

NOTIFICATION NO 122/2010-CUSTOMS

Dated: December 3, 2010

G.S.R.947(E). - Whereas, in the matter of import of Bus and Truck Radial Tyres , (hereinafter referred to as the subject goods), falling under item numbers 40112010 (for tyres) and 40131020 and 40129049 (for tubes and flaps respectively) of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and originating in, or exported from the People's Republic of China(China PR) and Thailand (hereinafter referred to as the subject countries), the designated authority, vide its final findings in notification No. 14/17/2008-DGAD, dated the 1 st January , 2010 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 1 st January , 2010 , had come to the conclusion that —

(a) there had been increase in the volume of dumped imports from the subject countries, both in absolute terms as also in relation to total production and market demand of the subject goods in India, resulting in a decline in the market share of the domestic industry;

(b) the imports were causing significant price undercutting resulting in price suppressing effect on the domestic industry;

(c) in spite of increase in production and sales, profitability of the domestic industry per unit of sales declined after increasing in 2006-07, resulting in deterioration in profits, cash profits and a decline in the return on capital employed;

(d) decline in the market share had resulted in increase in inventories with the domestic industry in spite of higher capacity utilization;

(e) this had led to domestic industry suffering material injury and imposition of final duty is required to offset dumping and injury;

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

And whereas on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on subject goods falling under Chapter 40 of the First Schedule to the said Customs Tariff Act , 1975 originating in or exported from China PR and imported into India vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2010-Customs, dated the 19 th February, 2010, published in Part II, section 3, sub-section (i) of the Gazette of India, Extraordinary, G.S.R. 93(E) dated the 19 th February, 2010;

And whereas , in the said matter, M/s. Giti Tire(Anhui) Company Ltd (" Giti Anhui"), M/s. Giti Tire(Fujian) Company Ltd (" Giti Fujian") and M/s. Giti Tire(Chongqing) Company Ltd (" Giti Chongqing"),(All the three being both producers and exporters), have requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of exports made by them, and the designated authority, vide new shipper review initiation notification No. 15/25/2010-DGAD, dated the 21 st September, 2010 published in

the Gazette of India, Extraordinary, Part I, section 1, dated the 21 st September, 2010 has recommended provisional assessment of all exports of Bus and Truck Radial Tyres, made by M/s. Giti Tire(Anhui) Company Ltd (" Giti Anhui"), M/s. Giti Tire(Fujian) Company Ltd (" Giti Fujian") and M/s. Giti Tire(Chongqing) Company Ltd (" Giti Chongqing"), (All the three being both producers and exporters), when imported in to India, till the completion of the said review;

Now, therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, export of Bus and Truck Radial Tyres falling under item nos. 40112010 (for tyres) and 40131020 and 40129049 (for tubes and flaps respectively) of the First Schedule to the Customs Tariff Act, 1975 , by M/s. Giti Tire(Anhui) Company Ltd (" Giti Anhui"), M/s. Giti Tire(Fujian) Company Ltd (" Giti Fujian") and M/s. Giti Tire(Chongqing) Company Ltd (" Giti Chongqing"), from China PR, when imported into India, shall be subjected to provisional assessment till the review is completed.

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

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of Bus and Truck Radial Tyres in to India, when exports made by M/s. Giti Tire(Anhui) Company Ltd (" Giti Anhui"), M/s. Giti Tire(Fujian) Company Ltd (" Giti Fujian") and M/s. Giti Tire(Chongqing) Company Ltd (" Giti Chongqing"), when imported in to India, from the date of initiation of the said review.

F. No. 354/207/2009-TRU (Pt.1)

(K.S.V.V. Prasad)

Under Secretary to the Government of India