

DIRECTORATE GENERAL OF ANTIDUMPING AND
ALLIED DUTIES
MINISTRY OF COMMERCE AND INDUSTRY
GOVERNMENT OF INDIA

FORMAT OF APPLICATION FOR
DETERMINATION OF AMOUNT PAID IN
EXCESS OF ACTUAL MARGIN OF
DUMPING

**APPLICATION UNDER SECTION 9AA OF THE CUSTOMS TARIFF ACT 1975
READ WITH RULE 21A OF THE CUSTOMS TARIFF (IDENTIFICATION,
ASSESSMENT AND COLLECTION OF ANTI-DUMPING DUTY ON DUMPED
ARTICLES AND FOR DETERMINATION OF INJURY) RULES, 1995 FOR
DETERMINATION OF AMOUNT PAID IN EXCESS OF ACTUAL MARGIN OF
DUMPING.**

To
The Designated Authority
Directorate General of Antidumping and Allied Duties
Ministry of Commerce
New Delhi

I/We, M/s [redacted], an importer of (description of subject goods) hereby request, in accordance with section 9AA of the Customs Tariff Act 1975 read with Rule 21A of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for determination of injury) Rules, 1995 that the Designated Authority initiate an investigation under Rule 21A(3) of the said Rules to determine the actual margin of dumping in respect of imports of (description of Subject Goods) from (Subject Country/Countries) on the ground that:

1. I/We have paid the anti-dumping duty imposed under sub-sections (1) or sub-section (1A) of section 9A of the Act vide Notification No. [redacted] dated [redacted] on imports of (Subject goods), in excess of the actual margin of dumping in relation to such goods.
2. Rule 21A(1) enables me/we to file an application for determination of the actual margin of dumping in relation to such goods before the designated authority.

I/We declare that the information contained in this application provides sufficient grounds for determination of amount paid in excess of actual margin of dumping and is complete and correct to the best of our knowledge and belief. Relevant evidence in support of claims made is submitted herewith. A Non-confidential version of the application is also enclosed.

Signature:
Name:
Position: CEO
Company:
Date:

APPLICATION FORMAT FOR
DETERMINATION OF AMOUNT PAID IN
EXCESS OF ACTUAL MARGIN OF DUMPING

1. Name and Postal address of the Applicant :
2. Status as Importer :
3. Details of the contact person(s) :

Name,
Position,
Telephone number,
Fax number,
E-mail Address
4. Product Under Consideration
Subject to antidumping duty :
5. Customs Notification No. and date under
Which the antidumping duty was levied :
6. Ref.No. and Date of the final findings
Of DGAD under which the antidumping duty
Was recommended :
7. Period for which the refund is claimed
(i.e. Application period) :
8. Please give transaction by transaction details
of imports made as per Annexure-I :
9. Name of the exporter (s) :
10. Name of the Exporting Country/ies :
11. Name of the producer(s) :
12. Name of the Producing Country/ies :
13. Whether the applicant importer is related
to the producer or exporter named

above? If yes, answer the following questions :

- a. Please explain the nature of relationship
- b. Do you sell the imported product under consideration as such in India to unrelated customers? If yes, please give details of your reselling process in India.
- c. Do you sell the imported product in India after making any modifications? If yes, please give details of the modification processes undertaken by you in India and the details of your reselling process in India.
- d. Please provide details of expenses incurred between importation and resale as per Annexure-II.
- e. Please provide details of resale of the product imported either in the condition as imported or in any modified form as per Annexure-III.
- f. Please provide a stock statement as per Annexure-IV

14. Whether the producer/ exporter is willing to cooperate with the authority in providing the relevant information?

Please attach a certificate from the producer/exporter as per Annexure-V :

15. Proof of ADD payments made during the application period :

16. Briefly state the grounds on which the Anti-dumping duty paid is considered to be in excess of the margin of dumping :

17. Please give names of your legal representatives or consultants, if any, along with an authorisation as per Annexure-VI :

18. Please Attach the verification certificate as per Annexure-VII :

Date: _____ Authorised Signatory of the Importer

Place: _____ Name / title

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1. The application must also be provided in a Non-Confidential Version for making it available to interested parties. Application must be lodged in two sets each of confidential and non-confidential versions. The confidential copy must be marked ~~CONFIDENTIAL~~ on each page.
 2. In terms of Rule 6(7), of the Rules the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summary, a statement of reason thereof is required to be provided. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.
 3. Applicants must ensure that they clearly show, in the non-confidential version of their application, the reasons for seeking the imposition of anti-circumvention measures.
 4. This application, together with the supporting evidence and information, should be lodged with

Designated Authority, Directorate General of Anti-Dumping and Allied Duties
Ministry of Commerce & Industry, Udyog Bhawan, New Delhi-110011

Annexure-I

Details of imports made upon payment of Anti-dumping duty

1. Name of the Producer :
2. Name of the producing country :
3. Name of the exporter :
4. Name of the exporting country
(Note: In the case of more than one
Producer or exporter, separate sheets
Shall be prepared for every producer/exporter
Combination) :
5. Application period :
6. Details of Bill of entries on which the
Imports have been made as per the
proforma below :

Sl. No.	Shipping bill No. & Date	Bill of Entry No & Date	Product type, if any	PCN, if applicable	Invoice No. & Date	Quantity	Invoice Value	Terms of delivery	Amount of anti-dumping duty paid, if any	Date of payment of duty
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Details of expenses incurred between importation and resale

Application for the period from-----to-----

Sl.No.	Nature of expense	For the company as a whole	Share applicable to the products under consideration in the application	Share applicable to other products	Basis of allocation
1	Value of goods imported				
2	Customs duties paid (excluding duties and CENVAT adjustment)				
3	Customs clearance expenses				
4	Inland transportation (from port to warehouse/factory)				
Cost of goods imported					
5	Manufacturing expenses(Please indicate every item of expense separately)				
	Materials				
	Labour				
	Utilities				
	Other manufacturing expenses, If any				
6	Administrative expenses				
7	Selling expenses				
8	Finance expenses				
9	Other expenses, If any				
Total Cost					
10	Sales revenue				
11	Other revenue				
12	Total revenue				
13	Profit/Loss				

Note :

1. The information in this proforma is to be certified by practising Cost Accountant.
2. All items of income and expenditure shall be reconciled with Annual Accounts.

Annexure-III

Details of resale of the product imported

Application for the period from-----to-----

Sl. No.	Invoice No.	Invoice Date	Description of product sold	PCN if applicable	Description of the product as imported, if it is different from the product sold	Name of the customer	Whether the customer is related	Quantity	Value	Terms of delivery	Terms of payment
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Annexure-IV**Stock Statement**

Sl.No.	Description	Financial Year of the applicant	Application period
Product as imported			
1	Opening Stock		
2	Imports made		
3	Used for modifications into other products		
4	Resold as imported		
5	Closing stock		
Product as modified, if any			
1	Opening stock		
2	Production		
3	Sales		
4	Captive consumption, if any		
5	Closing stock		

Certificate from the Producer / Exporter

This is to Certified that I (name of the person) .., (Designation) of (name of the producer/exporter) . being the producer and/or exporter of the subject goods (name of the product) hereby convey the willingness to provide all relevant information that may be required by the DGAD in connection with the Application under Section 9AA of the Customs Tariff Act 1975 filed by the importer ..(name of the importer) covering the application period from .to .

I also confirm that the exporters' questionnaire response as prescribed by DGAD has been filed /is being filed separately with the DGAD.

Date
Place

Signature of the authorised signatory
Name / title

AUTHORISATION LETTER

We hereby appoint the following person/ firm/ company to represent us in the investigation of anti dumping duty being conducted by the Designated Authority for determination of amount paid in excess of actual margin of dumping.

Name:

Address:

Telephone No:

Email ID:

Fax No:

M/s _____ is authorised, inter-alia, for the following:

1. To receive communications from the Designated Authority.
2. To make submissions on our behalf.
3. To appear for and on our behalf

Date:

Place :

Signature

Name / title

Note:-

1. This page should be completed and appended at the beginning of the submissions.

2. The certificate should be signed by chief executive of the company/ director/ partner or the proprietor of the firm / duly authorized representative of the company/ firm filing response/ application.

Annexure-VII

CERTIFICATE

I hereby certify that the information contained in this application is true, Complete and correct to the best of my knowledge and belief, on the basis of the records available and generally maintained by the firm/company and no material has been concealed or misrepresented.

Place _____
Date _____

(Signature)
(Name / Designation)

Note: (1) This page should be completed and appended at the beginning of the application.

(2) The certificate should be signed by Chief Executive of the Company/Directors/Partners or the proprietor of the firm.