



**Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi**

Notification No. 57/2007-Customs

Dated 13th April, 2007

G.S.R.(E). – Whereas, the designated authority had initiated a sunset review in the matter of continuation of final anti-dumping duty on dry cell batteries [hereinafter referred to as the subject goods], falling under heading 8506 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the People's Republic of China (hereinafter referred to as the subject country), imposed vide Notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 84/2001-Customs, dated the 2nd August, 2001 [GSR 570(E), dated the 2nd August, 2001] and had requested for continuation of anti-dumping duty for an additional period of one year, pending the completion of the review;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods originating in, or exported from, the subject country vide Notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 8/2006-Customs dated the 16th February, 2006 [G.S.R. 67(E), dated the 16th February, 2006], up to and inclusive of 5th day of February, 2007;

And whereas, in the matter of sunset review of anti-dumping duty on imports of the subject goods, originating in, or exported from the subject country, the designated authority vide its final findings, No. 53/1/2000-DGAD dated the 31st January, 2007, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 31st January, 2007, has come to the conclusion that –

- (a) the subject goods are entering the Indian market at dumped prices and dumping margin from subject country is significant and above de-minimis;
- (b) even though the domestic industry has improved its performance over the injury period, the injury to domestic industry is likely to continue or recur;
- (c) the situation of the domestic industry has improved due to anti-dumping duty in place, there is likelihood of continuation or recurrence of dumping and injury on account of imports from subject country if the duties are revoked, the authority is of the opinion that continuation of the measure is necessary against import from subject country;

and has recommended that definitive anti-dumping duties be imposed by the Central Government on all imports of subject goods falling under heading 8506 of Customs Tariff originating in, or exported from, subject country;

And whereas, the designated authority has amended para 77 of its final findings vide Notification No. 53/1/2000-DGAD dated the 29th March, 2007 replacing the unit of measurement of subject goods from "per MT" to "per 1000 pieces".

Now, therefore, in exercise of the powers conferred by Sub-Sections (1) and (5) of Section 9A of the Customs Tariff Act, 1975 read with rules 18 and 23 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 final findings of the designated authority, read with the amendment dated the 29th March, 2007, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4) of the said Table, originating in the countries as specified in the corresponding entry in column (5), exported from the country as specified in the corresponding entry in column (6), and produced by the producers as specified in the corresponding

entry in column (7), exported by the exporters as specified in the corresponding entry in column (8), imported into India, an anti-dumping duty which shall be equal to difference between the amount mentioned in the corresponding entry in column (9) in the currency as specified in the corresponding entry in column (11) and as per unit of measurement as specified in the corresponding entry in column (10), of the said Table, and the landed value of such imported goods in like currency and like unit of measurement.

Table

<i>Sl. No.</i>	<i>Heading</i>	<i>Description of goods</i>	<i>Specification</i>	<i>Country of Origin</i>	<i>Country of Export</i>	<i>Producer</i>	<i>Exporter</i>	<i>Amount (US\$)</i>	<i>Unit of measurement</i>	<i>Currency</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>	<i>(7)</i>	<i>(8)</i>	<i>(9)</i>	<i>(10)</i>	<i>(11)</i>
1	8506	Dry Cell Batteries	Zinc Carbon Pencil batteries, R6, AA, UM3, etc.	China	China	Any producer	Any exporter	54.59	1000 pieces	USD
2	8506	Dry Cell Batteries	Zinc Carbon Pencil batteries, R6, AA, UM3, etc.	Any country other than China	China	Any producer	Any exporter	54.59	1000 pieces	USD
3	8506	Dry Cell Batteries	Zinc Carbon Pencil batteries, R6, AA, UM3, etc.	China	Any country other than China	Any	Any	54.59	1000 pieces	USD

2. This Notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) and the anti-dumping duty shall be paid in Indian Currency.

Explanation. - For the purposes of this Notification, -

- (a) "landed value" means the assessable value as determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under Sections 3, 3A, 8B, 9 and 9A of the said Customs Tariff Act;
- (b) rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the Notification, issued from time to time, in exercise of the powers conferred by sub-clause (i) of clause (a) of Sub-Section (3) of Section 14 of the said Customs Act, 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.

Sd/-

(S. BAJAJ)

Under Secretary to the Government of India

[F.No. 354/14/2001-TRU (Pt-II)]