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**F. No. 6/10/2021-DGTR  
Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Trade Remedies)  
4th Floor, Jeevan Tara Building,  
5, Parliament Street, New Delhi - 110001**

**Dated: 30<sup>th</sup> June, 2021**

**INITIATION NOTIFICATION**

**Case No. AD (OI)-10/2021**

**Subject: Initiation of the Anti-Dumping Investigation against the imports of Clear Float Glass from Bangladesh and Thailand.**

M/s Asahi India Glass Ltd., M/s Gold Plus Glass Industry Limited, M/s Sisecam Flat Glass India Private Limited, and M/s Saint-Gobain India (Pvt.) Limited (hereinafter also referred to as “Applicants”, or “Petitioners”) filed an application before the Designated Authority (hereinafter also referred to as the "Authority") in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter also referred to as the "Act") and Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter also referred to as the "Rules") seeking initiation of anti-dumping investigation on imports of Clear Float Glass (hereinafter referred to as the ‘subject goods’) from Bangladesh and Thailand ( herein after also referred to as “ subject countries”).

2. The Applicants have alleged that material injury to the Domestic Industry is being caused due to dumped imports of subject goods from subject countries, and has requested for imposition of anti- dumping duty on the imports of the subject goods from subject countries.

**PRODUCT UNDER CONSIDERATION (PUC)**

3. The product under consideration (hereinafter also referred to as “PUC”) in the present investigation is “Clear Float Glass of nominal thicknesses ranging from 4mm to 12mm (both inclusive)”, the nominal thickness being as per BIS14900:2000 (hereinafter also referred to as the “subject goods” or the “Product under Consideration.”)

4. Clear Float glass is a sheet of glass made by floating molten glass on a bed of molten metal, typically tin. This method gives the sheet uniform thickness and very flat surfaces. Clear float glass uses common glass-making raw materials, typically consisting of sand, soda ash (sodium carbonate), dolomite, limestone, salt cake (sodium sulfate) etc. The raw materials are mixed in a batch mixing process, then fed together with suitable cullet (waste glass), in a controlled ratio, into a furnace where it is heated to approximately 1500°C. Common flat glass furnaces are 9 m wide, 45 m long, and contain more than 1200 tons of glass. Once molten, the temperature of the glass is stabilized to approximately 1200°C to ensure a homogeneous specific gravity. The product finds major uses in construction, refrigeration, mirror and solar energy industries etc. The product is a superior quality of glass. Due to its inherent strength, high optical clarity, distortion free smooth surface etc., the applications of the product have been increasing for different purposes. The subject products are classified under Chapter Heading 70 “Glass and Glassware”. The classification at the 8-digit level is 70051090 even though the same are being classified and imported under various sub-headings like 7003, 7004, 7005, 7009, 7019, 7013, 7015, 7016, 7018 and 7020 of the Customs Tariff Act, 1975. It is also submitted that the custom classification is indicative only and in no way, it is binding upon the product scope of the Customs Tariff Act, 1975

#### **LIKE ARTICLE**

5. Rule 2(d) with regard to like article provides as under: -

*"like article" means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;*

6. The Applicants have submitted that subject goods which, are being dumped into India, are identical to the goods produced by the domestic industry. The Applicants have further claimed that there are no differences either in the technical specifications, functions or end-uses of the dumped imports and the domestically produced subject goods. In addition, applicants also claimed that the two are technically and commercially substitutable and hence should be treated as ‘like articles’ under the Anti-Dumping Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the Applicants in India are being treated as ‘Like Article’ to the subject goods being imported from the subject countries.

## **DOMESTIC INDUSTRY AND STANDING**

7. M/s Asahi India Glass Ltd., M/s Gold Plus Glass Industry Limited, M/s Sisecam Flat Glass India Private Limited, and M/s Saint-Gobain India (Pvt.) Limited. The applicants have certified that they have not imported the product under consideration from the subject countries. Further, they have submitted that they are not related to any importer of the subject goods in India.
8. The Applicants have also submitted that apart from them, there is only one other producer of the subject goods in India, namely Gujarat Guardian. However, they have neither supported nor opposed the investigation. In view of the above and after examination, the Authority notes that the Applicants constitute eligible domestic industry in terms of Rule 2 (b), and the application satisfies the criteria of standing in terms of Rule 5(3), of the Rules supra.

## **BASIS OF ALLEGED DUMPING**

### **a. Normal Value**

9. The applicants have submitted that they tried to get the information on prices of the subject goods in the domestic market of the subject countries. However, they have not been able to get any invoices in Bangladesh or Thailand which can be used as normal value. The domestic industry also made efforts to get price list of the exporters or price evidence for the export to other countries by the subject countries. The Domestic Industry got the import prices of subject goods in subject countries from Trade map. They have further submitted that the import prices of subject goods in the subject countries gives fair indication of local prevailing prices in subject countries. Therefore, the applicants have used import price of the subject goods in Bangladesh and Thailand to compute their respective normal values.
10. There is sufficient prima facie evidence of the normal value claimed by the applicants for the subject goods from subject countries.

### **b. Export Price**

11. The Authority has computed the export prices for the subject countries based on Directorate General of Commercial Intelligence and Statistics (DGCI&S) transaction-wise import data. Adjustments have been made for ocean freight, marine insurance, inland transportation, port handling and clearance charges, sales commission, and credit cost.

### **c. Dumping Margin**

12. The normal value and the export price have been compared at ex-factory level, which prima facie shows dumping margin is above the de-minimis level and is significant in respect of the PUC from Bangladesh and Thailand. There is sufficient prima facie

evidence that the PUC from the subject countries is being dumped into the Indian market by the exporters from the subject countries.

### **EVIDENCE OF INJURY AND CAUSAL LINK**

13. Information furnished by the Applicants has been considered for assessment of injury to the domestic industry. The Applicants have furnished evidence regarding the injury resulting from the alleged dumping of dumped imports during the Period of Investigation in the form of increase in the volume of dumped imports in absolute terms, and in relation to production and consumption, price undercutting and price suppressing effect on the domestic industry. The Applicants have claimed that their performance has been adversely impacted resulting in decline in production, capacity utilisation, cash flow, profits, and return on capital employed as a result of dumped imports of subject goods from subject countries. There is sufficient prima facie evidence of injury being caused to the domestic industry by dumped imports of subject goods from the subject countries.

### **INITIATION OF ANTI-DUMPING INVESTIGATION**

14. On the basis of the duly substantiated application by or on behalf of the domestic industry, and having satisfied itself, on the basis of the *prima facie* evidence submitted by the domestic industry, about dumping of the subject goods originating in or exported from the subject countries, injury to the domestic industry and causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the subject goods originating in or exported from the subject countries and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

### **SUBJECT COUNTRIES**

15. The subject countries for this investigation are Bangladesh and Thailand.

### **PERIOD OF INVESTIGATION (POI)**

16. The period of investigation (POI) for the present investigation is from 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020 (12 Months). The injury investigation period will cover periods from 1<sup>st</sup> April 2017- 31<sup>st</sup> March 2018, 1<sup>st</sup> April 2018- 31<sup>st</sup> March 2019, 1<sup>st</sup> April 2019- 31<sup>st</sup> March 2020, and the POI.

## **PROCEDURE**

17. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

## **SUBMISSION OF INFORMATION**

18. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email address [adg13-dgtr@gov.in](mailto:adg13-dgtr@gov.in), [adv12-dgtr@gov.in](mailto:adv12-dgtr@gov.in), [dd12-dgtr@gov.in](mailto:dd12-dgtr@gov.in) and [ad12-dgtr@gov.in](mailto:ad12-dgtr@gov.in). It should be ensured that the narrative part of the submission is in searchable PDF/ MS Word format and data files are in MS Excel format.

19. The known exporters, their Government through their Embassy in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.

20. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below.

21. Interested parties are further advised to keep a regular watch on the official website of the Designated Authority <http://www.dgtr.gov.in/> for any updated information with respect to this investigation.

## **TIME LIMIT**

22. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses [adg13-dgtr@gov.in](mailto:adg13-dgtr@gov.in), [adv12-dgtr@gov.in](mailto:adv12-dgtr@gov.in), [dd12-dgtr@gov.in](mailto:dd12-dgtr@gov.in) and [ad12-dgtr@gov.in](mailto:ad12-dgtr@gov.in) within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Rules.

23. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.

## **SUBMISSION OF INFORMATION ON NON-CONFIDENTIAL BASIS**

24. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules. Failure to adhere to the above may lead to rejection of the response / submissions.
25. The parties making any submission (including Appendices/Annexures attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
26. The confidential version shall contain all information which is by nature confidential and /or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
27. In case confidentiality is claimed on any part of the questionnaire's response/ submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non-Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.
28. Information supplied without any confidential marking shall be treated as non-confidential and the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information. Two (2) copies of the confidential version and two (2) copies of the non-confidential version must be submitted by all the interested parties.
29. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.
30. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis.

However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

31. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
32. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

### **INSPECTION OF PUBLIC FILE**

33. A list of interested parties will be uploaded on DGTR's website along with the request therein to all of them to email the non-confidential version of their submissions to all interested parties since the public file will not be accessible physically due to ongoing global pandemic.

### **NON-COOPERATION**

34. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

**(Anant Swarup)**

**Joint Secretary & Designated Authority**