

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

Notification No.8/2017-Customs (ADD)

New Delhi, the 15th March, 2017

G.S.R. (E).- Whereas, in the matter of import of Phosphoric Acid-Technical Grade and Food Grade (including Industrial Grade) [hereinafter referred to as the subject goods], falling under the sub-heading 2809 20 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from People's Republic of China (hereinafter referred to as the subject country), the designated authority, *vide* its final findings in notification No.15/1010/2012-DGAD, dated the 8th November, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 8th November, 2013, had come to the conclusion that -

- (i) the subject goods were entering the Indian market at dumped and injurious prices;
- (ii) the imports of the subject goods from the subject country continued to be at dumped prices in spite of existing anti-dumping duties;
- (iii) in the event of cessation of the existing anti-dumping duty, there was likelihood that the subject country would divert the subject goods to India at dumped and injurious prices

and had recommended continued imposition of definitive anti-dumping duty on modified rates on imports of the subject goods originating in, or exported from, the subject country.

And Whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on the subject goods, *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No.33/2013-Customs (ADD), dated the 31st December, 2013, published *vide* G.S.R. 811(E) in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i), dated the 31st December, 2013;

And Whereas, M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) have requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, in respect of exports of the subject goods made by them, and the designated authority, *vide* new shipper review notification No.15/5/2016-DGAD, dated 9th February, 2017, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 9th February, 2017, has recommended provisional assessment of all exports of the subject goods made by the above stated party till the completion of the review by it;

Now therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering

the aforesaid recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, the subject goods, when originating in or exported from the subject country by M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) and imported into India, shall be subjected to provisional assessment till the review is completed.

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

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of subject goods when originating in or exported from the subject country by M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) and imported into India, from the date of initiation of the said review.

[F.No.354/87/2007-TRU (Pt.-II)]

(Anurag Sehgal)

Under Secretary to the Government of India