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GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 124/2009-Customs

New Delhi, the 11th November, 2009

G.S.R. (E). - Whereas, in the matter of import of All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non-POY) (hereinafter referred to as the subject goods), falling under sub-heading 5402 47 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), originating in, or exported from, the People's Republic of China, Thailand and Vietnam (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings vide notification No.14/3/2008-DGAD dated the 23rd January, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th January, 2009, had come to the conclusion that-

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

and had recommended imposition of provisional anti-dumping duty on the imports of 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 provisional anti-dumping duty on the subject goods vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 29/2009-Customs, dated 26th March, 2009, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.201 (E), dated the 26th March, 2009;

And whereas, the designated authority in its final findings vide notification No. 14/3/2008-DGAD dated the 29th September, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5th October, 2009, had come to the conclusion that-

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

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

Now, therefore, in exercise of the powers conferred by sub-section (1), read with sub-section (5) of section 9A of the said Customs Tariff Act, and rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under subheading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4), originating in the country as specified in the corresponding entry in column (5), when exported from the country as specified in the corresponding entry in column (6), produced by the producers as specified in the corresponding entry in column (7), by the exporters as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate equal to

the amount indicated in the corresponding entry in column (9), in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10), of the said Table.

Table.

| Sl.No.. | Sub heading | Description of Goods | Specification | Country of origin | Country of Export | Producer | Exporter | Duty Amount | Unit of Measurement | Currency |
|---------|-------------|---|---------------|-------------------|-------------------|---|---|-------------|---------------------|-----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | China PR | China PR | TONGKUN GROUP CO.LTD. | TONGKUN GROUP CO.LTD. | 240 | Metric tonne | US Dollar |
| 2 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | China PR | China PR | TONGKUN HENGSHENG CHEMICAL FIBRE CO.LTD | TONGKUN HENGSHENG CHEMICAL FIBRE CO.LTD | 247 | Metric tonne | US Dollar |
| 3 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non- | Any | China PR | China PR | JIANGSU HENGLI CHEMICALS FIBRE CO.LTD | JIANGSU HENGLI CHEMICALS FIBRE CO.LTD | 256 | Metric tonne | US Dollar |

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|---|---------|---|-----|---|-------------------------|---|-----|--------------|--------------|-----------|
| | | textured and non - POY) | | | | | | | | |
| 4 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | China PR | China PR | Any other than combinati on at Serial number 1 to 3 above | 547 | Metric tonne | US Dollar | |
| 5 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | China PR | Any other than China PR | Any | Any | 547 | Metric tonne | US Dollar |
| 6 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Any country other than countries attracting anti dumping duties | China PR | Any | Any | 547 | Metric tonne | US Dollar |
| 7 | 5402 47 | All Fully Drawn or Fully Oriented | Any | Vietnam | Vietnam | Any | Any | 350 | Metric tonne | US Dollar |

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|----|---------|---|-----|---|------------------------|---|---|-----|--------------|-----------|
| | | Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | | | | | | | | |
| 8 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Vietnam | Any other than Vietnam | Any | Any | 350 | Metric tonne | US Dollar |
| 9 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Any country other than countries attracting anti dumping duties | Vietnam | Any | Any | 350 | Metric tonne | US Dollar |
| 10 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - | Any | Thailand | Thailand | Indorama Polyester Industries Public Company Limited (formerly Indo Poly (Thailand) Ltd.) | Indorama Polyester Industries Public Company Limited (formerly Indo Poly (Thailand) Ltd.) | 80 | Metric tonne | US Dollar |

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|----|---------|---|-----|---|-------------------------|---|-----|--------------|--------------|-----------|
| | | POY) | | | | | | | | |
| 11 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Thailand | Thailand | Any other than combinati on at Serial number 10 above | 490 | Metric tonne | US Dollar | |
| 12 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Thailand | Any other than Thailand | Any | Any | 490 | Metric tonne | US Dollar |
| 13 | 5402 47 | All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non - POY) | Any | Any country other than countries attracting anti dumping duties | Thailand | Any | Any | 490 | Metric tonne | US Dollar |
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2. The anti-dumping duty imposed shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, 26th March, 2009 and shall be payable in Indian currency.

Explanation: For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No.354/29/2009 -TRU]

(Prashant Kumar)

Under Secretary to the Government of India.