

駐印度代表處經濟組 函

受文者：經濟部國際貿易署

發文日期：中華民國113年12月18日

發文字號：竺經字第1130005346號

速別：最速件

密等及解密條件或保密期限：

附件：如文 (竺經1130005346_Attach1.pdf)

主旨：有關印度商工部貿易救濟局(DGTR)依印度Gujarat高等法院函令對「懸浮聚氯乙烯樹脂(PVC Suspension Resins)」反傾銷調查案徵詢各界意見之結論事，報請鈞察。

說明：

一、依據印度商工部貿易救濟局(DGTR)本(113)年12月16日F. No. 6/33/2023-DGTR號函辦理(如附件，12月17日晚上發布)。

二、上函重點摘陳如次：

- (一)DGTR依據印度Gujarat高等法院本年11月29日就印度 Epigral 公司提出之特別民事申請第15673號案件之命令，已於本年12月11日下午4時以視訊及實體混合方式召開會議，提供包括Epigral有限公司及國內產業在內的所有利害相關方陳述意見。
- (二)案經DGTR檢視所有利害相關方提交的資料後得出結論略以，目前並特定且明確可辨識之懸浮聚氯乙烯樹脂能被

電子
文
時

8

認定為製造CPVC樹脂的獨特材料。Epigral有限公司所稱用於製造CPVC樹脂的特殊懸浮聚氯乙烯樹脂，其亦供作其他應用。此外，市面上已有其他PVC樹脂用於製造CPVC樹脂。基於上述情況，該兩者在技術面及商業面是可相互替代，而印度國內產業生產的相關產品符合反傾銷規則第2(d)條之定義，屬於自相關國家進口產品之同類產品。因此，有關Epigral有限公司主張之產品等級，DGTR裁定不足以排除適用在受調產品範圍之外。

三、以上各節，報請鈞察。

正本：經濟部國際貿易署

副本：經濟部國際貿易署雙邊貿易一組



To be published in Part-I Section-I of the Gazette of India Extraordinary

**F. No. 6/33/2023-DGTR
Government of India
Ministry of Commerce & Industry
Directorate General of Trade Remedies
Jeevan Tara Building, 4th Floor, Parliament Street,
New Delhi – 110001**

Dated: 16.12.2024

**ADDENDUM NOTIFICATION
CASE NO. AD(OI) – 30/2023**

Subject: Order passed pursuant to direction of Hon'ble High Court of Gujarat in SPECIAL CIVIL APPLICATION NO. 15673 of 2024 in the anti-dumping investigation concerning imports of "Polyvinyl Chloride Suspension Resins" originating in or exported from China PR, Indonesia, Japan, Korea RP, Taiwan, Thailand and the United States of America.

A. BACKGROUND

1. Chemplast Cuddalore Vinyls Limited, DCM Shriram Limited and DCW Limited (hereinafter also referred to as the "Applicants") 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 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 also referred to as the "Rules" or "Anti-Dumping Rules"), for initiation of an anti-dumping investigation concerning imports of Polyvinyl Chloride Suspension Resins (hereinafter also referred to as the "product under consideration" or the "subject goods"), originating in or exported from China PR, Indonesia, Japan, Korea RP, Taiwan, Thailand and the United States of America (hereinafter also referred to as the "subject countries").
2. The Authority, on the basis of *prima facie* evidence submitted by the applicants, issued a public notice vide Notification No. 6/33/2023-DGTR dated 26th March 2024, published in the Gazette of India Extraordinary, initiating the subject investigation in accordance with Section 9A of the Act read with Rule 5 of the Rules to determine existence, degree and effect of the alleged dumping 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 alleged injury to the domestic industry.
3. After examining the submissions made by all other interested parties, the Authority concluded that there is a need for imposition of provisional anti-dumping duty in order to offset dumping and injury to the domestic industry, pending completion of the

investigation. Accordingly, the Authority issued a preliminary findings dated 30th October 2024 recommending imposition of provisional anti-dumping duty on imports of subject goods from the subject countries.

4. Post issuance of preliminary findings, Epigral Limited, an importer/user of the product under consideration, filed a writ petition before the Hon'ble Gujarat High Court alleging that the submissions made by it were not considered by the Authority prior to issuance of the preliminary findings and the grades specified by it should have been excluded from the scope of product under consideration, The Hon'ble High Court passed the following order vide order dated 29th November 2024,

1....

2. Learned advocate Mr. Ankit Shah for the respondent Nos. 1 to 3 referred to the communication dated 28th November, 2024 from the respondent No.2 - Director General of Trade Remedies, Govt. of India, New Delhi addressed to him and submitted that the petitioners have now informed the respondent No.2 that on 23rd November, 2024 that the confidentiality qua the details submitted by the petitioners is not claimed.

3. In view of the above submissions, the following order is passed in the interest of justice as well as in the facts of the case to resolve the issue raised in this petition.

(1) The respondent No.2 shall share the information which was claimed to be confidential up to 23rd November, 2023 with the members of the domestic industries i.e. respondent No. 4,5 and 6 on or before 4th December, 2024.

(2) The respondent Nos. 4,5 and 6 shall file their objections or reply with regard to the objections raised by the petitioners for exclusion of the item from the product under consideration (PUC) on or before 6th December, 2024.

(3) The petitioners shall file rejoinder if any to such reply on or before 10th December, 2024.

(4) The respondent No.2 shall finally decide the issue of exclusion of Special grade SPVC as claimed by the petitioners to be excluded or not from the product under consideration (PUC) on or before 16th December, 2024 by providing opportunity of hearing to the petitioners as well as respondent Nos.4, 5 and 6 and other stakeholders if any and place the order which may be passed on the record of this petition on or before the next date of hearing.

Learned advocate Mr. Ankit Shah for the respondent is directed to communicate to the respondent Nos. 1,2 3 and 7 not to take any further action to implement impugned order till the next date of hearing.

Needless to say, that the petitioners and respondents shall cooperate and comply with the aforesaid directions.

Stand over to 18th December, 2024.

5. The following procedure was followed by the Authority post issuance of the aforesaid order by Hon'ble High Court.

B. Procedure

6. The procedure described hereinbelow has been followed with regard to the subject investigation.
 - i. The Authority received an email from Epigral Limited dated 25/11/2024 waiving the confidentiality claimed on the submissions made.
 - ii. The Authority circulated the submissions made by Epigral Limited to domestic industry and all interested parties/other stakeholders vide email dated 4th December 2024 and directed to file their written submissions on the same latest by 6th December 2024.
 - iii. The Authority received written submissions from other interested parties/stakeholders including the domestic industry on 6th December 2024.
 - iv. The other interested parties/stakeholders including Epigral Limited and the domestic industry filed rejoinder to the written submissions made by the other interested parties/stakeholders.
7. The Authority conducted an oral hearing through hybrid mode (VC/physical) dated 11th December 2024 at 04:00 PM and provided due opportunity to all the interested parties including Epigral and domestic industry to present their views orally.

C. Submissions by other interested parties

8. The following submissions were made by the other interested parties/stakeholders with regard to request for exclusion of certain grades from the scope of the product under consideration.

I. Submissions by Epigral Limited

- i. There is a need to exclude special grade of PVC suspension resins used for manufacturing of C-PVC as the same are not offered by the domestic industry. The grades produced by the domestic industry are not technically and commercially substitutable with grades imported into India.
- ii. Special grade PVC is designed for very high porosity which is suitable for uniform chlorination for C-PVC.
- iii. Special grade of PVC has different kind of formulation to ensure long term heat stability of C-PVC resin which is not there in case of general grade of PVC.
- iv. Formosa Plastics Corporation produces and exports specialty grade PVC S65C.
- v. S65C of Formosa has higher apparent density than PR 065 of DCW Limited. This allows for achieving high productivity and output for end users of C-PVC.

- vi. S65C offers higher plasticizer absorption as compared to PR 065. This ensures effective chlorination of C-PVC.
- vii. S65C has smaller mean particle size as compared to PR 065. With large particle size the homogeneity of chlorine distribution is disrupted.
- viii. PR 065 leads to a shorter gelation speed which is not favorable for C-PVC manufacturing.
- ix. General grade of Suspension PVC cannot be used as Suspension PVC should have adequate internal morphology to achieve desired and homogeneous chlorination.
- x. Mass grade PVC has been excluded from the scope of the product under consideration. The specialty grades are similar in end use to mass / bulk polymerized PVC grade.
- xi. DCW Limited has imported S-65C of Formosa and SF58S of Thai Polyethylene of PVC. This shows that the special grade of PVC is not available in India and DCW cannot use its own product for production of C-PVC.
- xii. DCW in its investor call has admitted that special quality of PVC is required to manufacture C-PVC.
- xiii. The specialty grades for C-PVC manufacturing include S65C and S57C produced by Formosa Plastics Corporation, SG66J and SF58S produced by Thai Polyethylene Co. and M1000 produced by Shanghai Chlor Alkali Chemical Co. Ltd.
- xiv. There was no production of specialty grade PVC Resins during the period of investigation which is evident from the fact that DCW commissioned its new plant post period of investigation and started using its own PVC suspension resin.
- xv. As opposed to the submission of the domestic industry, BIS refers to only a basic C-PVC resin. PVC Suspension grades supplied by domestic industry does not yield C-PVC as per the specifications in IS 17988.
- xvi. Epigral has imported a number of grades from a number of suppliers on trial basis to examine, experiment, conduct R&D and ascertain feasibility for production of C-PVC. While some grades have worked the others have not worked.
- xvii. The grades imported by Epigral is miniscule as compared to the total imports into India, thus, establishing that such grades are specialty grades.
- xviii. The applicants have not disclosed during the course of the investigation that there are different grades of PVC suspension resins and that such grades have been imported by DCW Limited.
- xix. The applicants have started importing specialty grades directly post period of investigation which were being imported in the period of investigation through connected entities. This is circumvention of the Anti-Dumping Rules.
- xx. DCW Limited has imported S-65C from Formosa Plastics Corporation till November 2024. While Formosa Plastics Corporation exports a number of grades, only S65C which is specialized grade for C-PVC has been imported.
- xxi. The applicants have not disclosed the imports made during the period of investigation. The Authority has not checked the adequacy and accuracy of the information filed by the domestic industry.

- xxii. There is no provision in the Anti-Dumping Rules for conducting meetings regarding PUC and PCN with officers of the Designated Authority and the same cannot be considered as a proper and adequate opportunity to all interested parties.
- xxiii. A hearing was conducted on the scope of PUC and PCN without providing adequate time for preparation of submissions.
- xxiv. In the submission dated 6th May 2024, Epigral had already stated that the applicants have themselves admitted that K-value is not the only relevant parameter but there are other parameters for specification of the product under consideration. Thus, K-value should not be the only parameter for deciding the scope of the product under consideration.
- xxv. The applicants did not rely on the BIS standards while proposing scope of the product under consideration, and the reliance was placed at a later stage indicating that the same is an afterthought.
- xxvi. While the BIS standard 17658:2021 submitted by the applicant states that PVC resins have different grades and are classed based on viscosity behavior, particle size distribution, apparent density etc., the Authority has only considered K-value as a relevant factor for the scope of product under consideration.
- xxvii. IS 17658:2021 specifically recognizes that there are special grades of PVC suspension resins on account of both end-use and technical parameters. Hence, the claim that there are no specialty grades is incorrect.
- xxviii. The BIS standards classify PVC suspension resins and mass PVC resins under the same standard. Accordingly, exclusion of mass grade cannot be justifiable. Both mass PVC resins and specialty PVC suspension resins are not produced in India.
- xxix. The Order of the High Court of Gujarat has not been followed in the true spirit as only the domestic industry and Epigral Limited should have been given an opportunity for submissions and hearing.
- xxx. Reliance placed on grades supplied by Reliance Industries Limited is unlawful as the said manufacturer is not part of the present investigation.
- xxxi. In case, there was no specialty grade requirement, then DCW should have consumed PVC suspension grade manufactured by other domestic producers as well.
- xxxii. The Authority must verify the commercial considerations of DCW Limited for not using its own grade. The requirement of PVC suspension resins for production of C-PVC by DCW Limited is only 8% of its total capacity, thus, such assertions are incorrect. Such information should be disclosed to the other interested parties.
- xxxiii. Commercial considerations are not an excuse for permitting imports of grades of subject goods that domestic industry alleges to manufacture.
- xxxiv. The reliance on imports of C-PVC have reduced due to presence of Epigral in the domestic market. It is further expanding capacities in order to further reduce its dependence.
- xxxv. The domestic industry has not approached Epigral to offer their product as they do not manufacture specialty grade.
- xxxvi. Epigral has tried using grade supplied by Reliance Industries Limited and has informed them that the grade is not running well. DCW Limited had verbally refused for supplying Epigral the product.

- xxxvii. The domestic industry has made contradictory submissions with regard to porosity. Even the mass PVC grade of Formosa imported by DCW has high porosity, narrow particle distribution and less fine powder used for manufacturing C-PVC.
- xxxviii. The image provided by the Epigral makes it clear that morphology of S65C supports uniform chlorination.
- xxxix. Patent vide No. US6,384,149 B2 dated May 7, 2002 which is with reference to PCV requirement for production of C-PVC clearly mentioned importance of average particle size porosity, viscosity, heat stability, Free flow property, sedimentation tendency, particle size distribution etc.,
- xl. While DCW Limited produces pipe grade and fitting grade, there is no single grade for C-PVC manufacturing.
- xli. DCW Limited did not have a BIS license between October 2022 to June 2024.
- xlii. The authenticity of the test reports provided by the domestic industry are doubtful as the samples have been provided by the domestic industry and the domestic industry can manipulate the samples provided to the Lab.

II. Submissions by Formosa Plastic Corporation

- i. Grade S-65C is primarily utilized for production of C-PVC.
- ii. The cold plasticizer absorption of S-65C is 27.9%, compared to 25.6% for Normal Grade K65 PVC, indicating its superior absorption capabilities.
- iii. The mean particle size for Grade S-65C is 132 μm , while Grade K65 PVC has a mean particle size of 118 μm .
- iv. Particle size distribution shows Grade S-65C has thinner skin with uniform porosity and high cold plasticizer absorption. This allows chlorine to diffuse evenly during the chlorination process.
- v. DCW does not produce this grade and has imported significant quantity of S-65C. Thus, the grades used for production of C-PVC should be excluded from the scope of the product under consideration.
- vi. Formosa has endorsed the submissions placed by Epigral Limited.

III. Submissions by Thai Polyethylene Co. Ltd.

- i. TPE produces specialty grades (SG66J and SF58S) which are exclusively used to produce C-PVC.
- ii. The domestic manufacturers do not produce an equivalent grade that is commercially and technically viable substitutes to SG66J and SF58S.
- iii. The specialty grades have higher apparent density than PRO 65 produced by DCW Limited. Higher density is essential for achieving high productivity and output for CPVC end-users.
- iv. SG66J has low yellow index as compared to PRO65. This difference is significant in application where visual consistency is critical.
- v. SG66J has smaller particle size compared to PRO65. This allows uniform chlorination process which is crucial for maintaining high standards of C-PVC production.

- vi. SG66J has faster absorption time as compared to PRO65. The domestic grade thus has slower rate of chlorine penetration which can reduce production rate and efficiency.
- vii. SG66J has lower cold plasticizer absorption time, allowing for quicker incorporation of chlorine into PVC as compared to PRO65.
- viii. SG66J is formulated with optimized additives that supports chlorination reaction with minimal color changes and ensures long-term heat stability for C-PVC products.
- ix. The domestic industry imports specialty grades through trader, MK Industries, for the manufacturing C-PVC.
- x. Imposition of anti-dumping duty on specialty grades would increase the costs of end-producers and create barriers for products in the Indian market.

IV. Submissions by Hanwha Solutions Corporation

- i. Epigral initially requested for exclusion of specialty grades without providing the specific grades and reason for exclusion. Grades were specified after the deadlines had passed.
- ii. All grades of products under consideration have no specially designated usage and are used to produce a variety of products.
- iii. No exporter other than Thai Plastic and Chemicals Plc and Thai Polyethylene Co. Ltd. filed their submissions regarding exclusion.
- iv. Any exemption of any specialty grade is unjustified and against the purpose of the anti-dumping duty investigation.

D. Submissions by domestic industry

- 9. The following submissions were made by the domestic industry with regard to request for exclusion of certain grades from the scope of the product under consideration.
 - i. Epigral started producing in 2022 but made no significant efforts to develop a domestic source. It bought domestically produced subject goods from the market and not directly from the producers and did not give any feedback to the domestic producer in order to develop the grade.
 - ii. Epigral is non-cooperative in the present investigation as it has not filed an importers' questionnaire response and economic interest questionnaire response.
 - iii. BIS is the competent authority to give specifications of the product and input material. Any demand beyond the BIS should be considered as a choice and not technical requirement.
 - iv. While DCW has BIS license to manufacture C-PVC, Epigral does not have a license to do so. Thus, the contention that use of subject goods supplied by domestic industry leads to production of C-PVC not as per specifications stated in the BIS is not correct.
 - v. Epigral does not have a technology provider and hence, struggling with different PVC grades. Epigral has not substantiated any claims technically or produced any recommendations from technology supplier.

- vi. Epigral simply stated that specialty grades should be excluded in its initial submissions without providing a justification or specification of such specialty grades.
- vii. Porosity of the product does not play a significant role in chlorination to C-PVC. The major factors which play a role in manufacturing of C-PVC include surface reaction nature, homogeneous chlorination and controlling factors.
- viii. The Indian industry produces a number of grades with porosity even higher than the imported grade.
- ix. S65C has a bulk density (Apparent density) and porosity (plasticizer absorption) almost identical to the values of DCW resin as per reports of third-party independent laboratory accredited by BIS.
- x. There are no differences between the product supplied by DCW Limited and those imported from Formosa.
- xi. Epigral has not provided the source of data given for comparison of Formosa grade and DCW grade.
- xii. Epigral has made comparison to only one grade of one manufacturer in India. There are multiple grades produced by producers in India and there are five producers of the subject goods in India.
- xiii. While Epigral has stated that it has imported various grades in India and some of the grades have failed, it has not provided any reason for such failure.
- xiv. Since subject goods are produced in batch process, it is not possible to have same specification for each batch. For this reason, the technical data sheets of the producers are given in range.
- xv. Apparent bulk density is not related to high productivity and output for C-PVC end users. The main parameters include extrusion technology, fusion and processing parameters.
- xvi. There is no material difference between the grades supplied by the domestic industry and those offered by the imports in terms of bulk density and porosity.
- xvii. As against the submissions of Epigral Limited, higher mean particle size is an advantage and not a drawback.
- xviii. There is no correlation between gelation speed of PVC suspension resin and chlorination. Subject goods manufactured by DCW shows earlier and better fusion (higher area under the curve) compared to the so-called specialised resin.
- xix. There is no conclusive evidence showing resin of what internal morphology alone will work for making C-PVC resin and whether no grade made in India has adequate morphology.
- xx. The domestic industry is offering like article to the product imported into India. This is evident from the fact that DCW Limited has used its own PVC suspension resins to manufacture C-PVC.
- xxi. DCW Limited has also used PVC suspension resins manufactured by other producers in order to produce C-PVC.
- xxii. Even after imposition of anti-dumping duty, Epigral Limited is free to import the subject goods at fair prices.

- xxiii. The BIS standard for C-PVC states raw material for manufacturing C-PVC is PVC suspension resins with specification as per BIS standard 17658:2021. All domestic producers of subject goods hold BIS licenses for manufacturing PVC suspension resins.
- xxiv. As opposed to the submissions made by Epigral Limited, the investor's call referred to the time when DCW was producing only in its first plant, where technology supplier approved usage of only MPVC. Hence, PVC suspension resins has not been used in that plant.
- xxv. The second new plant of DCW was commenced in June 2023 for trial production and commercial production was commenced in October 2023 for manufacturing C-PVC wherein, it has used own PVC suspension resins to manufacture C-PVC.
- xxvi. There are no specialty grades of PVC suspension resins which is evident from the fact that none of the producers of the subject goods submitted that there is a need for exclusion of specialty grade prior to issuance of PUC PCN notification.
- xxvii. There are a number of producers of C-PVC globally which are using their own PVC suspension resins to manufacture C-PVC.
- xxviii. Hanwha Solutions is a producer of both PVC suspension resins and C-PVC and has consumed its own PVC suspension resins to produce C-PVC. It has submitted that there are no specialty grades of PVC suspension resins for manufacturing C-PVC.
- xxix. As opposed to the submissions by Thai Plastics and Chemical Plc, the specification sheet of its product states that the grades can be used for general purposes. Majority of volumes of imports of such grades is by traders not involved in production of C-PVC.

E. Examination by the Authority

- 10. The contentions made by various stakeholders as per the Hon'ble High Court Order has been examined by the Authority.
- 11. In view of the orders of the Hon'ble High Court, the Authority deems it unnecessary to examine the matter related to timeliness and adequacy of response of Epigral Limited during the investigation proceedings prior to the issuance of the provisional findings. The Authority has considered all the information and arguments submitted by the domestic industry, Epigral Limited and other interested parties on the matter related to Epigral Limited's claim for exclusion of specific grades post the orders of the Hon'ble High Court. The Authority has focused its examination on the arguments which are relevant for the purposes of determining whether the claim of Epigral Limited for exclusion of specific grades is tenable under Rule 2(d) of Anti-Dumping Rules.
- 12. With reference to the claim of Epigral Limited regarding exclusions of specific grades, the Authority has examined the submissions made by the parties on technical and commercial substitutability aspects. On Epigral Limited's submission that S65C supplied by Formosa Plastics Corporation is technically distinct from the grade supplied by DCW, it is noted that no evidence has been provided with regard to the source of such information. On the contrary, the domestic industry has provided lab reports of

NABL/ISO Accredited Laboratory. As per the tests conducted by the said laboratory, the grade supplied by DCW Limited (domestic Industry in the application) is comparable in terms of bulk density and porosity, the two key parameters highlighted by Epigral Limited.

Particulars	Grade name	Bulk Density	Plasticizer Absorption (Porosity)
DCW Limited	PRO65	0.53	21%
DCW Limited	PRO057	0.51	15.45%
Formosa Plastics Corporation	SF58S	0.50	16%
Formosa Plastics Corporation	S65C	0.53	21.8%
Thai Polyethylene	S66J	0.51	19.7%

13. Thai Plastics and Chemicals Plc and Thai Polyethylene Co. Ltd. have stated that grades SG66J and SF58S are exclusively used for conversion into C-PVC. On the contrary, the Authority notes that as per the specification sheets of such grades, the grades can also be used for general purposes. The technical data sheet for grade SF58S and SG66J as enclosed by Epigral Limited states that these grades can be used for *general purpose to special products regarding customer's satisfactions.*”

“SCGC PVC SF58S is polyvinyl chloride homopolymer having low molecular weight with high porosity. SF58S is white and free-flowing resins produced by suspension polymerization process. The resin is recommended to use for chlorinated poly vinyl chloride process to produce chlorinated poly vinyl chloride (CPVC). Applications are ranging from general purpose to special products regarding customer's satisfactions.”

“SCGC PVC SG66J is polyvinyl chloride homopolymer having medium molecular weight, SG66J is white and free-flowing resins produced by suspension polymerization process. The resin can easily blend with variety of additives to achieve desired qualities needed in many applications. Applications are ranging from general purpose to special products regarding customer's satisfactions.”

14. The Authority has thereafter examined if the grades which Epigral limited has claimed to be specialized are actually unique for only C-PVC use or they have been used for applications other than C-PVC. Epigral Limited has claimed that the grades SG66J and SF85S are specifically to be used for C-PVC only. However, from the data on record regarding grades produced and exported by Thai Plastics and Chemicals Plc and Thai Polyethylene Co. Ltd. during the period of investigation, it is seen that 92% of the imports are by traders not producing C-PVC. This clearly demonstrates that the so-called grades specialty grades, claimed to be fit for C-PVC use only, have been used interchangeably in significant quantities for other applications

SN	Importer	Quantity in MT for SG66J and SF85S grade	Share
1	Epigral Limited	36	1%
2	MK Industries	282	7%
3	Others	3,690	92%
4	Total	4,008	100%

15. A similar demonstration of likeness emerges from the claim made by Hanwha Solutions Corporation. It is a producer of both C-PVC and PVC suspension resins. The said producer has claimed that there are no specialty grades for manufacturing C-PVC and it is manufacturing C-PVC using its own PVC suspension resins. It has further claimed that the same grade of PVC suspension resins used by Hanwha for production of C-PVC has been exported to India and it has been used for other applications such as cable covers and PVC pipes. The same grade has been used for manufacturing C-PVC by DCW Limited. The Authority on examination of this information submitted by Hanwha Solutions Corporation and DCW is of the opinion that it is demonstrated that the grade used for C-PVC is a like product to the grade used for other applications.
16. Another contention which has been emphatically made by Epigral Limited is that if the PVC grade being manufactured by domestic industry is fit for manufacture of C-PVC, why DCW Limited (one of the Domestic Industry applicants), which makes both PVC resin and C-PVC resin has not used its own PVC resin for making C-PVC resin. To this DCW Limited has placed material on record to show that it has produced C-PVC using captively produced PVC suspension resins as well as imported PVC suspension resins. As per the evidence on record, the following grades have been consumed by DCW Limited in order to manufacture C-PVC.

SN	Grade Name	MT	Prior to 30-09-2023	Post 30-9-23	Remarks
1	DCW Pipe Grade	1,498	76	1,422	DCW PR 065
2	DCW Fitting Grade	742	10	732	DCW PR 057
3	Oxychem 225p	2,354	517	1,837	Market
4	P 1000	1,051	541	510	MPVC
5	Hanwha P 1000 SB	553	143	410	Market
6	Westlake 1230p	66	8	58	Market
7	Westlake 1091	8	8	-	Market
8	Tpe Sg 66j	933	273	660	MK Industries
9	Tpe Sf58s	108	9	99	MK Industries
10	Formosa B 57	226	116	110	MPVC
11	Formosa B 57 C	118	-	118	MPVC Direct Import
12	Formosa B 65c	177	-	177	MPVC Direct Import
13	Formosa S 65c	194	-	194	SPVC Direct Import
15	Indonesia Fj65r	25	25	-	Market

16	Kemone Pipe	6	6	-	MPVC Direct Import
17	Kemone Fitting	120	-	120	MPVC Direct Import
18	P700 Fitting	18	-	18	MPVC Direct Import
19	Chemplast	6	6	-	Market
	Total	8,203	1,738	6,465	

17. The above shows that DCW Limited has used domestically produced subject goods for manufacturing C-PVC. Hence, the domestic industry has demonstrated that the PVC resin manufactured by it is a like article to the product imported into India which is used for manufacturing of C-PVC.
18. Further it is noted from the claims of domestic industry, Epigral Limited and producer/exporters that different grades of PVC suspension resin have been used for making C-PVC resin. There is no exclusive group of PVC suspension resin that is commonly used for the purposes of making C-PVC resin. Thus, the Authority is unable to appreciate the argument of exclusivity with reference to certain grades as claimed by Epigral Limited.
19. Finally, Epigral Limited has contended that in order to manufacture C-PVC, special grades of PVC are required, which are not available in India and not manufactured by the domestic industry. The Authority notes that as per the evidence on record, Epigral has not approached domestic industry or bought subject goods from the domestic industry and thereafter, communicated to the domestic industry regarding the deficiency if any, in the subject goods for manufacturing C-PVC. In such a case, the contention that the domestically produced products cannot be used in manufacturing C-PVC is untenable and does not establish the fact that domestic industry's products cannot be used in manufacturing in C-PVC.
20. After examination of submissions made by all the interested parties and perusing the material placed on record, the Authority concludes that there is a no exclusive, clearly identifiable category of PVC suspension resin which is unique for manufacturing of C-PVC resin. PVC suspension resins claimed as special by Epigral Limited for manufacture of C-PVC resin can be used for other applications and there are other PVC resins which have been used for manufacture of the C-PVC resin. In view of this, the two are technically and commercially substitutable. The subject goods produced by the domestic industry are like article to the product under consideration imported from subject country within the scope and meaning of Rule 2(d) of anti-dumping Rules. Hence it is held that the grades claimed by Epigral Limited do not warrant exclusion from the scope of PUC.



(Darpan Jain)
Designated Authority