

06 DEC 2018

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सीमाशुल्कआयुक्तकार्यालय,  
OFFICE OF THE COMMISSIONER OF CUSTOMS(PREVENTIVE)

नं.1, विलियम्सरोड, तिरुचिरप्पल्ली - 620001

तिरुचिरप्पल्ली / TIRUCHIRAPPALLI-1

NO.1 WILLIAMS ROAD, CANTONMENT, TIRUCHIRAPPALLI – 620 001

Tel / Fax: 0431 - 2418819 :: E-mail: cuspoltry@gmail.com

C. No. VIII/09/04/2017-Cus. Pol. PF-I

Date: 05.12.2018

**Public Notice No.22/2018**

Sub:-Representation from All India Saccharin Manufacturing Association -  
Implementation of Hon'ble Gujarat High Court Order dated 07.02.2018  
in Special Civil Application No. 1399 of 2018- Reg.

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Kind attention is invited to the Civil Notice dated 12.02.2018 in the Special Civil Application No. 1399/2018 in the Hon'ble High Court Gujarat and subsequent Letter No. 528/24/2017-STO(Tariff Unit) dated 13.03.2018 in this regard. (Copy enclosed).

2. Anti-Dumping duty on Saccharin originating in and exported from China PR was imposed vide Notification No.41/2007 Customs (ADD) dated 19.03.2007 for five years. These duties were extended vide Notification No. 07/2012-Customs (ADD) dated 13.01.2012 for a period of five year following a sunset review initiated by the Director General of Trade Remedies (DGTR).

3. Subsequently, petitioner Shree Vardayini Chemical Industries Pvt. Ltd had filed a petition seeking extension of Anti-Dumping Duty. Accordingly, the DGTR had initiated the investigation vide Notification No.15/23/2016 DGAD dated 30.12.2017 holding that there was no justification for further continuation of Anti-Dumping Duty, largely because Anti-Dumping Duty has been in force for ten years and has served the intended purpose for which Anti-Dumping Duty was imposed.

4. The petitioner Shree Vardayini Chemical Industries Pvt. Ltd, aggrieved from the final findings of the DGTR, had filed a Special Civil Application No. 1399 of 2018 before the Hon'ble High Court of Gujarat. The Hon'ble Court of Gujarat vide Civil Notice has directed that: "*goods that may be given clearance are accounted for and there should be information to the importer that a litigation is pending in form of this petition and as the Court has issued notice, the clearance in absence of any protection would be viewed in proper prospective in light of the contention raised in the petition and subject to result of this petition*"

5. Hence, it is requested to follow the directions of the Hon'ble High Court of Gujarat and letter dated 13.03.2018 issued by Tariff Unit.

6. Difficulties, if any, in implementation of the above instructions may please be brought to the notice of the undersigned.


Encl: as above

Copy submitted to:

The Chief Commissioner of Customs (Preventive), Trichy.

Copy to:

- 1 All Divisions, Air Cargo/ICDs/CFS.
- 2 EDI (Hqrs), Trichy with request to upload on the website of Trichy Customs (Preventive) Commissionerate (<http://customstrichy.gov.in/>).
- 2 The Hindi Cell (for translation).
- 3 As per Mailing List.
- 4 Notice Board.

  
(ASHOK)  
COMMISSIONER

F.No.354/54/ 2006-TRU (Pt-III)  
Government of India  
Ministry of Finance  
(Department of Revenue)  
Tax Research Unit  
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Room No 156, North Block,  
New Delhi, dated 25<sup>th</sup> October, 2018

To,

All Principal Chief Commissioners/Chief Commissioner of Customs/ Customs Preventive/ Customs and Central Excise for necessary compliance.

All Principal Commissioners/ Commissioners of Customs/ Customs (Preventive) for necessary compliance.

Madam/Sir,

**Subject: Representation from all India Saccharin manufacturing Association-implementation of Hon'ble Gujarat High Court order dated 07.02.2018 in Special Civil Application No. 1399 of 2018 -reg.**

Kind attention is invited to the Civil Notice dated 12.02.2018 in the Special Civil Application No. 1399/2018 in the Hon'ble High Court of Gujarat and subsequently letter No. 528/24/2017-STO (TU) dated 13.03.2018 in this regard (copy enclosed).

2.1 To briefly recapitulate, anti-dumping duty on Saccharin originating in and exported from China PR was imposed vide notification No. 41/2007 -Customs (ADD) dated 19.03.2007 for five years. These duties were extended vide notification No. 7/2012-Customs (ADD) dated 13.01.2012 for a period of five year following a sunset review initiated by the Director General of Trade Remedies (DGTR).

2.2 Subsequently, the petitioner Shree Vardayini Chemical Industries Pvt. Ltd had filed a petition seeking extension of anti-dumping duty. Accordingly, the DGTR had initiated the investigation vide notification No. 15/23/2016-DGAD dated 30.12.2017. After concluding investigation, the DGTR issued final findings vide notification No. 15/23/2016-DGAD dated 30.12.2017 holding that there was no justification for further continuation of anti-dumping duty, largely because anti-dumping duty has been in force for ten years and has served the intended purpose for which anti-dumping duty was imposed.

3. The petitioner Shree Vardayini Chemical Industries Pvt. Ltd., aggrieved from the final findings of the DGTR, had filed a Special Civil Application No. 1399 of 2018 before the High Court of Gujarat. The Hon'ble High Court of Gujarat vide civil notice has directed that:



Instruction No. 18/2018-TRU

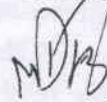
*"goods that may be given clearance are accounted for and there should be information to the importer that a litigation is pending in form of this petition and as the Court has issued notice, the clearance in absence of any protection would be viewed in proper prospective in light of the contention raised in the petition and subject to result of this petition".*

4. Hence, it is therefore requested to follow the directions of the Hon'ble High Court of Gujarat and letter issued by Tariff Unit by issuing a 'Trade Notice' wherein the observations of the Court may be quoted. The trade Notice may be given wider publication so that the trade and importers could be aware of it.

This issues with the approval of the Board.

Encl.: As above

Your's Sincerely,



Mahipal Singh  
Technical Officer, TRU

Copy to: Joint Secretary (Customs), CBIC

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File No. 528/24/2017-STO (TU)  
Government of India  
Ministry of Finance  
Department of Revenue  
(Central Board of Excise & Customs)  
Tariff Unit  
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Room No. 229 A, North Block,  
New Delhi, Dated 13.03.2018

To,

Shri P.V.R. Reddy,  
Chief Commissioners of Customs,  
Gujrat Zone, Ahmedabad

Smt. Bharati Chavan,  
Principal Commissioner of Customs,  
Ahmedabad

**Subject: Special Civil Application No. 1399 of 2018 in the High Court of Gujrat at Ahmedabad, Civil Notice-reg.**

Madam/Sir,

Kind attention is invited to the Civil Notice dated 12-02-2018 in the Special Civil Applications No. 1399 of 2018 in the High Court of Gujrat (copy enclosed).

2. Special Civil Application No. 1399 has been filed by Shree Vardayini Chemical Industries Pvt. Ltd. against final findings of DGAG vide F. No. 15/23/2016-DGAD (Case No. SSR 03/2017) dated 30-12-2017 and Notification No. 03/2017-cus (ADD) dated 19-01-2017.

3. In this regard, Hon'ble High Court of Gujrat vide said Civil Notices has directed that "goods that may be given clearance are accounted for and there should be information to the importer that a litigation is pending in form of this petition and as the court has issued notice, the clearance in absence of any protection would be viewed in proper prospective in light of the contention raised in this petition and subject to result of this petition".

4. Hence it is therefore requested to follow the directions of the Hon'ble HC by keeping the assessments of the subject commodity provisional. The provisional assessments should be taken up for finalization immediately on the disposal of the said Special Civil Application by Hon'ble HC or further intimation in this regard from Board office whichever earlier.

5. In para 8 of the Civil Notice, court has observed that, as the order is passed in absence of the other side, it would be open to the other side to approach the court even prior to the returnable date and it will be also open to anyone including importer and exporter of the goods in question to approach the court in seeking modification and/or vacation of the order.





It is requested that Hon'ble Court may be approached that in view of levy having expired keeping the assessments provisional may not be fruitful unless the levy is revived with the approval of JS (customs).

Enclosures: As above

Your's Sincerely,

**Rachna Tanwar**  
**OSD, Tariff Unit**

Copy to: Member (Budget), CBEC

All Principal Chief Commissioners/Chief Commissioners of Customs Customs Preventive/ Customs and Central Excise for necessary compliance.

All Principal Commissioners/Commissioners of Customs/Customs (Preventive) for necessary compliance.