. It had provided the name of the producer in Iran in the application. Prior to initiation of the investigation a consultation was held with the UAE government to ascertain the production of the subject goods in UAE. It was communicated that there is no production facility for the subject goods in UAE. Thus, based on the information on record, at the stage of the initiation, the Authority initiated the case against Iran as a subject country. There was no information available at the stage of initiation on normal value prevailing in Iran or UAE and thus the normal value was constructed based on the costs of the domestic industry, duly adjusted as the best available information. Further, the export price from UAE was considered as the export price of the subject goods for Iran as the goods were merely transshipped from UAE.
- ii) In regard to the argument that there is demand supply gap in the country, the Authority notes that indeed there is a demand supply gap and thus imports is a necessity in the market. However, demand supply gap does not justify dumping. Further, the domestic industry is not able to produce and sell at optimum level despite demand being higher than the capacity. Situation of demand supply gap should have encouraged the industry to produce and sell at optimum level at profits. However, the injury analysis shows that the production although increased, is not at optimum level and the sales are being made at a loss. Notwithstanding the fact the imposition of duties does not restrict imports, it is noted that the domestic industry's related party is establishing production capacity to the extent of (25,000 MT) which will also take care of the present and likely demand.

G. ASSESSMENT OF CONTINUATION OF DUMPING AND DETERMINATION OF NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN

G.1 Views of the other interested parties

22. The other interested parties have made the following submissions with regard to the normal value, export price and dumping margin:
- i) The constructed normal value based on costs of domestic industry and constructed export price based on volume and value of imports determined for Thailand is not justified and there is no indication that the cost is reflective of the costs in Thailand. No credible

evidence has been provided for the adjustments made for determining the net export price preventing a meaningful analysis of the interested parties. No claims of normal value and export price were made with regard to Iran.

- ii) With regard to Thailand, the petitioner does not provide any explanation on the efforts made to obtain domestic prices of the subject goods within and the export prices from Thailand for determining normal value.
- iii) The normal value has not been justified so as to reflect the situation in Thailand, it is based on the cost of the domestic industry.
- iv) No credible evidence substantiating adjustments regard to ex-factory export price have been provided, thereby preventing any meaningful analysis by interested parties.
- v) Regarding Iran, no claims concerning normal value and export price have been made in the petition.
- vi) The petitioner cannot be allowed to make belated claims concerning dumping and injury for Iran after the initiation of the investigation.
- vii) Initiation is based on a deficient petition where no claims on Iran exist, warranting the termination of the present investigation.

G.2 Views of the domestic industry

23. The submissions of the domestic industry with regards to the normal value, the export price and the dumping margin, are as follows:

- i) The applicant made efforts to get evidence on the price of the product concerned in the domestic market of the subject countries by engaging with customers to procure price quotations from their domestic markets and through published sources. However, no publication was found.
- ii) The prices are transacted between the producer and consumers and therefore are not in the public domain. Thus, no reasonable, authentic, and accurate information could be obtained from published sources about the actual transaction-selling price of the PUC in the domestic markets of the subject countries.
- iii) The applicant was also unable to gather data of representative price of the subject goods when exported from the subject countries to an appropriate third country.
- iv) The export price was determined considering the volume and value of imports for the POI as per the data procured from market intelligence in view of non-availability of DGCI&S data.
- v) Considering the normal value calculated by the applicant it is seen that the dumping margin so calculated is positive and significant.
- vi) It is evident that the producers/exporters from the subject countries are dumping the subject goods in India and injuring the domestic industry.
- vii) There is no significant difference in the technology adopted or the manufacturing process used for producing the subject goods or the raw material prices in Thailand, therefore the calculations are justified.
- viii) The Authority may verify information provided by the responding exporter and determine appropriate normal value.

- ix) The Authority, in the past, has considered country of origin reported under the import data as the subject country and the applicant while stating this practice of the Authority, considered UAE as the subject country in the present application.
- x) Regarding the argument of no claim of dumping margin the applicant stated that, the applicant had clearly submitted in the letter dated 28th September 2022 that while it understands that the producer in Iran is exporting the product to India, it has no documentary evidence to show that it is exporting.

G.3 Examination by the Authority

24. Under Section 9A(1)(c) of the Act, normal value in relation to an article means:
- i. *the comparable price, in the ordinary course of trade, for the like article when meant for consumption in the exporting country or territory as determined in accordance with the rules made under sub-section (6); or*
 - ii. *when there are no sales of the like article in the ordinary course of trade in the domestic market of the exporting country or territory, or when because of the particular market situation or low volume of the sales in the domestic market of the exporting country or territory, such sales do not permit a proper comparison, the normal value shall be either-*
 - (a) comparable representative price of the like article when exported from the exporting country or territory or an appropriate third country as determined in accordance with the rules made under sub-section (6); or*
 - (b) the cost of production of the said article in the country of origin along with reasonable addition for administrative, selling and general costs, and for profits, as determined in accordance with the rules made under sub-section (6):*

Provided that in the case of import of the article from a country other than the country of origin and where the article has been merely transhipped through the country of export or such article is not produced in the country of export or there is no comparable price in the country of export, the normal value shall be determined with reference to its price in the country of origin.
25. The Authority has sent questionnaires to the known producers/exporters from the subject countries, advising them to provide information in the form and manner prescribed by the Authority.
26. PQ Chemicals (Thailand) Ltd., M/s. Unilever Asia Private Limited (“UAPL”), Singapore and M/s. United Raw Material Pte Ltd (“URMPL”), Singapore have filed questionnaire response. The Authority notes the submission of interested parties and has evaluated the dumping margin and injury margin on the basis of response filed by the producer/exporter.

G.3.1 Determination of Normal Value

Determination of Normal Value for producers/exporters of Thailand

PQ Chemicals (Thailand) Ltd.

27. Based on the data filed by M/s. PQ Chemicals (Thailand) Limited ("PQ"), a producer of the PUC from Thailand, it is noted that during the POI, the domestic sales have been made to unaffiliated customers. The domestic sales were found to be in sufficient volumes when compared with exports to India.
28. To determine the normal value, the Authority conducted the ordinary course of trade test to determine profit-making domestic sales transactions with reference to the cost of production of the subject goods. If the profitmaking transactions are more than **%, all transactions in the domestic sales are to be considered for the determination of normal value, and in cases where profitmaking transactions are less than **%, only profitable domestic sales are to be taken into consideration for the determination of the normal value. In the present case, since the profitmaking transactions are less than **%, the Authority has considered profitable transactions in the domestic market for the determination of the normal value.
29. The adjustments claimed on account of shipping cost, handling charges, inland freight, bank charges and credit costs have been accepted by the Authority.

Determination of Normal Value for producers/exporters of Iran

30. It is noted that the subject goods are originating in Iran and are merely being transhipped from UAE. The Authority had consulted with the UAE government to ascertain the production of the subject goods in UAE. It was confirmed that there is no production facility for the production of the subject goods in UAE. The domestic industry placed email communication from, one of the Iranian producers, namely, Behdash Chemical Co. which shows that the company is offering the product from Iran and exporting the same through its agent in UAE. The email communication also suggests that the company has been exporting to India regularly. In particular, the email communication states that ["*.....We are exporting to India regularly. Payment: 100% cash in advance to our agent in Dubai.*"]
31. None of the interested parties from Iran or UAE have responded, nor have any interested parties objected or placed evidence on record establishing that the subject goods are not originating in Iran. It is thus concluded that the goods being exported from UAE are the goods originating in Iran.
32. In the present case, the Authority notes that none of the producers/exporters from Iran has participated in the present investigation or filed questionnaire response. In the absence of cooperation from the producers/exporters of the PUC in Iran, the Authority is constrained to proceed on facts available in terms of Rule 6(8) of the AD Rules, 1995 with regard to the

determination of normal value for all non-cooperative producers/exporters from Iran. The Authority has, therefore, constructed the normal value for all non-cooperative producers/exporters from Iran on the basis of the cost of production of the domestic industry, duly adjusted with selling, general and administrative expenses, plus a reasonable profit. The constructed normal value so determined for producers/exporters from Iran is stated in the dumping margin table.

G.3.2. Export Price

Ex-factory export price for producers/exporters of Thailand

PQ Chemicals (Thailand) Ltd.

33. The Authority notes that PQ Chemicals (Thailand) Ltd. has exported a total quantity of ***MT, either directly or indirectly through exporters i.e., M/s. Unilever Asia Private Limited ("UAPL") and M/s. United Raw Material Pte Ltd ("URMPL") to Indian customers. The Authority, for calculating the export price has considered the data filed by the PQ Chemicals (Thailand) Ltd., UAPL, and URMPL. The adjustments claimed on account of shipping costs, ocean insurance, handling charges, bank charges, and other expenses have been allowed by the Authority. In addition, the Authority made adjustments to the export price on account of SGA expenses and any losses made on the sales of the PUC to arrive at the ex-factory export price at the producer's level.
34. Accordingly, the export price for PQ Chemicals (Thailand) Ltd. has been determined based on the weighted average export price to India, and the same is shown in the dumping margin table.

Export Price for non-cooperating producers/exporters from Thailand

35. In respect of all other producers/exporters from Thailand who are treated to be non-cooperative, the Authority has determined normal value as per facts available in terms of Rule 6(8) of the AD Rules. The questionnaire response filed by the Thai producer is considered for the purpose.

Ex-factory export price for producers/exporters of Iran

36. The Authority notes that none of the producers/exporters from Iran have participated in the present investigation or filed questionnaire response. In the absence of cooperation from the producers/exporters of the PUC in Iran, the Authority is constrained to proceed on facts available in terms of Rule 6(8) of the AD Rules, 1995 with regard to the determination of export price for all non-cooperative producers/exporters from Iran.
37. The Authority has determined the export price after considering the volume and value of imports for the POI as per DGCI&S data. As noted above, the exports made from UAE are in fact goods originating in Iran, thus, the import volume and value for Iran have been considered as reported from UAE. Adjustments have been made for ocean freight, inland freight,

insurance, handling charges, commission, and bank charges. The export price so determined is stated in the below – mentioned dumping margin table.

Determination of Dumping margin

38. Considering the normal value and the export price for the subject goods, the dumping margin for the subject goods from the subject countries have been determined as follows:

Dumping Margin Table

SN	Producers	Normal Value (US\$/MT)	Net Export Price (US\$/MT)	Dumping Margin (US\$/MT)	Dumping Margin (%)	Dumping Margin (Range %)
1	PQ Chemicals (Thailand) Ltd	***	***	***	***	10-20
2	Others	***	***	***	***	20-30
3	Iran	***	***	***	***	30-40

H. EXAMINATION OF INJURY AND CAUSAL LINK

H.1 Views of the other interested parties

39. The other interested parties have made the following submissions with regards to injury and likelihood of continuation or recurrence of injury:
- The petitioner's economic parameters have increased significantly in the POI as compared to the base year.
 - The petitioner has averred that capacity is not being utilised at optimum level. Contrary to which, the petitioner has acknowledged that it has achieved highest capacity utilisation in the POI.
 - The losses suffered by the petitioner in the POI may be higher than that suffered in the original investigation, however, it is unclear how the imports from Thailand are responsible for the same.
 - The prices of imports from Thailand increased at a much higher rate than the petitioner's costs and prices. Injury to the petitioner is on account of its own inefficiencies.
 - The increase in market share must be assessed in consonance with the multifold rise in petitioner's exports of the subject goods. Had the petitioner not shifted its focus to exports market, its market share would have improved.
 - While the petitioner has claimed losses under Proforma IV A for the PUC and the written submission, the petitioner, in the financial statement for the year 2021-22, has reported that it had a profitable year.
 - There exists no price suppression or depression on account of imports from the subject countries. Alleged injury including alleged losses is due to factors other than the subject imports.

- viii) Any price injury claimed to be suffered by the domestic industry has no correlation with imports from the subject countries.
- ix) The petitioner has been able to change prices commensurately with changes in the cost of production.
- x) The cost of sales of the petitioner increased by 20 indexed points in the POI compared to the base year 2018-19. The selling price also increased by 19 indexed points during the same period. However, the landed price from Thailand increased 36 indexed points in the same period.
- xi) The petitioner's price and cost moved in tandem throughout POI, the price changed with change in cost throughout the injury period.
- xii) The profits of the petitioner have inexplicably plummeted – evidently not on account of subject imports from Thailand.
- xiii) Imports from the subject countries have not led to any volume injury to the petitioner.
- xiv) The petitioner's domestic sales have consistently increased during injury period.
- xv) Particularly, domestic sales of the petitioner have more than doubled during the injury period.
- xvi) Imports from non-subject countries (China PR) declined, whereby the imports from the subject countries increased, since users of the PUC had no other commercially viable option to meet their requirements.
- xvii) The domestic sales of the petitioner and other domestic producer increased significantly, clearly outpacing the increase in the demand of the subject goods.
- xviii) Increase in the imports of the subject goods from the subject countries is attributable to the decline in the imports from China PR.
- xix) There is no correlation between imports from Thailand and PBIT of the petitioner. Highest imports in 2019-20 coincided with highest PBIT for the petitioner.
- xx) The petitioner has provided comparison of market share in the POI of original investigation (where China was the subject country) and the market share currently held. Such an analysis should be only assessed for the injury period of the present investigation.
- xxi) The impact on market share in a different investigation for a different subject country has no bearing on the present investigation.
- xxii) In the injury period the petitioner has shown no signs of growth or increase in capacity, the capacity has remained constant as per the petitioner's information, despite increasing demand in same period.
- xxiii) Since the petitioner was unable to meet the demand of the PUC in India, the users were constrained to source the PUC from third countries like China PR and Thailand.
- xxiv) Reason for decrease in employment when the production and sale of the PUC increased in the injury period should be explained.
- xxv) The alleged injury, if any, suffered by the petitioner is on account of reasons other than imports from the subject countries.
- xxvi) The injury suffered by the petitioner, if any, is on account of several reasons including the COVID-19 pandemic, higher conversion costs, and higher working capital among others. The same cannot be attributed to the imports from the subject countries.

- xxvii) The petitioner has shifted focus from the domestic market to export markets. The petitioner's exports increased multi-fold i.e., *** times in the POI in comparison to the base year.
- xxviii) The petitioner shifting focus to exports markets has resulted in a quandary for user industry wherein the domestic producers are unable to meet the demand of the country and have increased exports, leaving low volumes for domestic sales.

H.2 Views of the domestic industry

40. The following submission were made by the domestic industry with regard to injury and causal link:
- i) The subject imports are causing injury to the domestic industry.
 - ii) Imports from other countries are either negligible or at abnormally higher prices or are already attracting anti-dumping duty.
 - iii) The demand has remained significant throughout the injury period. Further, there has been no changes in the pattern of consumption, trade restrictive practices, developments in technology, export performance, and performance of other products being produced and sold by the domestic industry.
 - iv) There is significant difference between the prices offered by the domestic industry and foreign producers, the dumped imports from the subject countries have increased significantly.
 - v) The significant price undercutting due to the subject imports have prevented the domestic industry from raising its selling price which led to price suppression and negative profits.
 - vi) The imposition of duty on China has led to decline in imports from China and led the domestic industry to increase its sales. However, the presence of dumped imports from Thailand have prevented the domestic industry from utilizing its capacity to the fullest.
 - vii) The significant imports from the subject countries have forced the domestic industry to sell at unremunerative prices leading to losses.
 - viii) The information on record with the Authority which has the actual figures show that the increase in exports by petitioner in the base year was inconsequential.
 - ix) Export sales are negligible (***% in the POI) as compared to the domestic sales as submitted in the confidential submissions.
 - x) The applicant's exports declined during the last 2 years of the injury period due to dumping by China in third countries.
 - xi) While, selling price and cost, both have increased, in a situation where the domestic prices were depressed in the past on account of dumping from China, the selling prices should have increased much more than the increase in cost of sales to come out of the ill effects of dumping from China.
 - xii) While the production, sales increased, the domestic industry continues to suffer losses, extent of which increased over the injury period. The domestic industry has not been able to sell at remunerative prices, despite check on Chinese dumping, owing to presence of dumped imports from the subject countries.
 - xiii) The subject imports are causing injury to the domestic industry.

- xiv) The demand has remained significant throughout the injury period. Further, there has been no changes in the patterns of consumption, trade restrictive practices, developments in technology, export performance, and performance of other products being produced and sold by the domestic industry.
- xv) There is significant difference between the prices offered by the domestic industry and foreign producers, the dumped imports from the subject countries have increased significantly.
- xvi) The significant price undercutting due to the subject imports have prevented the domestic industry from raising its selling price which led to price suppression and negative profits.
- xvii) The information on record with the Authority which has the actual figures show that the increase in exports by petitioner in the base year was inconsequential.

H.3 Examination by the Authority

- 41. The Authority has taken note of the submissions made by the interested parties and has examined various parameters in accordance with the Rules after duly considering the submissions made by the interested parties. The injury analysis made by the Authority hereunder *ipsofacto* addresses the various submissions made by the interested parties.
- 42. Rule 11 of the Rules read with Annexure II provides that an injury determination shall involve examination of factors that may indicate injury to the domestic industry, taking into account all relevant facts, including the volume of dumped imports, their effect on prices in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles. In considering the effect of the dumped imports on prices, it is considered necessary to examine whether there has been a significant price undercutting by the dumped imports as compared with the price of the like article in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree. For the examination of the impact of the dumped imports on the domestic industry in India, indices having a bearing on the state of the industry such as production, capacity utilization, sales volume, inventory, profitability, net sales realization, the magnitude and margin of dumping, etc. have been considered in accordance with Annexure II of the Rules.
- 43. As regards the claim that demand supply gap and other restraints such as rain, Covid 19 affected the supplier's ability to supply goods, it is noted from the information on record that the applicant-maintained inventories throughout the POI. The impact of Covid-19 has been quoted to be negligible in the annual report. It is further noted that the capacity utilization of the domestic industry is not utilized to its optimum. In any case, demand supply gap does not justify dumping of the subject goods.
- 44. As regards the argument that the plant operations of the applicant were impacted due to higher shipping, logistics and input costs, higher energy and coal prices, it is seen from the information on record that the cost of production of subject goods has increased. The increase in cost was

primarily on account of increase in raw material prices. The selling price of the domestic industry, however, could not increase proportionately.

45. As regards the argument that the focus of the applicant has increased on exports, it is noted that the export sales by the applicant is negligible in relation to capacity, production, and sales.
46. As regards the submission that the domestic industry claims losses in the POI whereas the financial statement shows profitability, it is noted in this regard that the financial statement is not specific to the subject goods but pertains to the company as a whole. The domestic industry manufactures other products as well.

ASSESSMENT OF DEMAND/APPARENT CONSUMPTION

47. The Authority has taken into consideration, for the purpose of the present investigation, demand or apparent consumption of the product in India as the sum of domestic sales of the domestic industry and all other Indian producers and imports from the subject countries as per DGCI&S data, and imports from all other sources. The imports for China have been considered based on the final finding issued by the Authority in the parallel sunset review investigation on imports of the subject goods from China, which was based on the response by the exporter.

Particulars	Unit	2018-19	2019-20	2020-21	POI
Sales of Domestic industry	MT	***	***	***	***
	Index	100	133	134	187
Sales of Other Producer	MT	***	***	***	***
	Indexed	100	66	110	152
Imports from Subject Countries	MT	4,495	15,808	13,523	16,203
	Index	100	352	301	360
Imports from Country attracting duty-China PR	MT	***	***	***	***
	Index	100	8	12	4
Other countries import	MT	104	277	338	1,370
	Index	100	266	325	1,317
Total Demand	MT	***	***	***	***
Total Demand	Indexed	100	99	97	121

48. It is seen that the demand declined from the base year to 2020 – 21 and increased significantly thereafter in the POI.

VOLUME EFFECT OF DUMPED IMPORTS ON DOMESTIC INDUSTRY

a. Import Volumes and Share of Subject Countries

49. The effects of the volume of dumped imports from the subject countries as well as imports from other countries have been examined by the Authority as follows.

Particulars	Unit	2018-19	2019-20	2020-21	POI
Import Volume	MT				
Volume from Thailand	MT	4495	15808	12905	14864
Volume from Iran through UAE	MT	-	-	618	1339
Imports from Subject Countries	MT	4,495	15,808	13,523	16,203
	Index	100	352	301	360
Imports from Country attracting duty-China PR	MT	***	***	***	***
	Index	100	8	12	4
Other countries	MT	104	277	338	1,370
	Index	100	266	325	1,317
Total Imports	MT	18,219	17,187	15,538	18,185
	Index	100	94	85	100
Subject imports in relation to					
Total imports	%	25%	92%	87%	89%
	Index	100	368	348	356
Indian production	%	***	***	***	***
	Index	100	300	225	200
Indian consumption	%	18%	63%	55%	53%
	Index	100	350	306	294

50. It is seen that:

- Imports from the subject countries increased significantly in 2019-20 from the base year, declined thereafter in 2020-21 and increased again in the POI. Imports have increased over the injury period by 260%.
- Share of Iran in imports were non-existent during the first two years of the injury period. However, imports started increasing from 2020-21 onwards.
- Imports from China which is attracting duty had declined significantly.
- Imports from the subject countries in relation to Indian production and consumption has increased over the injury period and is at significantly high level.

PRICE EFFECT OF DUMPED IMPORTS

- With regard to the effect of the dumped imports on prices, it is required to be analysed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in normal course.
- Accordingly, the impact on the prices of the domestic industry on account of dumped imports of the subject goods from the subject countries have been examined with reference to price

undercutting and price suppression/depression, if any. For the purpose of this analysis the cost of sales and the net sales realization (NSR) of the domestic industry have been compared with the landed price of the subject imports from the subject countries.

a) Price undercutting

53. In order to determine, whether the imports are undercutting the prices of the domestic industry in the market, price undercutting has been worked out by comparing the landed price of the subject imports with the selling price of the domestic industry during the injury period. The analysis for price undercutting is provided hereinunder:

Particulars	Unit	Thailand	Iran	Subject countries as a whole
Landed price of imports	Rs./kg	44	35	44
Net Selling Price	Rs./kg	***	***	***
Price Undercutting	Rs./kg	***	***	***
Price Undercutting	%	***	***	***
	Range	0-10	10-20	0-10

54. It is seen that the landed value of subject goods from the subject countries is below the level of selling price of the domestic industry causing price undercutting.

b) Price Suppression/Depression

55. For the purpose of analysing price suppression and depression in the domestic market, the applicant has provided information about (a) unit cost of sales, (b) domestic selling price as is given in the table below.

Particulars	Unit	2018-19	2019-20	2020-21	2021-22
Cost of Sales	Rs/kg	***	***	***	***
	Index	100	106	114	133
Selling price	Rs/kg	***	***	***	***
	Index	100	102	103	118
Landed price of imports	Rs./kg	33	34	35	44
	Index	100	103	106	133

56. It is seen that the cost of sales has increased throughout the injury period. However, the domestic industry has not been able to increase its selling price corresponding to the increase in cost of sales. Further, the landed value of subject imports is significantly below the level of cost of sales throughout the injury period.

ECONOMIC PARAMETERS OF THE DOMESTIC INDUSTRY

57. Annexure II to the Rules provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all the relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth and the ability to raise capital investments. Accordingly, various injury parameters relating to the domestic industry are discussed herein below:

a) Capacity. Production. Capacity Utilization and Sales

58. The Authority has considered capacity, production, capacity utilization and sales volume of the domestic industry over the injury period.:

Particulars	Units	2018-19	2019-20	2020-21	POI
Installed Capacity	MT	***	***	***	***
	Index	100	100	100	100
Production	MT	***	***	***	***
	Index	100	144	151	204
Capacity Utilization	%	***	***	***	***
	Index	100	144	151	204
Domestic Sales	MT	***	***	***	***
	Index	100	133	134	187

59. It is seen that:
- The capacity with the domestic industry has remained constant during injury period and POI as well as original investigation.
 - Production and capacity utilization of the domestic industry has increased over the injury period.
 - Sales of the domestic industry has also increased over the injury period.
60. The domestic industry has submitted that the increase in production and sales is at the cost of incurring losses.

b) Market Share in Demand

61. The market share of the subject imports and the domestic industry over the entire injury period was as follows:

Market Share in Demand	Units	2018-19	2019-20	2020-21	POI
Sales of Domestic Industry	%	***	***	***	***

	Index %	100	139	139	161
Sales of Other Indian Producers	%	***	***	***	***
	Index %	100	67	111	122
Imports from subject countries	%	***	***	***	***
	Index %	100	356	311	300
Import from country attracting duty-China	%	***	***	***	***
	Index %	100	9	13	4
Imports from Other Countries	%	***	***	***	***
	Index %	0	100	200	500
Total Demand/Consumption	%	100%	100%	100%	100%

62. The market share of the subject countries has increased significantly over the injury period and market share of China has declined. The domestic industry was able to increase its market share from ***% to ***% by increasing its production from the base year to the POI. It has been claimed by the domestic industry that despite existing duties on China, owing to continued dumping from other countries, the domestic industry has to contend itself with a market share of mere ***%.

c) Profitability, Cash profits, and Return on Capital Employed

63. The profit, profitability, cash profits, profit before interest (PBIT) and return on investment of the domestic industry over the injury period has been analysed as follows:

Particulars	Units	2018-19	2019-20	2020-21	POI
Cost of Sales	Rs/kg	***	***	***	***
	Index	100	106	114	133
Selling price	Rs/kg	***	***	***	***
	Index	100	102	103	118
Profit	Rs/kg	***	(***)	(***)	(***)
	Index	100	(84)	(347)	(495)
Profit	Rs. Lacs	(***)	(***)	(***)	(***)
	Index	100	(112)	(370)	(927)
Cash Profit	Rs. Lacs	***	***	***	(***)
	Index	100	84	49	(64)
Profit before interest and tax	Rs. Lacs	***	***	(***)	(***)
	Index	100	26	(68)	(216)
Return on Capital Employed	%	***	***	(***)	(***)
Index	Index	100	19	(57)	(205)

64. It is seen that
- The domestic industry was earning profits in the base year; however, it started incurring losses once again since 2019-20.
 - The cash profit of the domestic industry declined till 2020-21 and became negative in the POI.
 - The ROI of the domestic industry was positive in the base year, however, became negative since 2020-21.

d) Inventory

65. The data relating to inventory position of the domestic industry over the injury period and the POI is given in the table below:

Particulars	Units	2018-19	2019-20	2020-21	POI
Opening stocks	MT	645	***	***	***
Closing stocks	MT	372	***	***	***
Average Inventories	MT	508	***	***	***
	Index	100	50	15	7

66. The Authority notes that level of inventories with the domestic industry declined till 2020-21 and increased marginally thereafter in the POI.

e) Employment, Wages and Productivity

67. The position with regard to employment, wages and productivity of the domestic industry is as follows:

Particulars	Units	2018-19	2019-20	2020-21	POI
No of employees	Nos.	***	***	***	***
	Index	100	97	90	85
Salaries & Wages	₹ Lacs	***	***	***	***
	Index	100	100	90	119
Productivity Per day	MT/Day	***	***	***	***
	Index	100	144	151	204

68. The Authority notes that the number of employees has declined and wages paid have increased over the injury period. Productivity per day has increased throughout the injury period with increase in production.

f) Ability to raise capital investments

69. It is seen that the domestic industry is incurring losses which indicates that the ability of the domestic industry to raise investments is limited.

g) Magnitude of Dumping and Dumping Margin

70. It is seen that the dumping margin from the subject countries is not only more than *de-minimis* but also significant.

h) Growth

71. The information with respect to growth of the domestic industry is given below:

Particulars	Unit	2018-19	2019-20	2020-21	2021-22
Production	Y/Y		0.44	0.05	0.35
Sales	Y/Y		0.33	0.01	0.40
Profit/loss	Y/Y		(2.12)	(2.30)	(1.51)
Cash profit	Y/Y		(0.16)	(0.41)	(2.30)

I. CAUSAL LINK AND OTHER FACTORS (NON-ATTRIBUTION ANALYSIS)

72. The Authority examined whether other factors listed under the anti-dumping rules could have caused injury to the domestic industry.

73. The Authority examined known factors other than the dumped imports and ascertained whether these are at the same time have been injuring the domestic industry, so that the injury caused by these other factors, if any, is not attributed to the dumped imports. Factors which are relevant in this respect include, *inter alia*, the volume and prices of imports not sold at dumped prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry.

a) Volume and prices of imports from third countries

74. It is seen that imports from China is attracting duty and imports from other countries are negligible.

b) Contraction in Demand

75. It is seen that demand for the product under consideration has increased over the injury period.

c) Changes in pattern of consumption

76. It is seen that there are no changes in the pattern of consumption for the product under consideration over the injury period.

d) Conditions of competition and trade restrictive practices

77. The Authority notes that the investigation has not shown any change in the conditions of competition or any trade restrictive practices.

e) Developments in Technology

78. It is seen that there are no significant changes in technology.

f) Export performance of the domestic industry

79. The Authority has considered data for the domestic operations only for the injury analysis. The exports form a small share of capacity, production throughout the injury period.

g) Performance of other products

80. The domestic industry has provided the injury data for the PUC and the same has been adopted by the Authority for the purpose of injury analysis. Performance of other products produced and sold by the domestic industry have not been considered.

J. MAGNITUDE OF INJURY MARGIN

81. The Authority has determined the NIP for the domestic industry on the basis of principles laid down in the Rules read with Annexure III, as amended. The NIP of the product under consideration has been determined by adopting the information/data relating to the cost of production provided by the domestic industry and duly certified by the practicing accountant for the POI. The NIP has been considered for comparing the landed price from the subject countries for calculating injury margin. For determining the NIP, the best utilisation of the raw materials and utilities has been considered over the injury period. Best utilisation of production capacity over the injury period has been considered. Extraordinary or non-recurring expenses have been excluded from the cost of production. A reasonable return (pre-tax @ 22%) on average capital employed (i.e., average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the NIP as prescribed in Annexure III to the Rules.
82. Based on the landed price and the NIP determined as above, the injury margin as determined by the Authority is provided in the table below.

SN	Producers	Non-Injurious Price (US\$/MT)	Landed Price (US\$/MT)	Injury Margin (US\$/MT)	Injury Margin (%)	Injury Margin (Range %)
1	PQ Chemicals (Thailand) Ltd	***	***	***	***	20-30
2	Others	***	***	***	***	30-40
3	All producers from Iran	***	***	***	***	40-50

K. PUBLIC INTEREST

K.1 Views of other interested parties

83. The other interested parties have made the following submissions with regards to public interest:

- i) Levy of duties would not be in the public interest as this is detrimental to the interests of the downstream user industry of the PUC.
- ii) Users will face shortages, and higher prices should the duties be continued.
- iii) The PUC constitutes a key raw material used in production of detergents, indispensable product to the daily needs of consumers in India across sections of society.
- iv) Importance of personal hygiene products has become even more evident since inception of COVID-19 pandemic.
- v) The levy of duties on the PUC for protecting the inefficient domestic industry is not in the public interest.
- vi) The domestic industry's capacity is not sufficient to meet overall demand of the country, making imports of the PUC inevitable.
- vii) The petitioner failed to increase capacity despite significant rise in demand for the subject goods.
- viii) The imposition of anti-dumping duty with inability of the domestic industry to meet the demand, would likely lead to a shortage in supply of the PUC.
- ix) At several instances (including POI), petitioner has failed to supply the material in requisite quantities.
- x) The PUC is a product with low density and is very voluminous. Ocean freight plays a critical role in determining source through which the PUC should be imported.
- xi) HUL prefers to purchase from the closest location which is China PR and Thailand.
- xii) The PUC imported from China PR is subject to anti-dumping duty, if the same is extended and anti-dumping duty is imposed on Thailand, users will be forced to look for other sources of supply.
- xiii) There are no other sources of supply for the PUC readily available and close to India.
- xiv) Decline in sales of FMCG products in rural areas is largely attributed to increased prices.
- xv) HUL's calculations indicate that even a continued levy of anti-dumping duty on the PUC would only add to the current inflationary effects being suffered by the common consumer.
- xvi) Detergents also consume SLES/PAS (downstream product of Saturated Fatty Alcohol) which is currently subject to anti-dumping duties. If the duties are imposed on the PUC, the consumers would additionally to bear the price increase of both duties.

K.2 Views of domestic industry

84. The domestic industry has made the following submissions with regards to public interest:

- i. No adverse impact of anti-dumping duty on end users, average consumption of PUC in making downstream products is about ***% to ***% as compared to other major inputs.
- ii. Impact of existing duties on end-product as a percentage of selling price is just about ***%
- iii. The domestic industry has not increased its prices by quantum of anti-dumping duty.
- iv. The domestic industry has sought anti-dumping duty so that imports from the subject countries stop at unfair price.
- v. No adverse impact of anti-dumping duties previously in force against China since December 2018. No evidence that the duties have adversely impacted the end user.

- vi. Growth of the detergent portfolio of HUL, which is a major user of Zeolite also suggests that the existing duties had little, if not, no adverse impact on the end customer.
- vii. The impact of duties if any, will not affect the entire detergent market as the PUC is used as a builder in top-end detergent brands, while cheaper brands refrain from using the PUC as a raw material.
- viii. The imposition of the anti-dumping duties is essential to ensure a level playing field in the Indian market, the viability of domestic production of the like article, and prevent India from becoming largely import reliant on the product.
- ix. The domestic industry is yet to utilize its production capacity to the optimum levels. With the imposition of duties on the subject countries, the domestic industry would be able to achieve its optimum capacity level and cater to the Indian market better.
- x. Presence of a vibrant domestic industry is essential to ensure a fair and competitive Indian market, which in its absence would be completely dominated by dumped imports.
- xi. Non-imposition of duty will adversely affect long term viability of MSME production by forcing them to compete with imports at dumped prices.
- xii. As stated in the applicant's Economic Interest Questionnaire the annual report of the user elaborates on how its detergent brands have grown over the past five years and are in the process of setting up new manufacturing facilities
- xiii. The trend of the volume decreases of FMCG products cited by the interested party is for the entire FMCG category and the extent to which this trend would remain the same for the detergent sector is not provided.
- xiv. A generic view of lower demand for FMCG products does not have any correlation to the investigation and should not be considered.
- xv. COVID-19 was a global phenomenon, the impact of COVID on operations of the applicant was negligible.
- xvi. The technical upgradation is a planned activity that every manufacturing entity must undertake to keep their production facility updated with the changing technology and to maximize its potential in an efficient manner.
- xvii. The affiliate company of the applicant is setting up a new plant having installed capacity of *** MT which would commence commercial production in the coming months. This capacity will be more than enough to cater to the current and future demand of the Indian industry.
- xviii. GCMIL has been successful in reducing the demand supply gap of the PUC in India to a large extent over the injury period and the same would be eliminated in the coming months.

K.3 Examination by Authority

- 85. The Authority notes that the purpose of imposition of anti-dumping duty, in general, is to eliminate injury caused to the domestic industry by the unfair trade practices of dumping so as to re-establish a situation of open and fair competition in the Indian market, which is in the general interest of the country. Imposition of anti-dumping measures does not aim to restrict imports from the subject countries in any way.

86. The Authority issued initiation notification inviting views from all the interested parties, including importers, consumers and others. The Authority also prescribed a questionnaire for the users/ consumers to provide relevant information about the present investigation including any possible effects of anti-dumping duty on their operations. The Authority issued gazette notification inviting views from all the interested parties, including importers, consumers and other interested parties. The Authority also prescribed a questionnaire for the consumers to provide relevant information with regard to the present investigations, including effect of anti-dumping duty on their operations. The Authority sought information on, *inter-alia*, interchangeability of the product supplied by various suppliers from different countries, ability of the domestic industry to switch sources, effect of anti-dumping duty on the consumers, factors that are likely to accelerate or delay the adjustment to the new situation caused by imposition of anti-dumping duty.
87. The submissions made by the other interested parties with respect to the impact of the duty have been considered.
88. The Authority notes that there existed a huge demand-supply gap in India prior to the applicant entering the Indian market. It is seen that the applicant has set up this plant along with the Gujarat government *inter alia* to significantly bridge this gap. Post imposition of duties on China, the Indian industry was able to increase its production, and capacity utilization. Duties aided the domestic producer to maintain a 28% share in the market which was only 7% in the POI of the original investigation against China. Imposition of duties have led the industry to undertake fresh investment in order to bridge the demand-supply gap. The affiliate company of the applicant domestic industry has set up a capacity and has already started production in this financial year, i.e., 2023-2024. The capacities in Indian will be sufficient to cater the existing and future demand in the country. Further, the demand supply gap in the country does not justify dumping. Further, antidumping duties does not restrict imports, it is imposed only to the extent necessary to ensure a level playing field for all the parties.
89. It is noted that the Indian producers of zeolite falls under MSME category. As the Authority has noted in other investigations involving MSME companies, that producers in this category are extremely susceptible to changes in the market conditions. The principles that govern large scale companies are not applicable in case of MSME companies. These companies do not benefit from economies of scale, or vast product profile, vast market base both domestic and export, and fine business/management skills, that are otherwise found in large-scale companies that help them in mitigating risks in the market. The subject goods is a commodity product, wherein the price is the deciding factor for the consumers. It may not be possible for a MSME producer, to not align their prices to the import prices. Therefore, despite the trends registered in raw material prices, if the imports are entering the Indian market at dumped prices, a MSME producer in order to survive will attempt to align its prices to import prices. Moreover, unlike any other MSME industry this industry is not fragmented and consists of only 2 producers of the subject goods. If duties cease, it is likely that these producers may not survive and the Indian industry may vanish entirely.

90. The Authority notes that, that the imports from the present sources were quite low in the original investigation conducted against imports from China. However, post imposition of the present duties, the subject countries resorted to dumping and increased their exports causing injury to the domestic industry.
91. There is no evidence to show that imposition of duties will have an adverse impact on the users/consumers. The recently concluded sunset review investigation on the imports of the subject goods also noted that imposition of duties on China did not have any adverse impact on the consumers. The domestic industry did not increase its prices by the amount of anti-dumping duty imposed on China. The user industry in the present investigation itself has shown the impact of anti-dumping duty in the range of 1-2%.
92. It is also noted that the zeolite 4A is primarily used in detergent which is used by the premium brands. Thus, the public at large does not use this product, only the premium brand users use detergents that consumes zeolite 4A. The domestic industry has submitted that almost 70% of detergent manufactures do not use zeolite 4A.
93. As regards the argument that imposition of duty on zeolite and saturated fatty alcohol will lead to adverse impact on the user, it is noted that the Authority had made an analysis in its findings on saturated fatty alcohol that anti-dumping duty on saturated fatty alcohol will not adversely impact the user industry. The imposition of duty on zeolite has also not shown any adverse impact on the user industry. Thus, there is no basis to claim that cumulatively the duties will have an adverse impact on user industry. The user has not even quantified or provided a basis for such contention.
94. The Authority has also examined the impact of the imposition of duty on the interests of the users. The Authority notes that the imposition of duty does not restrict imports, but only ensure that the goods are available at fair prices. The Indian industry has enhanced their capacities and can cater to almost the entirety of demand.

L. POST DISCLOSURE COMMENTS

L.1 Views of other interested parties

95. Post Disclosure comments made by the other interested parties is as follows:
- i. The exporter submits there are significant differences in the data recorded in the disclosure statement and the data previously placed on record by the domestic industry. The same casts doubt on the veracity of the information placed on record before the Authority for the purposes of the initiation.
 - ii. The Authority must comply with the observations of the Hon'ble CESTAT and Trade Notice No. 01/2022 and provide or direct the domestic industry to provide the sorted and unsorted transaction-wise import data in excel form i.e., the form and manner in which it

- was taken on record. These proceedings cannot continue until the import data in the requisite form is made available to the exporter.
- iii. No reasonable timeline and opportunity were provided to provide meaningful comments to the interested parties and no extension was given despite making a request.
 - iv. Non-disclosure of requisite data (*inter alia* including the volume and value of production of other domestic producers and cost of sales/sales realization for export sales) as per the aforesaid trade notice continues to prejudice the interested parties, whereby they are unable to analyze the requisite data and make any meaningful comments.
 - v. Even if the domestic industry has provided the name of Iranian producers or stated that there are no producers of the PUC in UAE in the petition, it does not rectify the defect that there is no claim of dumping whatsoever against Iran in the petition. Despite the said deficiency, the Authority has initiated the present investigation against Iran. Hence, a *prima facie* assessment of dumping from Iran and the initiation is not based on evidence in the petition. The initiation is therefore in violation of Rule 5 of Anti- dumping Rules and is bad in law
 - vi. The petitioner has sought the present application for anti-dumping duties on imports from UAE and not Iran. However, contrary to past practice, the Authority in the initiation notification has identified Iran and not UAE as a subject country
 - vii. The capacity utilization has moved from less than 50% in the base year to close to 100% in the POI as admitted at para 74 of the petition. Despite capacity utilization being nearly 100% i.e., at 99.6% in the POI. The Authority has arbitrarily observed that the production is not at optimum levels and that the sales are being made at losses.
 - viii. While the domestic industry either produces/domestically procures its major raw materials for the production of the PUC (i.e., sodium silicate and aluminium trihydroxide), the producers in Thailand import some of these materials as they have no manufacturing units for these materials in Thailand. This would imply that the Thailand producers' procurement costs would be higher compared to the domestic industry. Despite this, the Thailand producers are able to sell to India at a profit.
 - ix. As per a secondary source, the domestic industry was also shut down in the injury period on account of the COVID-19 pandemic.
 - x. The capacity has remained at 100 indexed points throughout the injury period despite the increasing demand in the same period. In view of the inability of the domestic industry to meet the demand, any imposition of anti-dumping duties would likely lead to a short supply of the PUC.
 - xi. UAPL and URMPL are involved only in the invoicing channel for the sales of the PUC (manufactured by PQ Chemical) to India, whereby it is not involved in the physical delivery of goods. Consequently, UAPL and URMPL have not incurred any selling and distribution expenses. Despite this, it seems that the Authority has made selling and distribution adjustments to arrive at the export price, whereby there are specific differences in the export price determined by the exporter and that calculated by the Authority.
 - xii. The Authority has made an additional adjustment of ***% on the invoice which is totally unwarranted and contrary to the data placed on record and duly verified by the Authority.

- xiii. The cost of production as per PQ Chemical's calculations is different from that disclosed by the Authority. If any adjustments have been made by the Authority to the cost of production claimed by PQ Chemical, the Authority is requested to share the calculation sheet to arrive at the confidential cost of production.
- xiv. HUL prefers to purchase the PUC from the closest location, i.e., China PR and Thailand. The PUC imported from China PR is subjected to anti-dumping duties. If anti-dumping duties continue on China PR (in the parallel anti-dumping investigation concerning the imports of the PUC from China) and/or are imposed on the PUC from Thailand, the downstream producers will be forced to look for other sources of supply.
- xv. The sales of FMCG products have declined significantly, particularly in the rural markets. The decline in the volumes is largely attributed to increased prices (which are in the range of 2% to 5%) of such products, which in turn has multiple causes, including inflation. In such situation, even a minor price increase would place an additional burden on the already-strained purchasing power of the common man.
- xvi. In view of the inability of the domestic industry to meet the demand, any imposition of anti-dumping duties would likely lead to a short supply of the PUC. In other words, the imposition of anti-dumping duties on the subject countries is likely to adversely affect the Indian industry due to the lack of adequate availability of raw materials at competitive prices.

L.2 Views of Domestic industry

96. Post Disclosure Comments made by the domestic industry are as follows:

- i. In sunset review of anti-dumping investigation concerning imports of 'Sheet Glass' from China, the DGTR held that the duties are imposed vis-à-vis a product or subject good, instead of on customs headings. Thus, the Authority should include 38249090, 38249990, 28429090, 28269000 & 28399090 in the HS Code classification of the PUC in the duty table which were the codes under which goods have been imposed earlier as noted in the original investigation against China.
- ii. The duty table must include both Iran and UAE as Indian custom data shows the goods as originating in UAE.
- iii. The domestic industry has suffered material injury from the imports. Further, there are no other factors that could have caused injury to the domestic industry.
- iv. The NIP determined is too low leading to insufficient injury margin. The raw materials utilization and utilities utilization should not be considered at the best achieved levels in the past for the reason that the cause of increase in the consumption is not inefficient utilization of such inputs. Further, the Authority is required determine actual cost of production and not a notional lower cost of production. Capital employed should be determined considering present value of fixed assets, or at the least gross value of fixed assets.
- v. The impact of duties on the end-users and consumers of the like product in India is minimal. The subject good is only used by premium detergent brands such as Ariel,

- Surf Excel, Tide etc. Many of the low-cost detergent powders (which are the product of consumption by the public at large) do not use synthetic zeolite at all.
- vi. Zeolite is used by premium brands whose detergent generally goes for machine wash. The premium detergent industries have been doing well as can be seen from the annual report 2022 of Hindustan Unilever Limited which clearly highlights the growth of their detergent brands in the past five years. In fact, HUL was also able to earn massive profits through their detergent brands and currently they are in the process of setting up new detergent manufacturing facility at Sumerpur, Uttar Pradesh.
 - vii. Affiliate of the applicant has set up a plant with a capacity to the tune of 25000 MT. It has already started production in the financial year 2023-2024. The current demand of the subject good is under 30,000 MT and this additional capacity would be more than enough to cater to the current and future demand in the country.
 - viii. Some detergent manufacturers produce multiple brands of detergents to cater to different sections of the society wherein zeolite is only added to the premium brand of detergents. Procter & Gamble, Hindustan Unilever Ltd. and Nirma Ltd. who consume zeolites, are about 30% of gross detergent production in the country.
 - ix. The Indian industry belongs to the MSME sector. By contrast, the consumers are mega companies. MSME performance is critical for micro-level economic growth. Discontinuation of duty will adversely affect long term viability of MSME production by forcing them to compete with imports at dumped prices
 - x. DGTR must recommend a fixed quantum of anti-dumping of duty as recommended by DGTR in the recently concluded China investigation. Attempts are made to evade anti-dumping duty imposed and the customs port authorities lack a mechanism to ensure correctness of import price reported by an importer.
 - xi. The duty should be imposed in terms of US\$ as ₹ has depreciated significantly.

L.3 Examination by the Authority

97. The Authority has examined the post disclosure submissions made by the domestic industry and notes that major comments are reiterations which have already been examined suitably and addressed adequately in the relevant paras of the disclosure statement. New submissions have been examined as under:
 - i. As regards the argument that the information submitted by the domestic industry and as recoded in the findings have changed, it is noted that the information submitted by the interested parties are subject to verification and information provided by the interested parties undergoes changes based on the scrutiny of information provided after verification of the information. The duly verified information has been considered in this finding.
 - ii. As regards import data filed in the application, the Authority notes that import data received from market intelligence sources cannot be shared. The data is being provided in the application in terms of the provisions of Rule 5(2) read with the trade notice issued in this regard, specifying the application formats. Hence, the confidentiality claim of the applicant on the import data has been accepted by the Authority. The

domestic industry has anyways shared the import data with the Authority. Further, the Authority has adopted transaction wise DGCI&S import data and the present facts were disclosed on the basis of import data called by the Authority. The other interested parties had could have offered their comments on the import data as per the disclosure statement.

- iii. As regards the argument that non-disclosure of volume and value of production of other domestic producers and cost of sales/sales realization for export sales, the Authority notes that a petitioner is required to disclose the information as per trade notice 10/2018. The petitioner has complied with the requirement of the trade notice on disclosure of information in the non-confidential application shared with the other interested parties. The Authority has examined the confidentiality claims made by the domestic industry, and on being satisfied, the Authority has accepted the confidentiality claims.
- iv. As regards the argument that the initiation of investigation against Iran is bad in law as the application was not against Iran and no information was provided for Iran, it is reiterated that after due consideration of the facts, which involved consultation with the Government of UAE, the Authority initiated the investigation against Iran. The Authority examined the information that was available to determine normal value and export price of Iran to ascertain dumping from Iran. None of the producers have responded in the investigation and thus the methodology adopted to determine the normal value and export price for Iran, at the stage of initiation, has been applied in this final findings which continues to show positive dumping and injury margin.
- v. As regards the argument that consideration of Iran as a subject country is contradictory to the approach adopted in the matter of melamine from European Union, Japan, Qatar and United Arab Emirates. It is noted that even when the Government of UAE had admitted of lacking production facility in UAE, there was no information brought on record evidencing which country's goods were being circumvented in the present investigation, the applicant had placed on record evidence showing that the producer in Iran is exporting goods through UAE.
- vi. Based on sufficient evidence on record the Authority has considered Iran as a subject country. In the DGCI&S data, the goods exported from Iran have been reported as originating in UAE. It is therefore not necessary to specify UAE as country of origin. The customs authorities may verify the origin of goods in case imports are reported as originating in UAE.
- vii. As regards the argument that the domestic industry itself stated that its capacity utilisation is close to 100%, it is noted that the submission of the domestic industry at para 74 of the application has been misconstrued. The domestic industry had stated that *"The highest utilization achieved by the industry in the POI was 99.6% whereas the average utilization recorded for the POI is 88%. Thus clearly, the domestic industry could have potentially produced and sold around 11% more, if not for dumped imports from the subject countries"*. Thus, the domestic industry was able to produce at full capacity but it was prevented from producing and selling at optimum level in view of dumped imports in the market.
- viii. It has been argued that the domestic industry should be more competitive as compared to Thailand producers and is still making losses, it is seen that majority of sales from

Thailand are loss making sales. In any case, the domestic industry needs to be seen as it exists and not in the ideal conditions as has also been held by Hon'ble CESTAT in the matter *Nippon Zeon vs DA and Virchow laboratories Ltd vs MoF*.

- ix. As regards the argument that the domestic industry was shut down during COVID 19, in between March 2020 and May 2020, it is noted that the POI of the investigation is April 2021- March 2023, thus the alleged shut down of the company in March 2020 to May 2020 would not have affected the performance in the POI.
- x. As regards the argument on adjustment of SGA while computing dumping margin, it is noted that since UAPL and URMPL are involved in sales of the goods, it is necessary to account for selling, general & administrative expenses of these two entities. APL and URMPL have provided no information and documents that overhead expenses such as selling, general & administrative expenses are not incurred in undertaking sales activities by these entities.
- xi. As regards the argument that the cost of production considered by the Authority for the responding exporter is different, it is noted that the cost of production for PQ Chemical has been determined on the basis of information provided by the company, and examined by the Authority.
- xii. As regards the argument that the NIP determined is low, it is noted that the NIP has been determined considering the past practise of the Authority and as per Annexure III of the Rules.

M. CONCLUSION

98. Having regard to the contentions raised, submissions made, information provided and facts available before the Authority as recorded above and on the basis of the above analysis of likelihood of continuation/recurrence of dumping and consequent injury to the domestic industry, the Authority concludes that:

- i. The scope of the product under consideration is "Synthetic Grade Zeolite 4A" originating in or exported from Thailand and Iran.
- ii. The product under consideration has been exported to India at a price below the normal value, resulting in dumping.
- iii. The dumping margin is not only above *de-minimus* level but also significant.
- iv. The imports from the subject countries have increased in absolute as well as relative terms throughout the injury investigation period.
- v. Imposition of antidumping duties on China earlier had led the industry to earn profits. However, dumping of the subject goods from the subject countries have led to significant losses since 2019-20. The cash profit and ROI has become negative since 2020-21 and declined further in the POI.
- vi. The injury caused to the domestic industry is not on account of any other known factor.
- vii. The landed value of imports of the subject goods from subject countries is much below the non-injurious price of the domestic industry indicating significant injury margin/price underselling.

- viii. The information on record shows that the imposition of the anti-dumping duty will have minimal impact the consumers or the downstream industry.
- ix. The imposition of the anti-dumping duty thus will not be against the public interest

N. RECOMMENDATION

99. Having initiated and conducted the investigation into dumping, injury, and causal link in terms of the provisions laid down under the Anti-Dumping Rules, the Authority is of the view that imposition of the anti-dumping duty is required to offset the dumping and consequent injury. The Authority considers it necessary to recommend imposition of the anti-dumping duty on the imports of the subject goods originating in or exported from the subject country.
100. Having regards to the lesser duty rule followed, the Authority recommends imposition of antidumping duty equal to the lesser of the margin of dumping and the margin of injury so as to remove the injury to the domestic industry. Accordingly, the Authority recommends imposition of definitive anti-dumping duty on the imports of the subject goods originating in or exported from the subject countries, equal to the amount mentioned in Col. 7 of the duty table appended below, for a period of five (5) years from the date of notification to be issued in this regard by the Central Government. The landed value of the imports for this purpose shall be the assessable value as determined by the Customs under Customs Act. 1962 and applicable level of the customs duties except duties levied under Section 3, 3A, 8B, 9, 9A. of the Customs Tariff Act, 1975.

DUTY TABLE

S. No.	Heading/ Sub-heading	Descripti on of goods	Country of origin	Country of Export	Producer/exp orter	Duty Amount USD/MT
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	38249922 38249090 38249990 28429090 28269000 28399090 28421000	Synthetic Grade Zeolite 4A	Thailand	Any country including Thailand	PQ Chemicals (Thailand) Ltd.	54.09
2	-do-	-do-	Thailand	Any country including Thailand	Any other than Row (1)	92.55
3	-do-	-do-	Any country other than Thailand and Iran	Thailand	Any	92.55

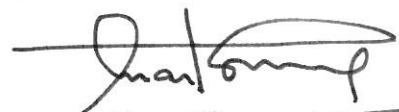
4	-do-	-do-	Iran	Iran	Any	179.96
5	-do-	-do-	Iran	Any other than Iran	Any	179.96
6	-do-	-do-	Any country other than Iran and Thailand	Iran	Any	179.96

Note: The customs authorities may verify the origin of subject goods in case imports are reported as originating in UAE.

101. The landed value of imports for this purpose shall be assessable value as determined by the customs under customs Act, 1962 and applicable level of custom duties except duties levied under Section 3, 38, 9, 94. of the Customs Tariff Act, 1975.

O. FURTHER PROCEDURE

102. An appeal against the determination/review of the Designated Authority in this final finding shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act.


(Anant Swarup)
Designated Authority