

**TO BE PUBLISHED IN PART 1 SECTION-1 OF THE GAZATTE OF INDIA-
EXTRAORDINARY**

F. No. 14/20/2015-DGAD

Government of India

Ministry of Commerce & Industry

Department of Commerce

(Directorate General of Trade Remedies)

Jeevan Tara Building, 5, Parliament Street, New Delhi - 110001

Dated: 5th September, 2018

Amendment Notification

Subject: Anti-Dumping investigation concerning imports of ‘Linear Alkyl Benzene’ (LAB) originating in or exported from Iran, Qatar and China PR – Amendment to the final finding notification no. 14/20/2015-DGAD dated 6/3/2017.

No. 14/20/2015- DGAD:- Having regard to the Customs Tariff Act 1975, as amended from time to time (hereinafter referred to as “the Act”) and the 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 referred to as “the Rules”) thereof;

A. BACKGROUND

2. No. 14/20/2015-DGAD - Whereas having regard to the Act and Rules supra, the Designated Authority, in the Ministry of Commerce and Industry, Department of Commerce, Govt. of India, appointed under the Rules supra, (hereinafter referred to as “the Authority”) notified its Final Findings on anti-dumping investigation vide Notification No.14/20/2015-DGAD dated 06.03.2017 recommending imposition of definitive anti-dumping duty on imports of Linear Alkyl Benzene (LAB) (hereinafter referred to as the subject goods) originating in or exported from Iran, Qatar and China PR (hereinafter referred to as the subject countries).

3. And whereas definitive anti-dumping duty was imposed on the subject goods vide Customs Notification No. 12/2017-Customs (ADD) dated 11.04.2017.

B. PROCEDURE

M/s Qatar and Petrochemical Marketing and Distribution Company (Muntajat), the exporter of Subject Countries produced by M/s SEEF Limited in the original investigation has requested for change of name of the exporter from Muntajat Q.J.S.C to Muntajat Q.P.J.S.C.

The Authority noting the nature of the request sought views on the same from interested parties of the original investigation, so that the request could be considered appropriately and need of undertaking a MTR could be evaluated. Submissions made by interested parties have been considered by the Authority.

C. SUBMISSIONS MADE BY INTERESTED PARTIES

(a) Submission by M/s Qatar and Petrochemical Marketing and Distribution Company (Muntajat) Q.J.S.C. (Exporter):

- (i) There has been no change in the ownership or structure of Muntajat pursuant to its change in name from Muntajat Q.J.S.C. to Muntajat Q.P.J.S.C. In fact, it is a change in name as required by an amendment to local law.
- (ii) There was an amendment to the commercial law in Qatar. Prior to the amendment, the previous version of the law did not require the company to specify whether it was a public joint stock company or private joint stock company, since there was no legal distinction between a public joint stock company or a private joint stock company:
Article 4 of the new amended Commercial Companies Law introduced a new type of company under Qatari law and categorized joint stock companies into either public joint stock companies or private joint stock companies.
- (iii) Muntajat was incorporated as a joint stock company in 2012. Pursuant to the new law Muntajat had the option to either to list its shares on the financial markets and be referred to as a public joint stock company or remain unlisted and be referred to as a private joint stock company. Muntajat has decided not to pursue a listing and as such will be considered as a private joint stock company under the new amended Commercial Companies Law. There has been no change in shareholding.
- (iv) The above law has been interpreted in Qatar to imply that in all cases, the type of the shareholding company shall be clearly delineated in the commercial name thereto (i.e. “public” shall be written for publicly listed entities and “private” shall be written for privately owned entities).
- (v) The requirement of signifying the private / public nature of a company in the name is comparable to Indian law as well. As per section 4 of the Companies Act, 2013, every private company needs to have the suffix “private limited” after its name. The relevant part is reproduced for your reference:

“4. (1) The memorandum of a company shall state—

(a) the name of the company with the last word "Limited" in the case of a public limited company, or the last words "Private Limited" in the case of a private limited company

Provided that nothing in this clause shall apply to a company registered under section 8;”

- (vi) In line with the amended Qatari law, Muntajat made the necessary changes which were accepted by the authorities with effect from 21st February, 2018, and the Company is now registered with the name Qatar and Petrochemical Marketing and Distribution Company (Muntajat) Q.P.J.S.C., Qatari Private Joint Stock Company, the only difference being that the word ‘Private’ has been added to the English translation of the name.
- (vii) Under Article 94 of the amended Company’s law, it is also clarified that a “public” joint stock company is simply a company that has publicly listed shares, and any other joint stock company must necessarily be classified as a ‘private’ company. Hence Muntajat has been classified as such, while continuing to be 100% owned by the Government of Qatar.
- (viii) The arrangement and ownership structure of Muntajat remains unchanged as was during the investigation and that there has been no change in the verified position.
- (ix) The official Commercial Registration Data for 2017 and 2018 as recorded by Qatar’s Ministry of Economy and Commerce, evidences that Muntajat continued to be 100% owned by the Government of Qatar before and after adding ‘private’ to its name. Further, there are no changes to the list of authorised signatories and board of directors. The ‘basic nature’ of the company remains unaltered.

(b) The following submissions have been made by Domestic Industry. No other interested party has made any submission:

- (i) There has been no change in the ownership or structure of Muntajat pursuant to its change in name from Muntajat Q.J.S.C. to Muntajat Q.P.J.S.C. In fact, it is a change in name as required by an amendment to local law.
- (ii) There was an amendment to the commercial law in Qatar. Prior to the amendment, the previous version of the law did not require the company to specify whether it was a public joint stock company or private joint stock company, since there was no legal distinction between a public joint stock company or a private joint stock company:
- (iii) Muntajat was incorporated as a joint stock company in 2012. Pursuant to the new law Muntajat had the option to either to list its shares on the financial markets and be referred to as a public joint stock company or remain unlisted and be referred to as a private joint stock company. Muntajat has decided not to pursue a listing and as such will be considered as a private joint stock company under the new amended Commercial Companies Law. There has been no change in shareholding.

- (iv) The above law has been interpreted in Qatar to imply that in all cases, the type of the shareholding company shall be clearly delineated in the commercial name thereto (i.e. "public" shall be written for publicly listed entities and "private" shall be written for privately owned entities).
- (v) The requirement of signifying the private I public nature of a company in the name is comparable to Indian law as well. As per section 4 of the Companies Act, 2013, every private company needs to have the suffix "private limited" after its name.
- (vi) In line with the amended Qatari law, Muntajat made the necessary changes which were accepted by the authorities with effect from 2P1 February, 2018, and the Company is now registered with the name Qatar and Petrochemical Marketing and Distribution Company (Muntajat) Q.P.J.S.C., Qatari Private Joint Stock Company, the only difference being that the word 'Private' has been added to the English translation of the name.
- (vii) Under Article 94 of the amended Companies law, it is also clarified that a "public" joint stock company is simply a company that has publicly listed shares, and any other joint stock company must necessarily be classified as a 'private' company. Hence Muntajat has been classified as such, while continuing to be 100% owned by the Government of Qatar.
- (viii) The arrangement and ownership structure of Muntajat remains unchanged as was during the investigation and that there has been no change in the verified position.
- (ix) The official Commercial Registration Data for 2017 and 2018 as recorded by Qatar's Ministry of Economy and Commerce, evidences that Muntajat continued to be 100% owned by the Government of Qatar before and after adding 'private' to its name. Further, there are no changes to the list of authorised signatories and board of directors. The 'basic nature' of the company remains unaltered.
- (x) No information is available in public domain.
- (xi) The domestic industry does not have any reservation to extension of present ADD to the new legal entity, considering that the applicant has claimed this as only a technical change in the name.

D. Examination by the Authority

The Authority notes that the Domestic Industry has not objected to the requested change in name by the exporter. The Authority also notes that there is no change in shareholding pattern of ownership which therefore do not alter the basic nature of business operations of the exporter.

E. Conclusion and Recommendations

Having considered all aspects, the Authority holds that the name of the exporter i.e. M/s Q.J.S.C has been changed to M/s Q.P.J.S.C w.e.f. 21st February, 2018. Thus, M/s Muntajat Q.J.S.C and M/s Q.P.J.S.C are the same companies. Accordingly, the Authority recommends the above change in the Table in paragraph 1 of the Notification No. 12/2017- Customs (ADD) dated 11.04.2017 as under:

- i) Against Serial No. 6 in Col. 7, the name of the exporter 'M/s Qatar Chemical and Petrochemical

Marketing and Distribution Company (Muntajat) Q.J.S.C., Qatar may be amended to read as 'M/s Qatar and Petrochemical Marketing and Distribution Company (Muntajat) Q.P.J.S.C. Qatari Private Joint Stock Company.

- ii) Against serial No. 7, in Col. No. 7, the name of the Exporter 'M/s Qatar Chemical and Petrochemical Marketing and Distribution Company (Muntajat) Q.J.S.C., Qatar may be amended to read as 'M/s Qatar and Petrochemical Marketing and Distribution Company (Muntajat) Q.P.J.S.C. Qatari Private Joint Stock Company.

F. An appeal against the orders of the Central Government arising out of this order shall lie before the Customs, Excise, and Service Tax Appellate Tribunal in accordance with the Act.

Sunil Kumar
Additional Secretary & Designated Authority