

F. No. 6/33/2023-DGTR
Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara Building, 5, Parliament Street, New Delhi – 110001

Dated: 23.07.2025

DISCLOSURE STATEMENT
Case No AD(OI) – 30/2023

Subject: Disclosure statement of Anti-dumping investigation into imports of “Polyvinyl Chloride Suspension Resins” originating in or exported from China PR, Indonesia, Japan, Korea RP, Taiwan, Thailand and United States of America.

1. In accordance with Rule 16 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended, the Designated Authority hereby discloses the essential facts under consideration in the matter relating to the above investigation. The disclosure statement comprises of the following four sections:

Section I: General disclosure

Section II: Determination of normal value, export price and dumping margin

Section III: Methodology for injury determination and examination of injury, causal link.

Section IV: Methodology for arriving at non-injurious price (Confidential copy for the domestic industry only)

2. The sections cited above contain essential facts under consideration by the Designated Authority, which would form the basis for the Final Findings. The reproduction of facts does not tantamount to either acceptance or rejection of any fact / argument / submission. Arguments / submissions made by the domestic industry and other interested parties during the course of the present investigation are reflected in this disclosure statement to the extent they are considered relevant to this investigation by the Designated Authority.
3. Notwithstanding the facts given in this Disclosure Statement (including facts given on confidential basis), the Designated Authority would consider all replies given on merits, in order to arrive at a final determination.
4. In this disclosure statement *** represents information furnished by an interested party on confidential basis and so considered by the Designated Authority under the Rules.

5. Interested parties may submit their comments, if any, in soft copy, latest **by 5 pm on 30.07.2025** email to jd12-dgtr@gov.in, dir15-dgtr@gov.in, dd19-dgtr@gov.in and consultant-dgtr@nic.in. As would be noted below, the Authority has carried out issue wise analysis of the evidence presented before it. All interested parties are therefore requested to follow the same pattern in filing their comments. Since anti-dumping investigations are time bound, the Designated Authority will not entertain any request for extension of time.
6. This is issued with the approval of the Designated Authority.

Sd/-
Rajiv Kumar Soni
Director (Foreign Trade)
DGTR, New Delhi
Email ID: jd12-dgtr@gov.in

To,
All interested parties

Section-I**General Disclosure**

Subject: Anti-dumping investigation concerning imports of “Polyvinyl Chloride Suspension Resins” originating in or exported from China PR, Indonesia, Japan, Korea RP, Taiwan, Thailand and United States of America.

Having regard to 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 Anti-Dumping Rules or the Rules) thereof,;

A. BACKGROUND OF THE CASE

1. Chemplast Cuddalore Private 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 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” 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 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.

B. PROCEDURE

3. The procedure described below has been followed with regard to the investigation:
 - a. The Authority notified the Embassies of the subject countries in India about the receipt of the present anti-dumping application before proceeding to initiate the investigation in accordance with Rule 5(5) of the Anti-Dumping Rules and the Free Trade Agreements with various members of the WTO.

- b. The Authority issued a public notice dated 26th March 2024 published in the Gazette of India, Extraordinary, initiating anti-dumping investigation concerning imports of the subject goods from the subject countries.
- c. The Authority sent a copy of the initiation notification along with questionnaires to the Embassies of the subject countries in India, known producers/exporters from the subject countries, known importers/users and the domestic industry as well as other domestic producers as per the email addresses made available by the applicants and requested them to make their views known, in writing, within the prescribed time limit.
- d. The Authority provided a copy of the non-confidential version of the application to the Embassies of the subject countries in India, the known producers/exporters, importers and users in accordance with Rule 6(3) of the Rules.
- e. The Embassies of the subject countries in India were also requested to advise the exporters/producers from their countries to respond to the questionnaire within the prescribed time limit. A copy of the letter and questionnaire sent to the producers/exporters was also sent to them along with the details of the known producers/exporters from the subject countries.
- f. The Authority sent exporter's questionnaires to the following known producers/exporters in the subject countries in accordance with Rule 6(4) of the Rules:
 - 1. China Haohua Chemical (Group) Corporation
 - 2. Chipping Xinfu PVC Company Limited
 - 3. Famosa Plastics Corporation
 - 4. Hubein Yinhua Group Company Limited
 - 5. Inner Mongolia Junzheng Chemical Industry Company Limited
 - 6. Inner Mongolia Sanlian Chemical Corporation Limited
 - 7. JM Eagle Corporation
 - 8. JNC Corporation
 - 9. Kaneka Corporation
 - 10. Kingfa Sci. & Technology Company Limited
 - 11. LG Dagu Chemical Company Limited
 - 12. Mega Compound Company Limited
 - 13. Ningxia Jinyuyuan Energy Chemistry Company Limited
 - 14. Ningxia Yinglite Chemicals Company Limited
 - 15. Ocean Plastics Company Limited
 - 16. Ordos Zunzheng Energy & Chemical Industry Company Limited
 - 17. Oxy Vinyl LLP
 - 18. Oxychem
 - 19. Qingdao Haijing Chemical (Group) Company Limited
 - 20. Qingdao Haiwan Chemical Company Limited
 - 21. SAR Overseas Limited
 - 22. SCG Chemicals Company Limited
 - 23. Shandong Haihua Chlor-Alkali Resin Company Limited
 - 24. Shandong Xinfu Import & Export Company

25. Shanghai Chlor-Alkali Chemical Company Limited
 26. Shin-Etsu Chemical Co., Ltd
 27. Shintech Inc.
 28. Sinopec Group
 29. Sinopec Qilu Company
 30. Suzhou Huasu Plastics Company Limited
 31. Tianjin Dagu Chemical Company Limited
 32. Tianjin LG Bohai Chemical Company
 33. Visolit
 34. Vinythai Public Co., Ltd.
 35. Westlake USA Inc.
 36. Xinjiang Shengxiong Chlor-Alkali Company Limited
 37. Xinjiang Shihezi Zhongfa Chemical Company Limited
 38. Xinjiang Zhongtai Chemical Company Limited
 39. Yibin Tianyuan Group Limited
 40. Yichang Yihua Pacific Cogen Company Limited
 41. Zhong Tai International Development (HK) Limited
- g. The following producers / exporters filed response to the exporters' questionnaire issued by the Authority.
1. AGC Vinythai Public Limited Company
 2. Canko Marketing
 3. CGPC Polymer Corporation
 4. Chemdo Group Company Limited
 5. Cheongfuli (Hongkong) Company Limited
 6. China General Plastics Corporation
 7. China Salt Chemical International Trading Co. Ltd.
 8. Chiping Xinfu Huaxing Chemical Co., Ltd
 9. Chiping Xinfu Polyvinyl Chloride Co., Ltd
 10. CNSIG Jiltani Chlor – Alkali Chemical Co. Ltd.
 11. Cosmoss Vu Limited
 12. Formosa Industries (Ningbo) Co., Ltd.
 13. Formosa Plastics Corporation
 14. GCM Polymer Trading DMCC Company Limited
 15. Grand Dignity For Wanhua
 16. Grand Dignity Industrial Co. Ltd.
 17. Guangxi Huayi Chlor-Alkali Chemical Co., Ltd.
 18. Hanwa Corporation
 19. Henan Pulite Import And Export Trade Co., Limited
 20. Inner Mongolia Chemical Industry Company Ltd.
 21. Inner Mongolia Erdos Electric Power and Metallurgy Group Co., Ltd.
 22. Inner Mongolia Junzheng Chemical Industry Co., Ltd.
 23. ITOCHU (Thailand) Ltd.
 24. ITOCHU Corporation
 25. Itochu Plastics Pte., Ltd.

26. IVICT (Singapore) Pte. Ltd
27. Jiali Bio Group (Qingdao) Limited
28. Joc International Technical Engineering Co., Ltd.
29. Kaneka Corporation
30. Kanematsu Corporation
31. LG Chem, Ltd.
32. Marubeni Corporation
33. Mitsubishi Corporation
34. Mitsui & Co., Ltd
35. Ordos Junzheng Energy & Chemical Industry Co., Ltd
36. PT Asahimas Chemical
37. PTT Global Chemical Public Company Limited
38. Qingdao Haiwan Chemical Co. Ltd.
39. SAR Overseas Limited
40. Shaanxi Beiyuan Chemical Industry Group Co
41. Shandong Xinfu Import & Export Co., Ltd
42. Shanghai Chlor-Alkali Chemical Co., Ltd.
43. Shin-Etsu Chemical Co., Ltd
44. Simosa International Co. Ltd.
45. Sojitz Asia Pte Limited
46. Stavian Chemical JSC
47. Sunshine International Pvt Ltd
48. Taiyo Vinyl Corporation
49. Texpo International Limited
50. Thai Plastics and Chemicals Plc.
51. Thai Polyethylene Co. Ltd
52. Tianjin Bohua Chemical Developments
53. Tianjin Lg Bohai Chemical. Co. Ltd
54. Tokuyama Corporation
55. Tokuyama Sekisui Co. Ltd
56. Tosoh Nikkemi Corporation
57. TS Corporation
58. Tun Wa Industrial Co. Ltd.
59. United Raw Material Pte. Ltd.
60. Wanhua Chemical (Fujian) Co., Ltd.
61. Wanhua Chemical (Singapore) Pte. Ltd.
62. Wanhua Petrochemical (Yantai) Co., Ltd.
63. Xinjiang Shengxiong Chlor-Alkali Co., Ltd
64. Xinjiang Zhongtai Import & Export Co., Ltd
65. Yibin Haifeng Herui Co. Ltd.
66. Yibin Tianyuan Group Co. Ltd.
67. Yibin Tianyuan Materials Industry Group Ltd.
68. Yue Xiu Textiles Co., Ltd
69. Zhong Tai International Development (Hk) Limited

- h. Formosa Industries (Ningbo) Co., Ltd. has filed a response to supplementary questionnaire issued by the Authority and has claimed that it should be treated as operating in market economy conditions. No other producer from China has claimed market economy treatment.
- i. The Authority sent importers' questionnaire and users' questionnaire to the following known importers/users of the subject goods in India calling for necessary information in accordance with Rule 6(4) of the Rules:
 - 1. Aasu Chempoplast Private Limited
 - 2. ABM International Limited
 - 3. Aditya Industries
 - 4. Amisha Vinyls Private Limited
 - 5. Apollo Pipes Limited
 - 6. Associated Capsules Limited
 - 7. AVI Global Plast Private Limited
 - 8. Avon Plastics Group
 - 9. Caprihans India Limited
 - 10. Chaitanya Impex Private Limited
 - 11. Cooldeck Aqua Solutions Private Limited
 - 12. Cosmos Corporation
 - 13. D.R. Polymers Private Limited
 - 14. Deluxe Kaaran Import Private Limited
 - 15. Dhabriya Agglomerates Private Limited
 - 16. Diamond Pipes & Tubes Private Limited
 - 17. Dutron Plastics Private Limited
 - 18. Fine Flow Plastic Industries Limited
 - 19. Golden Group
 - 20. Havells India
 - 21. INCOM Cables Private Limited
 - 22. Jain Irrigation Systems
 - 23. Jewel Polymers Private Limited
 - 24. JP Group
 - 25. Kalpana Industries
 - 26. Kisan Group Tex
 - 27. KLJ Group
 - 28. Krishna Vinyls Group
 - 29. Kriti Industries (India) Ltd.
 - 30. KS Plastics
 - 31. Manish Packaging Private Limited
 - 32. Maxx Impex Private Limited
 - 33. Megha Industries
 - 34. MM Plastics
 - 35. Nouvelle Credits Private Limited
 - 36. Omega Plasto Limited
 - 37. Oriplast Limited

38. Oswal Cable Products Limited
 39. Oxyde Chemicals & Polymers India Private Limited
 40. Par Petrochem Limited
 41. Poly Extrusions Private Limited
 42. Polycab Cables Private Limited
 43. Prakash Industries
 44. Premier Polyfilm Limited
 45. Prfint Crafts
 46. Prince Pipes and Fittings Limited
 47. R.S. Overseas Private Limited
 48. Royal Cushion Vinyl Product Limited
 49. Sam Polymers
 50. Sandeep Organics Private Limited
 51. Sankhla Industries
 52. Shalimar Rexine India Limited
 53. Shantilal Mahendra Kumar
 54. Signet Overseas Limited
 55. Sintex Industries Limited
 56. Sudhakar Group
 57. Supreme Industries
 58. Surrender Commercial
 59. Tirupati Group
 60. Varsha Corporation Private Limited
 61. Veekay Polycoats Limited
- j. The following importers/users have participated in the present investigation by filing a response to the importers' / users' questionnaires issued by the Authority.
1. Alstone Green India Private Limited
 2. Asma Traexim Private Limited
 3. Atalantic Polymers Unit-II Private Limited
 4. Caprihans India Limited
 5. Prabitha Polymers
 6. Purbanchal Composite Panel (I) Private Limited
 7. Shiv Industries
 8. Sushila Parmar International Private Limited
 9. Terra Polyplast Private Limited
 10. Wanhua International (India) Private Limited
 11. Yamuna Interiors Private Limited
- k. The Authority issued economic interest questionnaire to all interested parties and concerned ministry. The following parties have filed a response to the economic interest questionnaire.
1. Domestic industry
 2. AGC Vinythai Public Limited Company
 3. Alstone Green India Pvt Ltd
 4. Asma Traexim Pvt. Ltd

5. Atalantic Polymers Unit-II Pvt. Ltd.
 6. Cheongfuli (Hongkong) Company Limited
 7. China Salt Chemical International Trading Co. Ltd.
 8. CNSIG Jiltani Chlor – Alkali Chemical Co. Ltd.
 9. GCM Polymer Trading DMCC Company Limited
 10. Hanwha Corporation
 11. IVICT (Singapore) Pte. Ltd
 12. Kaneka Corporation
 13. Kanematsu Corporation
 14. Marubeni Corporation
 15. Mitsubishi Corporation
 16. Mitsui & Co., Ltd
 17. Prabitha Polymers
 18. PT Asahimas Chemical
 19. PTT Global Chemical Public Company Limited
 20. Purbanchal Composite Panel (I) Pvt. Ltd.
 21. Qingdao Haiwan Chemical Co. Ltd.
 22. SAR Overseas Limited
 23. Shin-Etsu Chemical Co., Ltd
 24. Shiv Industries
 25. Sojitz Asia Pte Limited
 26. Stavian Chemical JSC
 27. Sunshine International Pvt Ltd
 28. Sushila Parmar International Private Limited
 29. Taiyo Vinyl Corporation
 30. Terra Polyplast PVT LTD
 31. Texpo International Limited
 32. Thai Plastics and Chemicals Plc.
 33. Thai Polyethylene Co. Ltd
 34. Tianjin Bohua Chemical Developments
 35. Tokuyama Corporation
 36. Tokuyama Sekisui Co. Ltd
 37. Tosoh Nikkemi Corporation
 38. Yamuna Interiors Pvt. Ltd.
 39. Yibin Haifeng Herui Co. Ltd.
 40. Yibin Tianyuan Group Co. Ltd.
 41. Yibin Tianyuan Materials Industry Group Ltd.
- l. The interested parties were asked vide notification dated 25th June 2024 to share the non-confidential version of the responses, submissions and evidence presented by them with the other interested parties.
 - m. The Authority conducted a meeting dated 30th April 2024 where all the interested parties were invited to give their comments on the scope of the product under consideration and PCN methodology. Based on the submissions made by the

- interested parties, the Authority finalized the scope of the product under consideration and the PCN methodology vide notification dated 13th May 2024.
- n. Pursuant to initiation of investigations, and after providing due opportunity to the all interested parties to provide relevant information and defend their interests, and on the basis of information and evidence on record, having regard to the Anti-Dumping Act and the Rules, the Authority issued a preliminary finding dated 30th October 2024, provisionally concluding that product under consideration has been exported from the subject countries at a price below associated normal value, thus, resulting in dumping of the subject goods, the domestic industry has suffered material injury due to such dumping and the injury to the domestic industry is caused by such dumping. The Authority recommended imposition of provisional anti-dumping duty on imports of the subject goods from the subject countries.
 - o. Post issuance of preliminary findings and in compliance with the direction of the Hon'ble Gujarat High Court, the Authority conducted an oral hearing dated 11th December 2024 with regard to the product scope issues raised by Epigral Limited. Post receiving submissions from all interested parties and conducting the said oral hearing, an addendum to the preliminary findings was issued by the Authority dated 16th December 2024.
 - p. The Authority notified the interested parties about the following procedure that was to be followed subsequent to issuance of preliminary findings.
 - i. Comments were invited by all interested parties on the preliminary findings within 30 days of issuance of such findings.
 - ii. It was notified that an oral hearing will be conducted in terms of Rule 6(6) of the Anti-Dumping Rules.
 - iii. Further verification deemed necessary will be conducted.
 - iv. Essential facts would be disclosed prior to issuance of the final findings.
 - q. A copy of the preliminary findings was sent to Central Government for their consideration of the same for imposition of interim anti-dumping duty.
 - r. A number of interested parties filed response/comments to the preliminary findings, which have been adequately considered in the present disclosure and for the purpose of proposed final determination.
 - s. In accordance with Rule 6(6) of the Rules, the Authority provided opportunity to the interested parties to present their views orally in a public hearing held on 15th January 2025. The parties, which presented their views in the oral hearing, were requested to file written submissions of the views expressed orally, followed by rejoinder submissions.
 - t. A disclosure statement dated 17th March 2025 was issued by the Authority, in accordance with Rule 16 of the Anti-Dumping Rules disclosing the essential facts under consideration in the matter relating to the present anti-dumping investigation.
 - u. Post issuance of the disclosure statement, since the final order was not issued by the Hon'ble Gujarat High Court, the Authority sought extension for completion of the investigation from Department of Revenue, Ministry of Finance. The extension was granted till 25th May 2025.

- v. The Gujarat High Court, in its final order dated 25th April 2025, directed the Authority to exclude alleged specialty grades S-PVC Resins imported by Epigral from the scope of the product under consideration. Thereafter, the domestic industry filed Special Leave Petition on 03rd May 2025 before the Hon'ble Supreme Court of India against the Gujarat High Court Order dated 25th April 2025. On 23rd May 2025, the Hon'ble Supreme Court stayed the operation of the judgement of the Gujarat High Court.
- w. In order to complete the investigation, the Authority sought another extension from Department of Revenue, Ministry of Finance. The extension was granted till 25th September 2025.
- x. Due to the change in the Designated Authority, a second oral hearing was conducted on 12th June 2025, which was attended by all the interested parties. The interested parties who presented their views in the oral hearing were requested to file written submissions of their views expressed orally, followed by rejoinder submissions.
- y. Request was made to the DG Systems to provide the transaction-wise details of imports of the subject goods for the past three years, and the period of investigation, which was received by the Authority. The Authority has relied upon the DG Systems data for computation of the volume of imports and its analysis after due examination of the transactions.
- z. The Non-Injurious Price (NIP) has been determined based on the cost of production and cost to make & sell the subject goods in India based on the information furnished by the domestic industry, maintained as per Generally Accepted Accounting Principles (GAAP), has been worked out so as to ascertain whether the present interim anti-dumping duty would be sufficient to remove injury to the domestic industry.
- aa. The period of investigation for the purpose of the present anti-dumping investigation is from 1st October 2022 to 30th September 2023 (12 Months). The injury investigation period has been considered as the period from 1st April 2020 - 31st March 2021, 1st April 2021 – 31st March 2022, 1st April 2022 – 31st March 2023 and the period of investigation.
- bb. Information provided by the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims wherever warranted and such information has been considered as confidential and not disclosed to other interested parties. Wherever possible, parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
- cc. The submissions made by the interested parties, arguments raised, and information provided post issuance of the preliminary findings by various interested parties, to the extent the same are supported with evidence and considered relevant to the present investigation, have been appropriately considered by the Authority in this disclosure statement.

- dd. The Authority satisfied itself of the accuracy of the information supplied by the interested parties which form the basis of this disclosure statement to the extent possible and verified the data / documents submitted by the interested parties to the extent considered relevant and necessary.
- ee. The present disclosure statement is being issued in view of statutory timelines for completion of the present investigation. The proposed decision shall be subject to outcome of decision of the Hon'ble Supreme Court in the matter.
- ff. '***' in this disclosure statement represents information furnished on confidential basis and so considered by the Authority under the Rules.
- gg. The exchange rate adopted by the Authority for the subject investigation is 1 USD = ₹ 83.21

C. PRODUCT UNDER CONSIDERATION AND LIKE ARTICLE

C.1. Views of other interested parties

4. The submissions made by the other interested parties with regard to the product under consideration and like article are as follows:
 - i. While the domestic industry has claimed that K-Value is the most important parameter, no PCN has been proposed on the basis of K-Value. The cost and price of various grades of PVC ranges between 15-20%.
 - ii. There is a need to devise PCN based on production process.
 - iii. PCN-Wise assessment is not warranted in the present investigation.
 - iv. The product excluded from the scope of the product under consideration should be specifically mentioned in the duty table.
 - v. Only the grades commercially produced and sold by the domestic industry during the period of investigation should be included within the scope of the product under consideration.
 - vi. According to Section 9A(1), any article which has not been specifically included in the scope of the product under consideration cannot be considered for investigation and imposition of anti-dumping duty even if it has closely resembling characteristics.
 - vii. Grade HRTP4000, LS070, LS170 and LS300 produced by LG Chem should be excluded from the scope of the product under consideration, as it is ultra-high molecular weight PVC.
 - viii. Grades SG840, SM760, SM76E and SM84E produced by TPE should be excluded from the scope of the product under consideration as they contain higher K-value compared to grades produced by the domestic industry. The price of such grades is higher than the grades supplied by the domestic industry. These grades are not produced by the domestic industry and are not commercially substitutable with the grades produced by the domestic industry.
 - ix. Grades S-400 : KV51, S1007 : KV58, S1008 : KV61, S1004 : KV73, KS-1700 : KV77, KS-2500 : KV85 and KS-3000 : KV88 produced by Kaneka Corporation

- should be excluded from the scope of the product under consideration as like article for such grades is not produced by the domestic industry.
- x. Grades TK-2500HE, GR-600S, GR-700S, TK-800, TK-500, TK-600, TK-1700E, TK-2000E, TK-2500LS, TK-2500HS, TK-2500PE, GR-800T, GR-1300T, GR-1300S, and GR-2500S produced by Shin-Etsu should be excluded from the scope of the product under consideration as the domestic industry does not produce a like article to these grades.
 - xi. Grades ZEST 700Z, ZEST 1000Z and ZEST 1300SI produced by Tokuyama should be excluded from the scope of the product under consideration as the domestic industry does not produce a like article to these grades.
 - xii. Taiyo produces Ethylene and PVC Copolymer, EVA PVC Graft Copolymer and Modified High Polymerization PVC Resin which are copolymer PVC and cross-linked PVC. Such products should be considered outside the scope of the product under consideration.
 - xiii. Grades TH-800, TH-1700, TH-2500, TH-2800, TH-3000 and TH-3800 produced by Taiyo should be excluded from the scope of the product under consideration as the domestic industry does not produce a like article to these grades.
 - xiv. Grade TL700 should be excluded from the scope of the product under consideration as it has a very low-K value which is not produced by the domestic industry.
 - xv. Grade WH800 produced by Wanhua should be excluded from the scope of the product under consideration as the same falls in the range of K-Value 60-64 which is not produced by the domestic industry.
 - xvi. PVC resin off grade, PVC resin floor sweep, PVC resin pond resin (PVC off grade) should be excluded from the scope of the product under consideration as these are mixed with prime grades in order to produce flooring. Such product is imported in smaller quantities and is priced much lower than the prime grade.
 - xvii. The scope of the product under consideration may be revised as the domestic industry has the capacity to manufacture PVC Suspension Resins with K-Value from 57 to 72 only.
 - xviii. PVC resin produced using emulsion polymerization, mass polymerization, and micro-suspension polymerization should be included in product scope, as they are closely related to the product under consideration and may be used interchangeably in some applications.
 - xix. The reason for excluding mass polymerization from the scope of the product under consideration must be clarified since both are used to produce C-PVC and have similar specifications and applications.
 - xx. Epigral is using specialty grade of S-PVC which are similar to characteristics of mass PVC for manufacturing C-PVC. Since the domestic industry is not supplying the same or technically and commercially substitutable grade, it should be excluded from the scope of the product under consideration.
 - xxi. 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.

- xxii. The grades imported by Epigral are of higher porosity and higher apparent density, and have a different formulation to ensure long term heat stability of C-PVC resin. Such grades are not supplied by the domestic industry
- xxiii. The domestic industry also imports specialty grades for manufacturing C-PVC and does not use S-PVC manufactured by it captively. This is evident from the transcript of investors call of DCW Limited, where it admitted that special quality of PVC is required to manufacture C-PVC. Thus, such grades are not produced by the domestic industry.
- xxiv. S65C of Formosa has higher apparent density than PRO65 of DCW Limited. This allows for achieving high productivity and output for end users of C-PVC. S65C offers higher plasticizer absorption as compared to PRO65. This ensures effective chlorination of C-PVC. It also has smaller mean particle size as compared to PRO65. With large particle size the homogeneity of chlorine distribution is disrupted.
- xxv. The cold plasticizer absorption of S-65C is 27.9%, compared to 25.6% for Normal Grade K65 PVC, indicating its superior absorption capabilities. The mean particle size for Grade S-65C is 132 μm , while Grade K65 PVC has a mean particle size of 118 μm .
- xxvi. PRO65 leads to a shorter gelation speed which is not favourable for C-PVC manufacturing.
- xxvii. The specialty grades (SG66J and SF58S) produced by TCE also have higher apparent density, and have low yellow index, smaller particle size, faster absorption time, lower cold plasticizer absorption and are formulated with optimized additives that supports chlorination reaction with minimal color changes.
- xxviii. General grade of S-PVC cannot be used for C-PVC manufacturing as S-PVC should have adequate internal morphology to achieve desired and homogeneous chlorination.
- xxix. The domestic industry imports specialty grades through trader, MK Industries, for the manufacturing C-PVC. DCW Limited has imported S-65C of Formosa and SF58S of Thai Polyethylene. This shows that the special grade of S-PVC is not available in India and DCW cannot use its own production for production of C-PVC.
- xxx. There was no production of specialty grade of S-PVC 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 S-PVC.
- xxxi. As opposed to the submission of the domestic industry, BIS refers to only a basic C-PVC resin. S-PVC supplied by domestic industry does not yield C-PVC as per the specifications in IS 17988.
- xxxii. 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.

- xxxiii. The grades imported by Epigral is miniscule as compared to the total imports into India, thus, establishing that such grades are specialty grades.
- xxxiv. The applicants have not disclosed during the course of the investigation that there are different grades of S-PVC and that such grades have been imported by DCW Limited.
- xxxv. 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.
- xxxvi. A hearing was conducting on the scope of PUC and PCN without providing adequate time for preparation of submissions.
- xxxvii. 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.
- xxxviii. 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.
- xxxix. While the BIS standard 17658:2021 submitted by the applicant states that S-PVC have different grades and are classed based on viscosity behaviour, particle size distribution, apparent density etc., the Authority has only considered K-value as a relevant factor for the scope of product under consideration.
- xl. IS 17658:2021 specifically recognizes that there are special grades of S-PVC on account of both end-use and technical parameters. Hence, the claim that there are no specialty grades is incorrect.
- xli. DCW Limited has imported S-65C from Formosa till November 2024. While Formosa exports a number of grades, only S65C which is specialized grade for C-PVC has been imported.
- xlii. While DCW Limited has claimed that it already has a merchant market for specialty grade S-PVC, it has consistently purchased imported S-PVC and not used its own S-PVC for manufacturing C-PVC. While DCW's S-PVC capacity is 1,00,000 MT, their requirement is only 8,000 MT for C-PVC.
- xlili. In case there was no specialty grade requirement, DCW should have consumed S-PVC manufactured by other domestic producers as well.
- xliv. The Order of the High Court of Gujarat directing the Authority to provide an opportunity of hearing 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.
- xlvi. Reliance placed on grades supplied by Reliance Industries Limited is inappropriate as the said manufacturer is not part of the present investigation.
- xlvi. Commercial considerations are not an excuse for permitting imports of grades of subject goods that domestic industry alleges to manufacture.

- xlvi. The reliance on imports of C-PVC have reduced due to presence of Epigral in the domestic market. Epigral is further expanding capacities in order to further reduce its dependence.
- xlvi. 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.
- xli. 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.
- 1. The image provided by the Epigral makes it clear that morphology of S65C supports uniform chlorination.
- li. Patent vide No. US6,384,149 B2 dated May 7, 2002 which is with reference to PVC 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.,
- lii. While DCW Limited produces pipe grade and fitting grade, there is no single grade for C-PVC manufacturing.
- liii. DCW Limited did not have a BIS license between October 2022 to June 2024.
- liv. 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.
- lv. DCW has claimed that grades PR 065 and PR 057 are produced for captive use only. Therefore, such grades are not available in merchant market.
- lvi. In the addendum preliminary findings, it has been noted that there is no commercial manufacturing in the period of investigation. It is evident from the findings that DCW has not consumed S-PVC by any other manufacturer in the period of investigation and the S-PVC consumed captively is only for trial. Further, DCW did not have any captive transfer as per the petition.
- lvii. While the domestic industry has claimed that it manufactures like article, none of the domestic producers have offered this grade to Epigral. The Authority has not given a finding on the fact whether the grades offered by DCW Limited are like article to specialty grades imported into India.
- lviii. It is evident from the addendum preliminary findings that since DCW's product was under R&D due to technical reasons, they were primarily dependent upon imports.
- lix. The new plant alleged by the applicant is not presently in existence and will not be in existence in near future. Till then DCW's grade cannot be used for manufacturing C-PVC.
- lx. The test report provided by SICART (NABL accredited), shows that there is difference between the particle size distribution of Formosa S65C grade and DCW PR 065 grade which establishes these are not like articles and cannot be used interchangeably.

- lxi. The domestic industry has not provided any evidence that C-PVC manufactured from its S-PVC is commercially sold to Indian C-PVC Pipe manufacturers for Hot Water Application.
- lxii. C-PVC pipes and fittings are designed for supply and conduction of hot potable water. The specialty grades of subject goods ensure that the end-products are safe and non-hazardous.
- lxiii. Special PVC for C-PVC is specially adjusted in polymerization formula and product indicators, dedicated to the production of C-PVC and not ordinary S-PVC. Since domestic industry is not supplying the same, it should be excluded from product scope.
- lxiv. The specialty grades should be excluded from the scope of the product under consideration as per the decision of the Gujarat High Court. Since the order has not been quashed, it continues to exist and the Authority, is required, by doctrine of precedent and as per judicial discipline, to exclude the grades as per the order of the High Court.
- lxv. 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.
- lxvi. All grades of products under consideration have no specially designated usage and are used to produce a variety of products. Any exemption of any specialty grade is unjustified and against the purpose of the anti-dumping duty investigation.
- lxvii. No exporter other than Thai Plastic and Chemicals Plc and Thai Polyethylene Co. Ltd. filed their submissions regarding exclusion.
- lxviii. The domestic industry does not supply K 57 and K60, which are used for blister films and rigid films, as well as K70 – K77, which is used by compounders, rigid film manufacturers, and flexible film manufacturers. Further, the K67 Soft supplied by the domestic industry does not meet the quality standard of international producers. Such grades should be exempted from the anti-dumping duty.
- lxix. ACG Pharmapack Pvt. Ltd. has sought for exclusion of specific grades of imports of PVC used for pharmaceutical industry. PVC in pharma is used for packaging tablets, capsules and other solid medications, which helps protecting the life of the product and controls moisture and chemical properties of the product.
- lxx. The domestically supplied PVC resin struggles with quality control issues like dark particles in the PVC resin, which cause black spots and pinholes in the films compromising their barrier properties. This leads to potential contamination and spoilage of pharmaceutical products.
- lxxi. ACG Pharmapack Pvt. Ltd. tested the product with Reliance, and despite several trials, Reliance admitted it was not able to supply the product.
- lxxii. Out of the total volume of import of the product under consideration, the import of K-57 and K-60 for pharma application is negligible. Since the domestic

industry has itself admitted that it does not produce such grades, there is no revenue loss to the domestic industry in case of exclusion of such grades.

- lxxiii. As opposed to the submissions of the domestic industry, Caprihans has approached all applicants for supply of K-57. However, none of the applicants have supplied the same. Caprihans is not importing K-57 by choice and has been compelled to do so due to the lack of both production and supply in the domestic market.
- lxxiv. K-57 produced by DCM Shriram Limited is not suitable for pharmaceutical packaging as it has high impurities and other quality issues due to the calcium carbide technology adopted.
- lxxv. Caprihans had earlier tried K-57 produced by RIL but faced quality issues. Since RIL is not a part of the domestic industry, K-57 is not produced by the domestic industry and hence, should be excluded from the scope of the product under consideration.
- lxxvi. The domestic industry does not have the capacity to manufacture very low and very high K-values and especially K-57. In order to match the requirement of the pharma sector, only K-57 grade can be used for manufacturing PVC films of 250 microns.
- lxxvii. The Authority must share the evidence and verifications carried out to ensure that domestic industry produces K-57 used for life saving medicines.
- lxxviii. Contrary to submissions of domestic industry, the request for exclusion of K-57 and K-60 was made before the hearing as well, in user questionnaire response and the same has been considered by the Authority in the preliminary findings.

C.2. Views of the domestic industry

5. The submissions of the domestic industry with regard to the product under consideration and like article are as follows:
 - i. The product under consideration is Homopolymer of Vinyl Chloride Monomer (suspension grade) also known as PVC Suspension Resins.
 - ii. PVC Resins produced through emulsion polymerization process, bulk mass polymerization process and micro suspension polymerization process are excluded from the scope of the product under consideration.
 - iii. The scope of the product under consideration excludes cross-linked PVC, CPVC, VC-Vac, PVC Paste Resins, Mass Polymerization PVC and PVC Blending Resin.
 - iv. The subject goods are manufactured using vinyl chloride monomer which is polymerized through suspension process. Vinyl chloride monomer can be obtained through either EDC (ethylene) route or carbide route. In either case, the final product is the same.
 - v. The product under consideration has a dedicated HS code 39041020. However, 17% of the imports of the product under consideration have been made under other HS Codes during the period of investigation.
 - vi. There is no need for PCN wise analysis in the present investigation. Contrary submissions have been made by the other interested parties with regard to need

for PCNs. Most of the interested parties have submitted that PCNs are not required.

- vii. As opposed to the submissions of the other interested parties, PCN based on production process is not required since the production process does not lead to change in price of the product and the difference is less than 5%.
- viii. As opposed to the submissions made by Hanwha, the price of product does not vary significantly between various K-values.
- ix. The domestic industry produces PVC Suspension Resins with K-Value between 57 and 75.5 and there is a + / - 1 K-value tolerance. Product with K value below 56 and above 76 from the scope of the product under consideration can be excluded from the scope of product under consideration.
- x. The other interested parties have stated that they manufacture specialty products but have failed to provide any evidence with regard to the specification making such product specialty, and which cannot be met by the domestic industry. There is no requirement for the domestic industry to manufacture exact same product as that imported into India. The domestic industry has manufactured like article.
- xi. As opposed to the submissions of the other interested parties, there is nothing called a specialty grade of PVC Suspension resins. In case, an exclusion is given for “specialty grades”, the exporters may classify everything as specialty grade and circumvent the duty.
- xii. In case there were some “specialty grades” of PVC, the cost of production of such grades should have been different, but Epigral Limited has not filed any submission regarding different PCN for such grades.
- xiii. As analysed from import data, Epigral Limited has imported regular grade of the product under consideration which has also been imported by other consumers in India
- xiv. Since DCW Limited commenced production of C-PVC in the new plant, it is using its own S-PVC for making C-PVC. Further, the company used S-PVC produced by other producers to test suitability of different S-PVC for making C-PVC. It is not regularly importing any foreign producer’s material for manufacturing of C-PVC. DCW plans to use its own S-PVC for production of C-PVC.
- xv. 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.
- xvi. Epigral is non-cooperative in the present investigation as it has not filed an importers’ questionnaire response and economic interest questionnaire response.
- xvii. 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.
- xviii. 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.

- xix. 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.
- xx. Epigral simply stated that specialty grades should be excluded in its initial submissions without providing a justification or specification of such specialty grades.
- xxi. 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.
- xxii. The Indian industry produces a number of grades with porosity even higher than the imported grade.
- xxiii. 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.
- xxiv. There are no differences between the product supplied by DCW Limited and those imported from Formosa.
- xxv. Epigral has not provided the source of data given for comparison of Formosa grade and DCW grade.
- xxvi. 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.
- xxvii. 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.
- xxviii. 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.
- xxix. 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.
- xxx. 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. The domestic industry manufactures like article to the grades being imported for production of C-PVC.
- xxxi. As against the submissions of Epigral Limited, higher mean particle size is an advantage and not a drawback.
- xxxii. 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.
- xxxiii. 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.

- xxxiv. DCW Limited has also used PVC suspension resins manufactured by other producers in order to produce C-PVC.
- xxxv. Even after imposition of anti-dumping duty, Epigral Limited is free to import the subject goods at fair prices.
- xxxvi. 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.
- xxxvii. 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 have not been used in that plant.
- xxxviii. The new plant of DCW for manufacturing C-PVC was commenced in October 2023 wherein, it has used PVC suspension resins to manufacture C-PVC.
- xxxix. 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.
- xl. A number of C-PVC producers globally use the same grades of S-PVC for production of C-PVC and do not qualify such S-PVC as specialty grades.
- xli. 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.
- xl. DCW purchased S-PVC from a number of traders during the period of investigation for testing the same in its C-PVC plant. At this time, the domestic industry was testing use of S-PVC for manufacturing C-PVC.
- xl. DCW Limited has used S-PVC manufactured by various suppliers for manufacturing C-PVC.
- xliv. Reliance Industries Limited is also setting up a new plant for C-PVC and plans to use captive produced S-PVC.
- xl. IS 17988 related to C-PVC does not mention any specialty grade for manufacturing C-PVC but only mentions S-PVC. Further, even the investor call for Epigral Limited does not mention any specialty grade for C-PVC.
- xlvi. All domestic producers of the subject goods hold BIS licenses for manufacturing PVC Suspension resins and adhere to the standards specified.
- xl. BIS standards do not mention porosity or heat stability as one of the essential characteristics of PVC suspension resins.
- xl. While DCW Limited holds BIS license to manufacture CPVC, Epigral Limited does not even hold a BIS license in this regard.
- xl. Epigral Limited produces only 2 grades of C-PVC, namely, MM67K and MM57K and has imported mass PVC as well as suspension PVC from various manufacturers. This establishes the interchangeability of different suspension resins for manufacturing C-PVC.
- 1. Since PVC suspension resins are manufactured in batches, no two batches have exact same specifications which is evident from the range specified in BIS as well

as TDS. Thus, Epigral has used PVC of different specifications to manufacture CPVC.

- li. SPVC supplied by the Indian industry has porosity and apparent viscosity both lower and higher than grades imported by Epigral.
- lii. Epigral cannot claim its viability based on dumped prices of PVC. Since it uses Mass PVC as well which is higher priced, its viability will not be impacted due to fair prices of PVC suspension resins.
- liii. Epigral has not shown that it has approached domestic producers of the product and tested their product for manufacturing CPVC and hence, found that the grades manufactured by the domestic industry are not appropriate for manufacturing CPVC.
- liv. The product manufactured by the domestic industry is commercially and technically substitutable and is being used by the consumers interchangeably. Thus, product produced by the domestic industry is like article to the product imported from the subject countries.
- lv. A product type can be excluded only if it is imported into India and a like article is not offered by the domestic industry. No exclusion is warranted for the product types not imported into India.
- lvi. The product manufactured by the domestic industry is commercially and technically substitutable and is being used by the consumers interchangeably. Thus, product produced by the domestic industry is like article to the product imported from the subject countries.
- lvii. The Authority has dealt with the issues regarding product under consideration at the stage of PUC PCN notification and preliminary findings. The scope of product under consideration finalised at the time of issuance of preliminary findings may be confirmed.
- lviii. Submissions made by Epigral are devoid of merit which is evident from the fact that the said producer filed submissions along with specifications, 155 days post issuance of PUC PCN notification.
- lix. Since S-PVC is produced in batch process, it is not possible to have the same specifications for each batch. Even the technical data sheets provided by the Indian industry and foreign producers have specification in range.
- lx. DCW Limited produces only 2 grades of S-PVC which have been sold in the merchant market as well as used captively for production of C-PVC.
- lxi. The domestic industry has provided evidence of commercial substitutability of its product with imported grades for manufacturing C-PVC. This itself establishes technical substitutability.
- lxii. As noted in the preliminary findings, DCW Limited has used several grades including its own and Chemplast's grade to manufacture C-PVC. DCW has recently used Reliance's grade as well and successfully manufactured C-PVC.
- lxiii. The imports by DCW Limited are due to commercial consideration and not technical considerations. Imports made by DCW Limited post period of investigation does not cause any prejudice to interest of any interested parties as it will also have to pay anti-dumping duty on such imports.

- lxiv. There is no requirement for high porosity or bulk density to produce C-PVC as per the applicable BIS standard. DCW Limited uses its own grade to produce C-PVC.
- lxv. As opposed to the submissions by Epigral Limited, the Authority has already concluded in the addendum findings that the domestic industry has offered like article and there is no need for exclusion of any grade from the scope of the product under consideration.
- lxvi. While the domestic industry has established that it has interchangeably manufactured C-PVC using its own S-PVC and imported S-PVC, Epigral has failed to establish that the grade manufactured by the domestic industry cannot be used to manufacture C-PVC.
- lxvii. Contrary to the submissions by Epigral, it has not demonstrated that it has provided feedback to the domestic manufacturer of S-PVC regarding usage of its grade. The ill intent of Epigral is evident from the fact that it purchased the domestically manufactured S-PVC from traders and not the manufacturer.
- lxviii. While Epigral has contended that it was unable to use DCW's grade, DCW has contended that it used the same grade to produce C-PVC. Thus, the issue faced by Epigral is due to lack of technical capability due to its decision to not buy production technology and rely on internal expertise.
- lxix. Contrary to the submissions by Epigral, the Authority has not concluded that DCW's grade is under R&D.
- lxx. Epigral has filed belated submissions with regard to the opinion from SICART. SICART does not have testing facility and thus, the opinion given cannot be classified as a technical report. Epigral has provided fabricated evidence in this regard.
- lxxi. 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.
- lxxii. Contrary to the submissions of the other interested parties, the order issued by the High Court has been stayed by the Supreme Court.
- lxxiii. DCW has already started production in its new plant since June 2023 and has used its own grades to manufacture C-PVC.
- lxxiv. M-PVC and S-PVC are different products and hence, M-PVC cannot be included in the scope of the product under consideration.
- lxxv. As opposed to the submissions by the other interested parties, Emulsion polymerization, mass polymerization, and micro-suspension polymerization are different production processes resulting in different products. There have been multiple investigations on S-PVC wherein PVC manufactured through such processes have been excluded by the Authority. Even BIS treats these as different products.
- lxxvi. Ultra-high and ultra-low K value product has been excluded from the scope of the product under consideration as the like article for the same was not being produced by the domestic industry.

- lxxvii. As opposed to the contentions of Wanhua Group, the producers of C-PVC in India have themselves not claimed that the grade produced by such producer is a so-called specialty grade. No specification sheet has been provided by the producer to demonstrate that such grade has different specifications.
- lxxviii. The domestic industry has regularly supplied K-57 as well as K70-75 in the domestic market. The other interested parties have not highlighted the specification requirements of these grades. All producers in India produce as per the BIS standard and hence, no exclusion is warranted in this regard.
- lxxix. As opposed to the submissions of the other interested parties, the domestic industry has maintained its stand and has provided evidence that it has produced and supplied subject goods with K-Value between 57 and 75.5 with tolerance of +/- 1 in the merchant market. The other interested parties have failed to provide characteristics of the product different from K-57 produced by the domestic industry and K-57 used for other purposes.
- lxxx. Contrary to the submissions of the other interested parties, there is nothing in law that permits examination of revenue loss in case of exclusion of grades.
- lxxxi. As opposed to the submissions by the other interested parties, the domestic industry has provided invoices showing sales of K-57. Since such invoices are business sensitive in nature, these cannot be shared with the other interested parties. The other interested parties have also not disclosed their invoices.
- lxxxii. While AGC Pharmapack has stated that it has raised product exclusion request in the user questionnaire response, the domestic industry has not received a non-confidential copy of the same. The Authority may treat such user as non-cooperative.

C.3. Examination by the Authority

- 6. At the time of initiation of the present investigation, the Authority considered the product under consideration as “Homopolymer of Vinyl Chloride Monomer (suspension grade)” also known as PVC Suspension Resin or S-PVC. This type of resin has various polymer chains that are not linked to each other. The product under consideration has also been referred to as “Poly Vinyl Chloride (PVC) Resin”, “Suspension Grade” or “PVC Suspension Resin”
- 7. The Authority conducted a meeting dated 30th April 2024 regarding scope of the product under consideration and PCN. Post receiving comments from all the interested parties, and after examining them, the scope of the product under consideration was modified vide notification dated 13th May 2024 to exclude certain product types. The Authority has considered the product under consideration as following for the purpose of the present investigation.

“Homopolymer of Vinyl Chloride Monomer (suspension grade) also known as PVC Suspension Resin manufactured through suspension polymerisation process with K-value above 55 and upto 77.”

8. The product under consideration in the present investigation excludes the following
 - a. Ultra-Low K-Value PVC Suspension Resins (K-value upto 55)
 - b. Ultra-High K-Value PVC Suspension Resins (K-value above 77)
 - c. Cross-linked PVC
 - d. Chlorinated PVC (CPVC),
 - e. Vinyl chloride – vinyl acetate copolymer (VC-VAC),
 - f. PVC paste resin/emulsion resins
 - g. Mass Polymerisation PVC
 - h. Polyvinyl Chloride Blending Resins.

Further, PVC resins manufactured through emulsion polymerisation, PVC resins manufactured through bulk mass polymerization, and PVC resins manufactured through micro suspension polymerization process are also excluded from the scope of the product under consideration.

9. S-PVC is produced using suspension polymerization technology. In order to produce the subject goods, Vinyl Chloride Monomer (“VCM”) is converted into Vinyl Polymer through polymerization process. VCM is either produced using ethylene dichloride (“EDC”) or by using Calcium Carbide (“Carbide”). S-PVC produced vide ethylene route as well as carbide route is included within the scope of the product under consideration.
10. During the investigation, that a number of interested parties have filed comments on requirements of PCN in the present investigation. Most of the interested parties have submitted that there is no requirement of PCN in the present investigation. It was noted that there have been a number of investigations into imports of the product under consideration from various countries in the past. Therefore, the Authority did not adopt any PCN in any of the past investigations.
11. The interested parties, which requested for adoption of a PCN methodology, based the same on K-Value and the production process. However, the foreign producers did not provide any information to show that there is a substantial difference in the costs of the products produced having different K-values. As per the data available on record, the cost and price of the product does not vary significantly between different K-Values. Further, the prices of the product under consideration do not vary based on the production process as the final product manufactured using both the routes is the same and is used by the users interchangeably. Accordingly, it was not considered necessary to adopt a PCN in the present investigation.
12. Interested parties have also sought exclusion of certain grades produced by certain foreign producers, on the basis that the domestic industry has not produced the same. Such requests for exclusion have been examined by the Authority, based on whether such grades were exported to India, and whether the domestic industry has not supplied a like article to the same.

13. The interested parties have sought exclusion of PVC resin with certain K-value. The Authority notes that the domestic industry has provided evidence that it produces PVC Suspension Resins with K-value 57 and 75.5. The Authority has excluded ultra-low and ultra-high k-value which has not been manufactured by the domestic industry. The grades specified by the other interested parties with ultra-low K value and ultra-high K value have been automatically excluded with the said exclusions. With regard to the grades which fall within the range of K-value included in the product under consideration, the Authority notes that the like article for such grade has been supplied by the domestic industry and hence, there is no need for exclusion of such product from the scope of the product under consideration.
14. Some of the other interested parties have submitted that the Authority had neither noted their submissions nor excluded the specific grades identified by them from the scope of the product under consideration. The Authority notes that the submissions have already been recorded in the preliminary findings and a detailed examination has been made. Further, while the Authority in its examination has not mentioned the names of the exporters, the exclusion requested was of grades with K-Value between 55 and 77. Since the domestic industry had supplied like article to such grades, the same have not been excluded.
15. With regard to exclusion of off-grade PVC, the Authority notes that off-grade product cannot be excluded from the scope of the product under consideration. Off-grade product is not produced specifically by any manufacturer but is a result of the normal production process of any article. Merely because a product has been sold as off-grade product, the same does not imply that it does not constitute product under consideration. It is also noted in this regard that the Authority has consistently held that the mere difference in quality is immaterial to decide the scope of the product under consideration. Further, exclusion of off-grade PVC is likely to lead to circumvention of anti-dumping duty. The interested parties have not provided any evidence to demonstrate that these lower quality grades are not competing with the like article manufactured by the domestic industry.
16. A number of interested parties have submitted that S-PVC used for manufacturing of C-PVC are not produced by the domestic industry and should be excluded from the scope of the product under consideration. The Authority notes that there are only two producers of C-PVC in India, namely, DCW Limited and Epigral Limited. DCW Limited is also the applicant in the present investigation. As per the information submitted on record and as per the plant verification conducted by the Authority, DCW Limited has used S-PVC manufactured by it, and also from other domestic producers in India as well as foreign producers in order to produce C-PVC.
17. In particular, Epigral Limited sought exclusion of specific grades such as S65C supplied by Formosa Plastics Corporation, on the basis that it is technically distinct from the grade supplied by DCW. However, 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 in accordance with the BIS standards, by the said laboratory, the grade supplied by DCW Limited is comparable in terms of bulk density and porosity.

Particulars	Grade name	Bulk Density	Plasticizer Absorption (Porosity)
DCW Limited	PRO65	0.53	21%
DCW Limited	PRO57	0.51	15.45%
Formosa Plastics Corporation	S65C	0.53	21.8%
Thai Polyethylene	SF58S	0.50	16%
Thai Polyethylene	S66J	0.51	19.7%

18. The domestic industry has also provided specification sheets of product supplied by Reliance Industries Limited. Epigral has, however, contended that reliance should not be placed on grades supplied by Reliance Industries Limited as it is not a part of domestic industry. The Authority notes that the argument of Epigral was that the alleged specialty product is not produced in India, which is not the case. Further, Epigral has itself stated that it purchased grade manufactured by Reliance Industries Limited. In any case, the Authority has hereinabove compared the grades produced by DCW Limited and those imported into India. The grades produced by DCW Limited, which is a part of the domestic industry, have comparable characteristics with regard to bulk density and plasticizer absorption to those alleged as specialty grades.
19. The Authority notes that DCW Limited produces only two grades of S-PVC which are sold in the merchant market as well as used captively to produce C-PVC. Further, the Authority notes that DCW Limited has two plants for production of C-PVC. In the old plant, DCW Limited produces the subject goods using dry process wherein it uses M-PVC as the raw material. The new plant commissioned by DCW Limited is based on wet process, wherein the applicant produces C-PVC using both S-PVC and M-PVC.
20. Epigral has placed reliance on investor's call of DCW, wherein it has stated that special quality of PVC is required to manufacture C-PVC. In response, the domestic industry has clarified that the investors call refers to the first plant of C-PVC by DCW wherein it was using only mass PVC resins to produce C-PVC. The domestic industry has submitted that use of mass PVC resins in that plant is governed by the technical considerations and guarantees laid down by the technology supplier. Accordingly, it was unable to use PVC Suspension Resins to produce C-PVC in that plant.
21. Further, in this regard, the Authority notes the following as per the press release of DCW Limited:

“DCW Limited's competitive edge lies in its ability to use its own S-PVC (Suspension PVC) as a raw material when market conditions are favourable. This capability guarantees a consistent quality and supply of inputs for CPVC production, further strengthening the company's position in the market.”

22. As regard the contention that there was no captive consumption reported by the domestic industry in the petition, the Authority notes that the domestic industry had reported captive consumption for both DCM Shriram Limited and DCW Limited in the updated data filed on 28th May 2025.

Particulars*	Unit	2020-21	2021-22	2022-23	POI
Chemplast Cuddalore Vinyls Limited	MT	0	0	0	0
DCM Shriram Limited	MT	***	***	***	***
DCW Limited	MT	0	0	***	***
Total for domestic industry	MT	***	***	***	***
Total for domestic industry (provided in NCV)	MT	100	119	138	161

**Figures for captive consumption as filed by the domestic industry.*

23. Epigral Limited has submitted that the product supplied by DCW has higher mean particle size as compared to product supplied by Formosa. The Authority notes that the Formosa Plastics Limited has submitted that the mean particle size of the product offered is bigger than mean particle size of the grade produced by Indian industry. Thus, the Authority notes that contradictory submissions have been made by Epigral Limited and Formosa Plastics Corporation in this regard.
24. 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."

25. The other interested parties have identified several specialty grades for manufacturing of C-PVC. The Authority notes that there are no specialty grades of S-PVC used for manufacturing of C-PVC. This is evident from the fact that the grades identified by the other interested parties are majorly imported by importers, which are not involved in production of C-PVC. With regard to Grades SG66J and SF85S, 92% imports are by importers not involved in C-PVC production and only 8% has been imported for C-PVC production during the period of investigation. This clearly demonstrates that the so-called 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	Share
1	Epigral Limited	***	1%
2	MK Industries	***	7%
3	Others	***	92%
4	Total	***	100%

26. During the plant verification, it was witnessed that DCW Limited was using its own S-PVC grade PRO65 for manufacturing of C-PVC. A thorough investigation and complete production process was witnessed. Further, the Authority also collected and verified relevant information with regard to use of S-PVC manufactured by different producers including DCW Limited which has been used for manufacturing C-PVC. The Authority notes that DCW Limited has used substantial quantities of captively produced S-PVC for production of C-PVC.

SN	Grade Name	Producer Name	Quantities Consumed (MT)		
			POI	2023-24	Apr'24-Jan'25
1	PVC resin (suspension grade)-065	DCW Limited	***	***	***
2	PVC resin (bottle grade)-057	DCW Limited	***	***	***
3	PVC resin suspension grade-LS 100 H	LG Chem Limited	***	-	-
4	Suspension polyvinyl chloride, grade FS-6701	Finolex Industries Limited	***	-	-
5	PVC suspension resin, grade SG-660	Thai Plastics and Chemicals Limited	***	-	-
6	Suspension PVC Resin K6701	Chemplast Sanmar Limited	-	***	***
7	Formosa B57	Formosa Plastics	***	***	-

8	PVC Westlake 1091	Westlake Chemical Corporation	***	***	-
9	PVC Westlake 1230P	Westlake Chemical Corporation	***	***	***
10	PVC Resin P225	Oxyvinyl	***	***	***
11	PVC Resin P1000 SB	Hanwha Solutions	***	***	***
12	PVC Resin SG66J	Thai Plastics And Chemicals	***	***	***
13	PVC Resin SF58S	Thai Plastics And Chemicals	***	***	***
14	PVC Suspension Resin Grade FJ-65R	Asahimas Chemicals	***	***	-
15	PVC Resin Fitting Grade 8010	Kemone	-	***	-
16	Suspension PVC Resin S65C	Formosa Plastics	-	-	***
17	PVC Resin Fitting Grade P 700	Hanwha Solutions	-	***	-
18	REON PVC Suspension Resin K 67	Reliance Industries Limited	-	-	***
	Total	-	***	***	***
	Share of captive consumption	-	19%	15%	53%

27. Since DCW has used domestically produced grades of S-PVC as well as imported grades of S-PVC for production of C-PVC, the Authority notes that DCW Limited has used the domestic grade and imported grade interchangeably. Thus, the Authority notes that the product under consideration imported from the subject countries is commercially and technically substitutable with the product produced by the domestic industry. Thus, the Authority proposes to hold that there is no need for exclusion of any such grade from the scope of the product under consideration.
28. The Authority notes that the Bureau of Indian Standards has issued “IS 17988:2022” related to C-PVC. The relevant extract of the said standard is as below.

“5.1 Basic Resin: CPVC resin is manufactured by chlorination of PVC Homopolymer confirming to IS 17658”

The Authority notes that the standard does not refer to any specialty grade of S-PVC for manufacturing C-PVC.

29. With regard to the quality of C-PVC produced using domestically produced S-PVC, the Authority notes that difference of quality cannot be accepted as the basis for disputing the likeness or interchangeability of the product. Nevertheless, it has been observed that all domestic producers in India produce S-PVC in accordance with BIS standards and all domestic producers hold BIS licenses for production of S-PVC. Further, only DCW Limited holds BIS license for production of C-PVC. Since DCW Limited is producing

S-PVC and C-PVC as per the BIS standards, there is no doubt on the quality of the S-PVC produced by the domestic industry.

30. The other interested parties have submitted that C-PVC is used for production of pipes which are used for potable hot water applications and hence, there is a need for exclusion of special grades of S-PVC. The Authority has already noted that the domestic industry offers like article to the subject goods used for production of C-PVC. Further, all domestic producers hold BIS licenses under 17658 of 2021 which states that the product can be used in contact with foodstuff, pharmaceuticals and drinking water. Hence, there is no need for exclusion of any grade.
31. With regard to the submissions made for inclusion of PVC manufactured using Mass Polymerisation process, emulsion polymerization process and micro-suspension polymerization process, the Authority notes that in an anti-dumping investigation, the starting point is defining the product under consideration, which is the product being dumped in the country. In the present investigation, the defined product under consideration is Homopolymer of Vinyl Chloride Monomer produced using suspension process. Based on the defined product under consideration, like article is determined as per Rule 2(d) of the Anti-Dumping Rules.

“(d) “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 an article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation.”

Thus, the scope of the product under consideration is defined to include products which are being dumped into the country, causing injury to the domestic industry engaged in production of like article thereof. The domestic industry has submitted that PVC manufactured using Mass Polymerisation process, emulsion polymerization process and micro-suspension polymerization process in the scope are not like products. There is no application by the domestic industry before the Authority that these are being dumped in India and causing injury. Therefore, the Authority is unable to accept the contention of the other interested parties to include PVC manufactured using Mass Polymerisation process, emulsion polymerization process and micro-suspension polymerization process in the scope.

32. With regard to the submissions made regarding exclusion of ultra-low and ultra-high K-Value PVC, the Authority notes that the same was excluded as the domestic industry admitted that did not offer a like article to the said grades. However, in case of S-PVC used for manufacturing of C-PVC, the Authority notes that the domestically produced product can be used interchangeably for production of C-PVC. Thus, the Authority proposes to conclude that the domestic industry has offered a like article to such grades and that there is no need for exclusion of such grades from the scope of the product under consideration.

33. The other interested parties have submitted that as per Section 9A(1), any article not included in the scope of product under consideration cannot be considered for imposition of anti-dumping duty. The Authority notes that products, which have not been covered within the definition of the product under consideration in the present investigation are not being considered for the present investigation. However, the Authority notes S-PVC used for manufacturing of C-PVC is covered within the definition of the product under consideration in the present investigation.
34. With regard to the test report submitted by Epigral, the Authority notes that the domestic industry has submitted communication with SICART wherein, SICART has stated that only bulk density evaluation is possible at their testing facility. In any case, the Authority has based its decision on the fact that the DCW Limited has used the domestically produced S-PVC (both captive and produced by other domestic producers) as well as imported S-PVC interchangeably for production of C-PVC. Thus, the Authority holds that the product produced by the domestic industry is technically and commercially substitutable with the product imported from the subject countries.
35. With regard to the report provided by Epigral Limited to substantiate that S-PVC produced by domestic industry is not appropriate for C-PVC requirement, the Authority is unable to appreciate the same in light of the fact of actual use for that purpose demonstrated by the domestic industry. The Authority notes that since the domestic industry is actually manufacturing C-PVC using domestically produced S-PVC, it is evident that the domestic industry is producing like article to the grades imported from the subject countries.
36. After examination of submissions made by all the interested parties and perusing the material placed on record, the Authority proposes to conclude that there is a no specific, 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, the Authority proposes to hold that the grades claimed by Epigral Limited do not warrant exclusion from the scope of the product under consideration.
37. With regard to the submissions that grades used for production of C-PVC should be excluded as per the judgement of the Hon'ble High Court of Gujarat, the Authority notes that the order issued by the High Court has been stayed by the Hon'ble Supreme Court of India. In such a case, the operation of the directive of the High Court has been temporarily suspended, till such time as the Supreme Court hears and further decides on the matter.

38. With regard to the submissions that the domestic industry does not produce K-57, K-60 and K-70 – K-77, the Authority notes that as per the evidence on record, the domestic industry has produced and sold the said product in the merchant market. Hence, there is no need for exclusion of the same.
39. With regard to the communication provided by Caprihans regarding availability of K-57 in India, the Authority notes that such communication has been provided in the rejoinder submissions on confidential basis. The Authority notes that the evidence on record shows that DCW Limited has produced K-57 using ethylene-based production route and the same has been sold in commercial quantities in the domestic market during the period of investigation. Caprihans has not provided any other specifications that are required for the pharmaceutical use of the product and has not even specified how the product produced by DCW Limited is not commercially and technically substitutable by the product imported from the subject countries.
40. As regard the submissions that K-57 produced by DCM Shriram is not suitable for pharmaceutical applications due to the calcium carbide technology used, the Authority notes that there is no evidence on record that the quality of the product changes by use of different technology. In any case, as per the evidence available on record, K-57 has been produced by DCW Limited using ethylene route of production. Thus, the submission that K-57 is manufactured using calcium carbide route in India is factually incorrect. Further, DCW Limited has sold substantial quantity of K-57 during the period of investigation. Thus, the Authority notes that there are no quality issues in the subject goods produced by the domestic industry.

SN	Particulars	Quantity (MT)
1.	Sales of K-57 by DCW in POI	***
2.	Total sales by DCW in POI	***
3.	Share of sales of K-57	38%

41. The other interested parties have submitted that since the domestic industry is not manufacturing K-57, there will be no revenue loss to the domestic industry. The Authority notes that the domestic industry has produced K-57 during the injury period. Further, grade K-57 is used for multiple applications other than pharmaceutical purposes. Grade K-57 imported from the subject countries is commercially and technically substitutable by the grade produced by the domestic industry. Therefore, the Authority does not find any ground for exclusion on this account.
42. With regard to the submissions that the evidence and verification carried out for production and sales of K-57 by the domestic industry should be shared with the other interested parties, the Authority notes that such information is business sensitive in

nature. Disclosure of such information will adversely impact the interest of the domestic producers of the subject goods.

43. In view of the foregoing, the Authority proposes to conclude the following scope of product under consideration.

“Homopolymer of Vinyl Chloride Monomer (suspension grade) also known as PVC Suspension Resin manufactured through suspension polymerisation process with K-value above 55 and upto 77.

The product under consideration in the present investigation excludes the following

- i. Ultra-Low K-Value PVC Suspension Resins (K-value upto 55)*
- ii. Ultra-High K-Value PVC Suspension Resins (K-value above 77)*
- iii. Cross-linked PVC*
- iv. Chlorinated PVC (CPVC),*
- v. Vinyl chloride – vinyl acetate copolymer (VC-VAC),*
- vi. PVC paste resin/emulsion resins*
- vii. Mass Polymerisation PVC*
- viii. Polyvinyl Chloride Blending Resins.*

Further, PVC resins manufactured through emulsion polymerisation, PVC resins manufactured through bulk mass polymerization, and PVC resins manufactured through micro suspension polymerization process are also excluded from the scope of the product under consideration.”

44. The subject goods are classified under Chapter 39 of Schedule I to the Customs Tariff Act, 1975 under the Customs classification 3904 10 20. However, the product under consideration is also being imported under HS Codes 3904 10 90, 3904 21 00, 3904 10 10, 3904 22 00, 3904 90 10, 3904 90 90, 3904 30 00 and 3904 21 10. Accordingly, the applicants have requested that the HS code at 4-digit level, that is, 3904 may be considered for the purpose of the present investigation. The Customs classification is only indicative and is not binding on the scope of the product under consideration.
45. Further, the Authority proposes to conclude that the product produced by the domestic industry is like article to the goods imported from the subject countries. The product produced by the domestic industry and imported from the subject countries are comparable in terms of physical & chemical properties, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Even though there are different manufacturing process/technologies involved for production of the subject goods, the end product has comparable specifications and is used interchangeably. The product produced by the domestic industry and imported into India from the subject country is technically and commercially substitutable, and the consumers are using the two interchangeably. In view of the same, the product

manufactured by the domestic industry has been considered as like article to the product imported into India, in accordance with Rule 2(d) of the Rules.

46. The present disclosure statement is being issued in view of statutory timelines for completion of the present investigation. The proposed decision shall be subject to outcome of decision of the Hon'ble Supreme Court in the matter.

D. SCOPE OF THE DOMESTIC INDUSTRY & STANDING

D.1. Views of other interested parties

47. The submissions of the other interested parties with regard to the scope of domestic industry and standing are as follows:
- i. The Authority must direct all domestic producers to clarify as to whether they are supporting the petition or not and to submit information regarding injury parameters.
 - ii. DCW has purchased imported product from traders, implying it has indirectly imported the subject goods. Eligibility of DCW should be re-examined.
 - iii. 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.
 - iv. 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.
 - v. The share in production of participating domestic industry is 34%, while non-participating producers account for 66% of total production. Since the industry is not fragmented and there has already been a duty for almost 14 years, only a share of more than 50% should be considered as major proportion.
 - vi. Exclusion of Reliance and Finolex from domestic industry is unjustified since their imports are insignificant in relation to the subject imports, demand and production and such producers are not related to an exporter or importer of the subject goods.
 - vii. While Reliance was an applicant in the earlier investigations, Finolex is a supporter in the ongoing PVC Paste investigation. Their ineligibility in the present investigation cannot be presumed.
 - viii. While RIL has a dual role in the Indian market, that is producer of the product as well as importer of the product for distributing through its network, it has not participated in the present investigation. Due to this the Authority does not have a complete and accurate understanding of market conditions, pricing behavior, and the competitive landscape in India.
 - ix. The Authority has previously, in a number of cases considered those producers which imported subject goods as eligible to constitute domestic industry.
 - x. The Authority should examine (i) Volume of imports by domestic producers in absolute terms and as % of total imports, (ii) essential business nature of company whether it is producer or importer, (iii) reason for imports and (iii) impact of

- imports on injury to domestic industry before deciding ineligibility of Reliance and Finolex.
- xi. Reliance and Finolex are the two largest manufacturers of the subject goods and thus, they must submit their information for the present injury analysis, as done in the cases of Plain MDF Board and PVC Suspension Grade.
 - xii. Reliance and Finolex have a well-established history of pursuing trade remedial measures whenever they perceive injury and thus, their absence in the present cases raises concerns regarding the alleged injury.
 - xiii. Details of imports by Reliance and Finolex provided previously have not been considered. The observation made in the disclosure that the no new facts have been placed on record is misplaced. Further, while the Authority has held that the imports by RIL and Finolex have been examined, the detailed assessment of imports and the basis of the same, has not been disclosed.
 - xiv. While the Authority has considered DCW eligible in spite of imports made by it, RIL and Finolex have been considered ineligible on account of their imports. The Authority has taken contradictory stand as the activities of DCW and RIL / Finolex are similar. While the Authority has noted that DCW Limited has imported for commercial consideration and not technical consideration, RIL and Finolex have also imported for commercial consideration.
 - xv. In the anti-dumping investigation into imports of seamless pipes and tubes, the Authority terminated the investigation due to failure of major producer to furnish information.
 - xvi. Since this is the fourth application by the same set of producers, it is incumbent upon the Authority to fully analyze the situation of Reliance and Finolex before recommending anti-dumping duty.
 - xvii. It should be examined whether related parties of the applicants, which are involved in production of downstream goods, have imported the product under consideration from subject countries.

D.2. Views of the domestic industry

48. The submissions of the domestic industry with regard to the scope of domestic industry and standing are as follows:
 - i. The application has been filed by Chemplast Cuddalore Vinyls Limited, DCM Shriram Limited and DCW Limited.
 - ii. There are two other domestic producers in India, namely, Finolex Industries Limited and Reliance Industries Limited. The other domestic producers have imported the product under consideration from the subject countries during the period of investigation. Thus, such producers should be considered ineligible for constituting the domestic industry in the present investigation.
 - iii. The applicants do not have information with regard to imports by other producers. The Authority may check the imports made by Finolex and RIL.

- iv. Chemplast Cuddalore Vinyls Limited and DCW Limited produce the subject goods using the EDC Route, while DCM Shriram Limited produces the subject goods using the carbide route.
- v. The applicants have not imported the product under consideration from the subject countries during the period of investigation and are not related to any importer in India or any exporter from the subject countries.
- vi. As opposed to the submissions of the other interested parties, the applicants do not have related parties which may have importer.
- vii. DCW has not imported the dumped article during the period of investigation, and has only purchased S-PVC from traders in the domestic market. DCW did not file the bills of entry for such goods, and they were not imported under instructions of the applicant. Therefore, it is not an “importer” within the provisions of Rule 2(b).
- viii. Contrary to the submissions of the other interested parties, it is necessary to examine the purpose of imports by RIL/Finolex and procurement by DCW Limited. While DCW Limited has purchased the product under consideration in order to manufacture downstream product, RIL and Finolex have imported the product, for trading in India.
- ix. As opposed to the submissions by other interested parties, the Authority terminated the investigation into imports of seamless pipes and tubes as the data filed in the support letter by MSL Limited did not show any injury. However, there is no information on record which shows that Reliance and Finolex are not suffering injury.
- x. The allegation that the fact of procurement of S-PVC was suppressed by DCW is not appropriate, as such information was not sought by the Authority under any prescribed format or otherwise.
- xi. The allegation that MK Industries is an exclusive trader for DCW Limited is not correct, as DCW has purchased only [***%] of the volume imported by the former, while the rest has been sold to other customers.
- xii. Since DCW has consumed the S-PVC imported captively for production of CPVC, it has not contributed to or shielded itself from the dumping. The same was also acknowledged by Epigral in its submissions.
- xiii. The volume procured by DCW from traders was negligible in relation to production, consumption and imports into India.
- xiv. As opposed to the submissions of the other interested parties, it is essential to note the purpose of imports made by the domestic producers. RIL and Finolex have imported the product to benefit from dumping in the present case.
- xv. The refusal to participate in the present investigation by RIL and Finolex shows a vested interest to continue to import dumped articles.
- xvi. In case, the other domestic producers are considered ineligible, the applicants account for 100% production of like article in India.
- xvii. In case, the other domestic producers are not considered ineligible, the applicants still account for a major proportion of domestic production in India and thus, satisfy the requirement as per Rule 2(b) and Rule 5 of the Anti-Dumping Rules.

- xviii. The Authority in a number of previous investigations have considered 30% share in production as major proportion. Even in the previous sunset review, the current applicants were considered to constitute domestic industry. The Tribunal in Lubrizol India Private Limited Vs. Designated Authority held that major proportion is not a mathematical calculation but denotes a share which is important and significant in the total Indian production.
- xix. The fact that other domestic producers were applicants or supporters in previous investigation or investigation for some other product is irrelevant for the present investigation.
- xx. Contrary to the submissions of the other interested parties, the period for which the duties have been in force does not have any relevant to constitution of domestic industry.

D.3. Examination by the Authority

49. Rule 2(b) of the Anti-Dumping Rules defines domestic industry as under:

“(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof in such case the term ‘domestic industry’ may be construed as referring to the rest of the producers”.

50. Chemplast Cuddalore Private Limited, DCM Shriram Limited and DCW Limited have filed the application for initiation of the present anti-dumping investigation. The applicants have submitted that there are two other producers of the subject goods in India, that is Finolex Industries Limited and Reliance Industries Limited.
51. The applicants have submitted that the other domestic producers have imported the product under consideration from the subject countries during the period of investigation. The Authority notes that the other domestic producers have not made any submissions in this regard. Accordingly, the Authority has relied upon the data received from DG Systems and the submissions made by the applicants. Since Finolex Industries Limited and Reliance Industries Limited are involved in importing the product under consideration, the Authority proposes to consider them ineligible for the purpose of determining standing. It is noted that the imports by Finolex are ***% of their production, and imports by Reliance Industries are equivalent to ***% of their production.
52. Further, even if Reliance Industries Limited and Finolex Industries Limited are considered eligible to constitute domestic industry, the applicants constitute a major proportion of total Indian production. Thus, the applicants would continue to constitute

domestic industry, even if Finolex Industries Limited and Reliance Industries Limited are considered eligible.

53. With regard to the submissions that DCW Limited has indirectly imported the product under consideration in India and thus, cannot be considered eligible to constitute domestic industry, the Authority notes that the applicant has submitted that it has purchased S-PVC from traders in the domestic market. The applicant has also submitted that such product has been used for testing purposes in C-PVC plant and there are no direct imports during the period of investigation. The Authority notes that the applicant has purchased the product under consideration from the domestic market and has not imported the same. Even if such purchases are considered as imports, the information on record shows that such purchases are negligible when compared with the total demand in India, total production in India as well as total imports into India.

Particulars	Unit	Quantity
Total purchase of S-PVC from traders	MT	***
Total demand in India	MT	37,14,880
Purchase in relation to demand	%	0.03%
Total production in India	MT	14,21,344
Purchase in relation to production	%	0.07%
Total imports into India	MT	24,92,603
Purchase in relation to imports	%	0.04%

54. Some of the parties have submitted that DCW Limited has imported via MK Industries under exclusive agreement. However, as per the information on record, the Authority notes that DCW Limited has purchased only [***]% of the total imports made by MK Industries. The total S-PVC purchased domestically by DCW is to the tune of [***] MT during the period of investigation, of which [***] MT was purchased from MK Industries. Thus, there can be no exclusive agreement between DCW Limited and MK Industries.

Particulars	Unit	Total	Sold to DCW	Sold to others
Imports by MK Industries in POI	MT	***	***	***
	%	100%	9%	91%

55. The other interested parties have submitted that the other interested parties have provided import details of RIL and Finolex and the said producers should be considered as domestic industry. Further, the other interested parties have also submitted that while DCW Limited has been considered eligible despite imports, RIL and Finolex have been considered ineligible. The Authority in this regard notes that DCW Limited has procured the subject goods from traders in the domestic market and have not imported the product. Further, it is essential to examine the nature and purpose of imports by DCW Limited

and RIL and Finolex. While DCW has procured the subject goods for manufacturing of downstream product, it has not engaged in trading of the product in the domestic market. Compared to this, RIL and Finolex have traded the product under consideration and shielded themselves / contributed to dumping in India. Further, the two domestic producers have preferred not to cooperate with the Authority.

56. The Authority further notes that the volume of subject goods procured by DCW Limited is miniscule. Thus, while DCW has been considered eligible to constitute domestic industry, after taking into account, procurement from domestic market, purpose of purchase of subject goods and the quantum of imports, the Authority proposes to consider RIL and Finolex ineligible.
57. In any case, as noted above, even if RIL and Finolex are considered, the applicants account for a major proportion of total production. With regard to submissions that the 50% should be considered as major proportion, the Authority notes that major proportion as per Rule 2(b) means important, serious or significant. Thus, major proportion cannot be considered a mathematical calculation. The Customs, Excise and Service Tax Appellate Tribunal in the case of Lubrizol (India) Pvt. Ltd. vs. Designated Authority [2005 (187) E.L.T. 402 (Tri. - Del.)], held that, in order to constitute major proportion, it is not necessary to exceed 50%.

“15.1 We may note here that the words “major proportion of the total production” in Rule 2(b) defining the ‘domestic industry’ are also capable of being construed so as to mean significant proportion or important part of the total production which may not necessarily exceed 50%. The word “major”, as per the Oxford Dictionary, means “important, serious or significant”. The word “proportion”, in the context, would mean share. Therefore, the expression “major proportion” would, in the context, of total production of domestic industry, mean significant or important share. Such an interpretation is clearly permissible and going by it, the share of the petitioner in the total domestic production, being more than 31%, was undoubtedly a significant or important share i.e. a major proportion thereof. The words “major proportion of total domestic production” cannot be viewed from the angle of solving a mathematical sum involving comparative measurements or size of different parts of a whole. The phrase is used in the context of the production output of domestic producers and admits of a broad interpretation so as to take in its sweep collective output that constitutes a significant or important share of the total domestic production of the article by the producers engaged in the manufacture or engaged in any activity connected with the manufacture of such article, as contemplated by Rule 2(b)...”

58. Further, it is a consistent practice of the Authority to consider major proportion as a significant proportion and not just producers accounting for more than 50% or more of total domestic production. Further, the Authority in the previous investigations on

imports of the subject goods has considered the current applicants as domestic industry even when Reliance Industries Limited and Finolex Industries Limited have not participated.

59. With regard to the submissions regarding imports made by the related entities of applicants, the Authority notes that upon examination it has not found any evidence that related entities of the applicants have imported the product.
60. The Authority notes that the applicants have not imported the product under consideration from the subject countries during the period of investigation and are not related to any importer in India or any exporter from the subject countries.
61. In view of the foregoing, the Authority proposes to conclude that the applicants constitute domestic industry as defined under Rule 2(b) of the Anti-Dumping Rules and the application satisfies the requirement of standing in terms of Rule 5(3) of the Anti-Dumping Rules.

E. CONFIDENTIALITY

E.1. Views of other interested parties

62. The other interested parties have made the following submissions with regard to the confidentiality claimed by the domestic industry:
 - i. The preliminary findings issued by Authority does not disclose actual figures of production, capacity, capacity utilisation, sales and market share of the domestic industry, even though the same was disclosed by the domestic industry. The Supreme Court has held that the Designated Authority cannot itself claim any information as confidential.
 - ii. The applicants have claimed excessive confidentiality as they have failed to share aggregate data for sales value, sales value and price for captive consumption, PBIT, interest and finance cost, depreciation and amortization expenses and calculation of non-injurious price and normal value.
 - iii. The applicants have not provided sales quantity, price and value under two separate headings, that is, domestic sales – SSI and domestic sales – other than SSI.
 - iv. The domestic industry has not disclosed the name of the producer whose information has been used to calculate the normal value for countries other than China.
 - v. While the applicants have claimed that they have not imported the product under consideration during the period of investigation, imports have been reported in Proforma IV-A which have been claimed confidential.
 - vi. Quantum of anti-dumping duty considered for calculation of impact has not been disclosed.

- vii. The applicants have claimed the entire sentences confidential in the petition due to which the other interested parties are unable to comprehend the information submitted.
- viii. The domestic industry has not provided details of funds raised in the application.
- ix. The domestic industry has claimed excessive confidentiality by not providing: (i) import data, (ii) Technical Specifications, (iii) Sales Capacity and Production of the Applicant, (iv) Actual demand in India, (v) Actual imports of the product under consideration and (vi) projected growth and evidence for establishing material retardation. Some of such information is readily available in annual report.
- x. While the entire submission of the applicant is based on a claim of material retardation, the blanket confidentiality claimed with regard to project report preclude the interested parties from making comments regarding the correctness and validity of projections.
- xi. Information with regard to shutdowns cannot be claimed confidential in entirety, as the same is available publicly.
- xii. The Authority should disclose the detailed and confidential calculations for determination of dumping margin, injury margin and cost of production, as confidentiality cannot be claimed from the party that has submitted the information. Further, the exporters are not clear as to which information is used for such calculation.
- xiii. Details of imports made by Reliance and Finolex have not been provided in any submission.
- xiv. Transaction-wise import data in the manner in which it was taken on record must be provided to all interested parties, as held by the CESTAT in Exotic Décor Pvt. Ltd and Ors. v. Designated Authority.
- xv. The year in which shutdown was experienced should be provided since it is possible that the domestic industry is recovering from the losses incurred due to a shutdown. In accordance with Panel decision in EU (Footwear) China, the Authority is required to ensure that producers submit an appropriate non-confidential summary of the data.

E.2. Views of the domestic industry

- 63. The domestic industry has made the following submissions with regard to the confidentiality claimed by the other interested parties.
 - i. The other interested parties have filed belated submissions on confidentiality.
 - ii. A number of foreign producers have claimed the names of traders and exporters which have exported their product to India confidential.
 - iii. A number of producers / exporters have claimed excessive confidentiality as they have not disclosed the distribution and marketing channel as well as details about related companies, nature of expenses claimed as adjustment, production process and names of raw material.
 - iv. Product catalogue and brochure as well as list of products sold which is routinely shared with the customers have been claimed confidential.

- v. A number of parties have not provided justification for confidentiality in accordance with Trade Notice 01/2013.
- vi. A number of producers and exporters have claimed company affiliations, shareholding and names of producers of the product exported by them as confidential.
- vii. Details and nature of post invoicing discount given has been claimed confidential.
- viii. The other interested parties have not adhered to the requirement of Trade Notice 10/2018.
- ix. Formosa Industries (Ningbo) Co., Ltd. has not provided the organization chart and structure to enable the domestic industry to comment upon the involvement of Government of China in the functioning of the entity. List of shareholders, details of whether raw material and utilities have been purchased from related or unrelated entity situated in China, selection procedure for recruitment of personnels and governing laws have been claimed confidential.
- x. Actual figures of production, capacity, capacity utilization, sales and market share of domestic industry as a whole may be shared by the Authority.
- xi. The domestic industry does not have access to DGCI&S data and hence, the same cannot be provided to other interested parties. Market intelligence data is third party information and thus, cannot be shared. A non-confidential import summary has been shared.
- xii. The domestic industry has already shared technical specifications, actual capacity and production, actual demand and actual growth.
- xiii. Since the present investigation is not of material retardation, there is no project report which may be shared by the domestic industry.
- xiv. Details of plant shutdown contains business proprietary information and hence, cannot be shared with the other interested parties.
- xv. CGPC, CGPC Polymer and Formosa have not disclosed information regarding adjustment for differences in quantities, with an intent to preclude the domestic industry from making submissions in this regard.
- xvi. Parties such as Taiyo have claimed even their arguments as confidential, which severely impedes the ability of the domestic industry to provide an effective reply.
- xvii. While the domestic industry does not object to sharing of confidential calculations for cost of production and dumping margin with the exporters, calculations for injury margin are based on data of domestic industry and should not be disclosed.
- xviii. As opposed to the submissions made by the other interested parties, the transaction wise DGCI&S data is not available with the domestic industry. The domestic industry has relied upon market intelligence data and the non-confidential summary of the same has been provided to all the interested parties.
- xix. Contrary to the submissions by the other interested parties, the domestic industry did not face abnormal shutdowns during the injury period.

E.3. Examination by Authority

- 64. Rule 7 of the Anti-Dumping Rules provides as follows:

“7. Confidential Information:

(1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, sub-rule (4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorization of the party providing such information.

(2) The designated authority may require the interested parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarisation is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated 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 a generalized or summary form, it may disregard such information.”

65. The information provided by all the interested parties on confidential basis was examined with regard to sufficiency of the confidentiality claims. On being satisfied, the Authority has accepted the confidentiality claims, wherever warranted and such information has been considered confidential and not disclosed to the other interested parties. Wherever possible, the parties providing information on confidential basis were directed to provide sufficient non-confidential version of the information filed on confidential basis.
66. A list of all registered interested parties was uploaded on the DGTR’s website along with the request therein to all of them to email the non-confidential version of their submissions to all the other interested parties.
67. With regard to the submissions that the domestic industry has not shared certain parameters, the Authority notes that certain parameters do not form part of the requirements notified vide Trade Notice No. 05/2021. With regard to the pricing information not disclosed by the domestic industry, the Authority notes that the domestic industry has submitted that such information is business proprietary in nature and disclosure of same will adversely impact its interest in the market and provide an estimate of prices being charged and margins being retained by the applicants to other domestic producers, exporters as well as the consumers of the product. Disclosure of such average pricing would also allow the customers to benchmark the prices being paid by them, versus the average price in the market. The Authority has hence, accepted the confidentiality claim of the domestic industry in this regard.

68. With regard to the submissions that actual figures of production, capacity, capacity utilization, sales and market share of domestic industry as a whole should have been shared, the Authority notes that the same has been shared in the present disclosure statement. No prejudice has been caused to the interest of any interested parties by not sharing of such information in the preliminary findings as the same was already shared by the domestic industry. In any case, an opportunity is available with all the interested parties to comment on the same as the same is being disclosed in the present disclosure statement.
69. The Authority notes that the other interested parties have filed belated comments on confidentiality in the present investigation. As per the notification of initiation, any interested parties which wanted to file comments on confidentiality, the same was to be done in 7 days from date of receipt of the non-confidential submissions. However, the other interested parties have filed comments only in their written submissions. Therefore, such submissions are time barred.
70. The Authority notes that interested parties have sought disclosure of certain information, which is business proprietary in nature, or was procured from third parties and cannot be disclosed. The Authority finds good cause exists for claiming information, such as plant shutdown period, as confidential. In the same vein, injury margin, which is based on the non-injurious price, cannot be disclosed. The Authority also finds that the domestic industry has provided an appropriate non-confidential version of import data to all interested parties. In any case, the Authority has not relied upon the import data submitted by the Authority and hence, no prejudice has been caused to the interest of any interested parties in the present investigation.
71. With regard to the submission that the domestic industry has claimed confidentiality on project report and the same should be shared, the Authority notes that the present investigation is that of material injury to the domestic industry and not material retardation. The domestic industry has neither provided nor relied upon the project report. Thus, there is no confidentiality claim on the same.
72. With regard to the submissions that the details of imports by RIL and Finolex must be shared, the Authority notes that such information has not been provided by the domestic industry. Such information has been analysed by the Authority using the DGCI&S data. Since such information consists of confidential information of the other domestic producers, the same cannot be shared with the interested parties including the domestic industry.

F. MISCELLANEOUS SUBMISSIONS

F.1. Views of other interested parties

73. The other interested parties have made the following miscellaneous submissions

- i. The import data filed by the applicants in the form and manner that it was taken on record must be shared with the other interested parties.
- ii. The applicants must submit and circulate updated petition for the period of investigation considered by the Authority in the initiation notification.
- iii. Initiation of the present investigation is without any basis as the applicants have not presented substantive evidence to prove condition of initiation of anti-dumping duty.
- iv. The applicants are taking undue advantage of anti-dumping duty as the product has been subject to anti-dumping duty for a long period of time.
- v. There is a need to select a longer period of investigation as the PVC prices were low during the base year and increased significantly due to COVID-19. The prices have stabilized only in 2023.
- vi. Should the Authority find it appropriate to recommend imposition of duty, a duty on the basis of weighted average rate of sampled producers should be prescribed for CNSIG Jilantai Chlor-Alkali Chemical Co. Ltd. and Yibin Haifeng Herui Co., Ltd. Qingdao Haiwan Chemical Co., Ltd and Tianjin Bohua Chemical Development Co. Ltd. should be treated as cooperative producer in the final findings as well.
- vii. The responding producers shall separately furnish an undertaking to ensure that the landed price is not below the non-injurious price.
- viii. The exporter has been listed as “CNSIG Jiltani Chlor–Alkali Chemical Co., Ltd.” in the preliminary findings whereas it should be “CNSIG Jilantai Chlor-Alkali Chemical Co. Ltd.” The exporter has already requested for such correction.
- ix. There was a duty on the product for nearly 14 years, and the domestic industry has requested for duty within 2 years of expiry of the duty. The present investigation is effectively a third sunset review and hence imposition of duty would be elongated protection. The duty if recommended by the Authority should be for less than 30 months, as done in the second sunset review.
- x. The Appellate Body in US – OCTG has held that continuation of duty beyond a period of five years should be an exception. It is not appropriate to impose duty on subject imports again after only a short period of time has passed.
- xi. The Quality Control Order made applicable with effect from 24th June 2025 will restrict imports of product under consideration. While a number of producers from China are in process of or have filed applications for issuance of BIS license, the government is not processing the certification for them.
- xii. Despite exports to multiple countries, there are hardly any instances of anti-dumping investigations by other countries on exports of the subject goods.
- xiii. Ashirvad Pipes is not aware or involved or connected to any malpractice or unlawful practices with respect to import of the subject goods.
- xiv. In its preliminary findings, the Authority has only concluded dumping, injury and causal link. The Authority has not examined whether imposition of provisional duties is indispensable to preclude injury during investigation process, as required in Article 7.1 of the Anti-Dumping Agreement.

- xv. Preliminary Findings cannot be issued in “any” or “all” cases, but can only be issued in “appropriate cases”, as required in Rule 12 of the Anti-Dumping Rules. In accordance with the observations of Supreme Court in G. M. Exports, the Anti-Dumping Agreement should be referred for understanding the cases, which are “appropriate” for imposition of duty.
- xvi. The names of the exporters must be corrected as they are incorrectly mentioned in the preliminary findings.
- xvii. The fixed duty should not be imposed as the users will be forced to pay this duty even if imports are at a higher price. As imports are inevitable, reference price duty should be levied, if any. Submissions on misuse of reference price mechanism is without any merit since there are effective monitoring mechanisms for the same.
- xviii. Fixed quotas or duty to the extent of injury margin should be imposed, to ensure that the market is not flooded with low-priced sub-standard goods. Trigger price form of duty can be imposed, to ensure that there is no unfair gain to the domestic industry from the imposition of duty.
- xix. In the dumping margin table, the name “Shin Dai-Ichi Vinyl Corporation” should be replaced with “Tokuyama Corporation”, since the two companies have merged and Tokuyama is now the producer.
- xx. The Authority held a pre-mature hearing as the matter is sub-judice. Epigral reserves the right to raise submissions before the Authority based on the High Court's final orders.
- xxi. The petitioners have not brought forward any substantive evidence to prove the condition for initiation of the anti-dumping investigation.
- xxii. The present investigation should be terminated as the Authority has not issued a finding within one year period as per Rule 17. No order of the Central Government extending the time period for the investigation has been published.
- xxiii. There is no obligatory requirement for user associations to furnish information in the form of user or importer questionnaire responses. As per Rule 6(4), the Authority has the discretion to request information from interested parties through a notice, however, no such notice has been issued.

F.2. Views of the domestic industry

- 74. The domestic industry has made the following miscellaneous submissions.
 - i. The anti-dumping duty was imposed on imports of the product under consideration for a long period as the producers in the foreign countries have consistently dumped the product in India.
 - ii. There is no basis of the submission that the present investigation is a third sunset review. In any case, standard for imposition of anti-dumping duty in an original investigation is higher than that in the sunset review.
 - iii. As opposed to the contention of the other interested parties, the Authority recommended continuation of anti-dumping duty in the previous sunset review as the domestic industry was not suffering injury. However, in the present

investigation, the domestic industry has suffered material injury post expiry of the anti-dumping duty.

- iv. As opposed to the submissions of the other interested parties, there has been long history of anti-dumping duty in India due to the dumping practices of the foreign producers. Since the present investigation is an original investigation, there is actual evidence of dumping, injury and causal link.
- v. Contrary to the submissions of the other interested parties, QCO is meant to ensure quality of the product and not to address situation of dumping and injury to the domestic industry. Further, a number of foreign producers have already received licenses under the QCO.
- vi. Instances of imposition of anti-dumping duty by other countries does not have a bearing on present investigation, where dumping and consequent injury have been established.
- vii. The domestic industry has not claimed involvement of any malpractices by users in the present investigation.
- viii. As opposed to the submissions by the other interested parties, the Authority has given a detailed preliminary finding on intensity of injury being suffered by the domestic industry which itself shows the need for imposition of interim anti-dumping duty.
- ix. Contrary to the submissions of the other interested parties, the law does not require any special circumstances to be fulfilled prior to issuance of preliminary findings. The practice in a number of countries including the USA, Canada and European Union is to record preliminary findings as a Rule.
- x. As opposed to the submissions made by the other interested parties, the Authority has issued a preliminary finding in the present investigation.
- xi. Reference price duty is not appropriate in the present case as the raw material for the product under consideration is a derivative of crude which is subject to fluctuations. In case, the raw material increases, the duty will not be effective and in case, the raw material declines, the users will be penalised as they would have to pay a higher price. The Manual of Operating Practices also states that reference price duty is not appropriate for cases where raw material prices tend to fluctuate.
- xii. AIPMA and OPPI have participated in the investigation, with the former claiming to represent 22,000 users. However, both the associations have not established their credentials in the investigation, to show that their members are users of the product, and that they represent the interests of majority of their members.
- xiii. The Tribunal has also taken the view that parties must be required to demonstrate their credentials before the Authority.
- xiv. The associations have made submissions without providing any verifiable data, making a mockery of the investigation process. At least a few members of the associations should have furnished data in the investigation.
- xv. Chemplast Cuddalore is a member of Plexconcil and requested it to recall the submissions made by it, and take an action only after seeking inputs from members. In response, Plexconcil stated that it had permission to participate in the safeguard investigation, but has not confirmed it has permission to participate in the anti-

- dumping investigation. It is evident that some of the members are misusing the association platform for furthering self-serving purposes.
- xvi. PLEXCONCIL does not have *locus standi* as an interested party in the present investigation since it is an association of exporters and not importers or users and the submissions made by such association should not be considered.
 - xvii. Plexconcil updates the representations made by it to various government authorities on its website, but the submissions made in the anti-dumping investigation are not listed on the website as a representation by Plexconcil. This shows that the representations made were not authorized, but has been made by a few members misusing the platform.
 - xviii. As opposed to the submissions of the other interested parties, the hearing cannot be said to be premature as the Hon'ble High Court has not stayed the investigation. Epigral Limited is engaged in Forum Shopping as it is making the same submissions in the High Court as well as to the Authority.
 - xix. Contrary to the submissions of the other interested parties, the investigation has been initiated only after duly satisfying the Authority on accuracy and adequacy of the evidence provided.

F.3. Examination by the Authority

- 75. With regard to the contention that the domestic industry must share the import data, the Authority notes that the domestic industry has relied upon its market intelligence at the time of filing the application and the summary of the import data had been shared with all the interested parties. None of the interested parties have provided any cogent evidence to refute the information contained in the non-confidential version of the imports data.
- 76. With regard to the contention that the domestic industry is required to file updated petition based on the period of investigation decided by the Authority in the initiation notification, the Authority notes that the domestic industry has submitted and circulated updated data based on the period of investigation considered by the Authority. There is no requirement for the domestic industry to file an updated petition post initiation of investigation. A petition is filed under Rule 5 of the Anti-Dumping Rules for the purpose of initiation of anti-dumping investigation. However, once the investigation is initiated, Rule 6 becomes applicable, which does not require the domestic industry to file a petition. In any case, the updated data has been circulated to all the interested parties and hence, no prejudice has been caused to the interest of any interested party.
- 77. With regard to the submissions that there was no evidence for initiation of the investigation, the Authority notes that the applicants had provided prima facie evidence of dumping, injury and causal link. Only after undertaking prima facie examination of the evidence provided and duly satisfying itself on the accuracy and adequacy of the evidence provided, the Authority initiated the present investigation. No information has

been provided by other interested parties which would lead the Authority to conclude that the prima facie opinion drawn by it was erroneous.

78. The Authority notes that all producers who have filed a complete response in the present investigation have been considered as cooperative. Further, the margins determined for non-sampled producers is based on weighted average of sampled producers.
79. With regard to the contention that the applicants are taking undue advantage of trade remedial measures, the Authority notes that the subject goods have been subject to anti-dumping duty in various investigations. The anti-dumping duty has been recommended by the Authority on being satisfied with regard to evidence of dumping, injury and causal link. In each of the findings, the Authority has examined the relevant parameters and have come to a conclusion that the exporters have engaged in unfair trade practice of dumping causing injury to the domestic industry. Accordingly, the anti-dumping duty had been recommended.
80. With regard to the submission that the present investigation should be treated as a third sunset review, the Authority notes that the present investigation is an original investigation. The anti-dumping duty on imports of product under consideration expired in February 2022 and a sunset review was not conducted at that time. Further, the Authority analyses likelihood of dumping and injury in case of expiry of anti-dumping duty in a sunset review investigation even if there is no actual dumping or injury during the period of investigation. However, in the present investigation, the Authority has analysed dumping, injury and causal link.
81. With regard to the submissions that the product has been subject to anti-dumping duty for a long period of time, the Authority notes that each investigation stands on its own feet and the Authority gives recommendations in each case pursuant to an investigation as per the procedure envisaged in the law. The Authority is unable to appreciate this generic submission which is bereft of any legal basis.
82. The other interested parties have submitted that in case, anti-dumping duty is levied, the same should be for less than 30 months as done in the sunset review, and the duty should be in the form of a reference price. The Authority notes that it shall consider the tenure for which duty should be recommended and form thereof, if and when it concludes that there is a need for imposition of duty in the present case.
83. With regard to the submissions that Quality Control Order will be applicable and restrict imports into India, the Authority notes that the purpose of QCO and imposition of anti-dumping duty is different. While QCO is meant to ensure that the quality of product being sold in the domestic market is as per the standards issued and is equally applicable to domestic producers, the purpose of anti-dumping duty is to remedy the situation of dumping and injury to the domestic industry.

84. With regard to the submissions that even though the product under consideration is being exported to multiple countries, no other country has conducted an anti-dumping investigation, the Authority notes that while investigations in other countries may indicate price discriminatory behaviour adopted by foreign producers; absence of such investigations does not mean absence of dumping in India.
85. With regards to the submissions concerning malpractices by importers or users, the Authority notes that such allegation has not been raised by any interested party including the domestic industry in the present investigation.
86. While issuing the preliminary findings, the Authority has preliminarily examined dumping, injury and causal link. The preliminary findings contained a detailed examination on these accounts. The Authority noted that the domestic industry suffered significant injury during the period of investigation due to dumping of the subject goods from the subject countries. The dumping margin and injury margin was positive and significant. The contents of the preliminary findings in itself establish sufficient justification for invoking interim measures.
87. With regard to the submissions that preliminary findings cannot be issued in “all” cases, the Authority notes that the issuance of preliminary findings is governed by Article 7 of the Anti-Dumping Agreement. The only conditions laid down in Article 7 are (a) the investigation was initiated in accordance with the Agreement, with due notice and an opportunity to defend their interests given to all interested parties, (b) there is a preliminary affirmative determination made with regard to dumping and consequent injury, (c) the imposition of measures is necessary to prevent injury being suffered during the investigation. Since all the said conditions are fulfilled in the present investigation, issuance of preliminary findings was appropriate.
88. The Authority has corrected the names of the exporters, as applicable, in the present disclosure statement.
89. As regard the submissions that the selling price of the domestic industry has increased post the period of investigation, the Authority notes that such fact cannot be considered in isolation. Mere fluctuation in selling price is not sufficient to establish that the dumping of the subject goods in India has stopped and the domestic industry is not suffering material injury.
90. With regard to participation of user associations, the Authority notes that the members of the association have failed to furnish information in the form of user questionnaire responses or importer questionnaire responses. Further, the associations have made a number of submissions without providing any verifiable evidence. The Authority has noted the submissions made by all user associations and have taken on record the submissions, which are backed by evidence. However, where the parties have made

sweeping statements, without any supporting information to substantiate the same; the Authority has not found it appropriate to rely on such statements.

91. With regard to the submissions that a premature hearing was held in the investigation, the Authority notes that the anti-dumping investigations are time bound and as the Hon'ble High Court has not issued a stay order in the present investigation, the Authority was bound to proceed with the investigation.
92. The user associations have submitted that there is no obligation on them to provide information in form of response to users' or importers' questionnaire. The Authority notes that only those submissions which are backed up by evidence or data can be accepted by the Authority.
93. As regards the submission that the present investigation should be terminated as final findings have not been issued within a period of one year, the Authority notes that an extension of 6 months was taken by the Authority as per Rule 17 of the Anti-Dumping Rules.

Section-II**G. NORMAL VALUE, EXPORT PRICE AND DUMPING MARGIN****G.1. Views of other interested parties**

94. The other interested parties have made the following submissions with regards normal value, export price and dumping margin.
- i. The dumping margin determined by the domestic industry is inflated and the actual data of the exporters must be used to determine the normal value, export price and dumping margin.
 - ii. China cannot be treated as a non-market economy the practice of treating China as a non-market economy was bound to expire on 11th December 2016.
 - iii. Appellate Body report in Fastener case against EU has provided strong justification that China PR should automatically obtain market-economy status.
 - iv. Following the principles of “pacta sunt servanda”, India is obligated under the international law to recognize China PR as a market economy. Article 15 of China’s accession protocol clearly establishes that no country can treat China PR as a non-market economy post 11th December 2016. India does not have a legal basis to do otherwise.
 - v. Sufficient time has not been provided to the interested parties for filing comments on sampling notification.
 - vi. Individual margin should be determined for Wanhua Chemical (FuJian) Co., Ltd and Wanhua Petrochemical (Yantai) Co., Ltd., since the sampling procedure has been undertaken post expiry of 80 days from date of initiation. Therefore, the sampling is belated, in view of the deadline prescribed in the Manual.
 - vii. Even if sampling is done, Wanhua should be sampled since its high-quality ethylene-based PVC resin is exported to India at higher prices. The weighted average of presently sampled producers being applied to Wanhua would harm the stability and quality of supply channels for Indian customers. Further, the volume exported by Wanhua are comparable to the sampled producers.
 - viii. Tianjin must be sampled for individual margin as it has significant share in Indian market, is regular suppliers of the subject goods, and its exports are comparable to exports made by sampled exporters.
 - ix. Tianjin and Formosa Industries (Ningbo) Co. Ltd. are 100% FDI companies, unlike the sampled companies, and operate under market economy conditions. Formosa has also filed a Market Economy Treatment questionnaire.
 - x. The sample companies notified for China are located in North China. Yibin Haifeng Herui Co, (along with its related traders) are located in South China and operate on different costs and sales prices. Yubin Herui, Yibin Tianyuan and Yibin Tianyuan Materials must be included in the sample.
 - xi. As per Article 6.10.2 of the Anti-Dumping Agreement, the Authority should encourage voluntary responses.

- xii. The sampling methodology relies only on export volumes and does not take into account the different types of companies or their operational conditions.
- xiii. The Authority has selected only three producers from 69 participating companies, which has resulted in a skewed and unrepresentative outcome. In the investigation into imports of Jute products, the Authority selected samples from responding exporters across the highest, middle and lower bands of export volumes to India, selecting a total of 19 exporters. By contrast, in the present case, the Authority has considered the 3 largest exporters only.
- xiv. Tokuyama Corporation requested extension of time for filing comments on sampling notification, but the same was denied, which has caused undue prejudice. In any case, Tokuyama filed comments requesting determination of individual margin, which were neither considered nor addressed by the Authority.
- xv. The Authority has not conducted sampling for producers/exporters from USA, despite the similarity in the number of participating groups from USA and Japan. Sampling of producers from Japan and not the US, indicates discretion contrary to the obligation under Rule 17(3).
- xvi. Sampling must not be undertaken as the subject goods constitute many grades, all of which are not produced by all producers.
- xvii. Sampling was not undertaken in previous investigations with multiple subject countries.
- xviii. In the Sunset Review Investigation of PVC from Taiwan, China PR, Indonesia, Japan, Korea RP, Malaysia, Thailand and USA, sampling was undertaken only for producers from China.
- xix. In case, the Authority does not accept the request for considering Tianjin LG Bohai as part of the sampled producers, it may apply duties applicable to Tianjin Bohua Chemical Development Co. Ltd. This is necessary as the exporter maintains higher prices to India. Alternatively, the Authority may bifurcate between ethylene based producers and coal based producers for calculation of anti-dumping duty as the dumping margin for such producers are likely to be different.
- xx. Since the Authority has treated Taiyo Vinyl as non-cooperative, determination of individual dumping margin for Tokuyama Corporation would not be unduly burdensome on the Authority.
- xxi. Xinfa has exported the subject goods through 49 exporters to India, of which 13 have cooperated in the present investigation. It is not feasible to compel the remaining exporters to participate as they have exported only small quantities, and a requirement of participation of all is unreasonable. The landed price and export price for exports through non-cooperative exporters should not be based on facts available, but should be revised in light of available information.
- xxii. Different approaches have been taken for different producers, in terms of whether the export price would be based on the price charged by producer to related exporter, or related exporter to unrelated customer.

- xxiii. While Farmosa Taiwan has participated in the present investigation, its related party Farmosa USA has not exported to India during the period of investigation directly or indirectly and thus, has not filed a response.
- xxiv. Formosa Plastics Corporation has exported a small quantity through Reliance International Limited. The exporter has intentionally not participated, despite confirming that it would cooperate, in an attempt to sabotage FPC Taiwan's third-country price. Facts available may kindly not be considered for such exports.
- xxv. The data furnished by Itochu should be considered for calculation of landed value for the producers that it has sourced the product under consideration from.
- xxvi. The Authority should allow Taiyo Vinyl to rectify its questionnaire responses and determine individual margin for the producer as in done in the cases of Gypsum board, Tiles, Telescopic Channel Drawer Slider and Grinding Media Balls.
- xxvii. The Authority is requested to determine individual margin for Tokuyama Corporation, Taiyo Vinyl, Shin-Etsu, Kaneka, PT Asahimas, ACG Vinythai, PT TPC Indo Plastics, TPC TPE, Westlake, Shintech and Oxy Vinyl.
- xxviii. The current market price of the product under consideration are in line with existing market dynamics and do not constitute dumping.
- xxix. It is important to assess the pricing based on current market realities and not historical prices.
- xxx. Hanwha is not involved in the dumping of the subject goods exported during the period of investigation and the injury period.
- xxxi. Hanwha is prepared for onsite verification of their data.
- xxxii. The export price and landed price of the sampled producers have changed in the disclosure statement as compared to the preliminary findings. The Authority has not provided a reason for such change.
- xxxiii. Imports of Korean origin should not be subject to anti-dumping duty. Even in previous anti-dumping investigation and sunset review, Korean producers were found to be not dumping in India. Domestic selling price in Korea is higher as the market is an oligopoly and domestic demand is completely met by the domestic producers. LG Chem maintains higher prices in the Indian market and the positive margins for LG Chem is only due to absence of grade wise comparison. Since LG and Hanwha maintain similar prices in domestic market and exports to India, the margins for Hanwha should be applicable to LG Chem as well.
- xxxiv. As opposed to the submissions of LG Chem, the cost of production of LG Chem is higher than Hanwha as it operated at a lower capacity utilization as compared to Hanwha. This is also evident from the fact that the domestic sales of LG Chem is loss making. Therefore, the margins quantified for Hanwha cannot be applied to LG Chem.

G.2. Views of the domestic industry

- 95. The submissions of the domestic industry with regard to the normal value, export price and dumping margin are as follows:

- i. China PR should be treated as a non-market economy in accordance with Article 15(a)(i) of China's accession protocol, and the normal value should be determined in accordance with Para 7 of Annexure I to the Rules.
- ii. The normal value for the China PR has been determined based on cost of production of [***] duly adjusted for selling, general and administrative expenses and reasonable profits.
- iii. The normal value for other subject countries has been determined based on cost of production of [***] duly adjusted for selling, general and administrative expenses and reasonable profits.
- iv. The applicants have made adjustments with regard to ocean freight, marine insurance, commission, port expenses, bank charges and inland freight in order to determine ex-factory export price.
- v. The dumping margin is positive and significant.
- vi. 28 producers/exporters from China and 5 producers/exporters from Japan have filed questionnaire responses as per the interested party list, which is a high number to permit individual determination.
- vii. Given low volumes of exports by certain parties, it is obvious that their product profile and exports pattern is not representative of exports into India, in terms of both product profile and time period.
- viii. In the past, Chinese producers who have had negligible export volumes in the period of investigation, after getting individual lower duty, flood the Indian market, such as in the case of PET resin.
- ix. Global norm in sampling is to consider at most three companies:
 - a. In Ceramic Tiles from India, Europe originally considered three companies and refused to extend sampling size to four companies even following aggressive representations from the company at number 4.
 - b. In Wood Pulp from Canada, the MOFCOM refused to individually determine dumping margin for the company at number 3, even though the companies in the first three places were exporting almost equal volume.
 - c. In Ceramic Tiles and Sanitarywares, the GCC sampled three companies while keeping a reserve of 2 companies, as is the standard of practice in the GCC.
 - d. The USA considers more than two companies as 'unduly burdensome'. In the matter of Quartz Surface from India, out of 50 companies considered, investigation and determination of dumping margin was carried out only for two companies, the results of which were extended to the others.
- x. Filing of questionnaire response on voluntary basis cannot be grounds to determine individual dumping margin.
- xi. As opposed to the submissions made by the other interested parties, there is no timeline prescribed in law for undertaking sampling.
- xii. Contrary to the submissions of the other interested parties, export of niche grade is not a ground for inclusion in sampling. Further, the cost of such product does not vary which is evident from the fact that there is no PCN in the subject matter.

- xiii. Voluntary responses should not be accepted as the number of responses in the present investigation are very high.
- xiv. There is no obligation on the Authority to consider types of companies and their operational conditions to undertake sampling.
- xv. The other interested parties have compared the sampled producers with total number of registered interested parties and have ignored the number of exporters involved for exports from the sampled producers.
- xvi. As opposed to the submissions made by the other interested parties, since the related party of Taiyo Vinyl has not participated in the present investigation, no individual duties should be granted to the said producer.
- xvii. As opposed to the submissions of the other interested parties, there is no need to change sampling at this stage. Further, sampling is not undertaken based on the whether dumping margin for some producers is higher or lower. The statement that the exporter maintains higher prices, is merely a self-declaration as the Authority has not verified the response.
- xviii. As opposed to the submissions of the other interested parties, only three producers from the USA have participated while five producers have participated from Japan.
- xix. Since the Authority has undertaken sampling, request for individual determination should not be accepted.
- xx. Contrary to claim of the interested parties, the response filed by a producer can be accepted only where the exporters and traders forming part of the channel of distribution cooperate with the Authority. The same is also evident from the Manual of Operating Practices. The Anti-Dumping Agreement also defines dumping as a product being introduced into the commerce of another country at less than its normal value, thereby requiring consideration of the price charged by the exporters and traders in the channel of distribution. This is also the price causing injury to the domestic industry.
- xxi. The export price should be determined based on the price charged by the producer to unrelated or related producer. The price of related producer may be considered only when it shows that such exporter is merely a trading arm of the exporter.
- xxii. The other interested parties have not pointed out the legal provisions under which FPC Ningbo should be considered in sampling especially when it has exported less than 0.25% of the total exports to India.
- xxiii. As opposed to the submissions of the other interested parties, margins quantified by the Authority in the previous investigations do not have a bearing on the margins in the present investigation. Further, any anti-competitive behaviour in the domestic market of Korea leading to higher prices cannot be considered for non-imposition of anti-dumping duty on imports into India. Since no PCN has been formed by the Authority, difference of grades cannot be considered at this stage.
- xxiv. The non-cooperative producers from China have been awarded for non-cooperation by determining low duties on them. All other jurisdictions including USA, EU and Australia consider higher residual duties for non-participation.

G.3. Examination by the Authority

96. The Authority had sent questionnaires to the known producers/exporters from the subject countries, advising them to provide the information in the form and manner prescribed by the Authority. Responses to questionnaire response has been filed by the following producers/exporters.

- a. AGC Vinythai Public Limited Company
- b. Canko Marketing
- c. CGPC Polymer Corporation
- d. Chemdo Group Company Limited
- e. Cheongfuli (Hongkong) Company Limited
- f. China General Plastics Corporation
- g. China Salt Chemical International Trading Co. Ltd.
- h. Chiping Xinfu Huaxing Chemical Co., Ltd
- i. Chiping Xinfu Polyvinyl Chloride Co., Ltd
- j. CNSIG Jilantai Chlor – Alkali Chemical Co. Ltd.
- k. Cosmoss Vu Limited
- l. Formosa Industries (Ningbo) Co., Ltd.
- m. Formosa Plastics Corporation
- n. GCM Polymer Trading DMCC Company Limited
- o. Grand Dignity
- p. Grand Dignity Industrial Co. Ltd.
- q. Guangxi Huayi Chlor-Alkali Chemical Co., Ltd.
- r. Hanwa Corporation
- s. Henan Pulite Import And Export Trade Co., Limited
- t. Inner Mongolia Chemical Industry Company Ltd.
- u. Inner Mongolia Erdos Electric Power and Metallurgy Group Co., Ltd.
- v. Inner Mongolia Junzheng Chemical Industry Co., Ltd.
- w. ITOCHU (Thailand) Ltd.
- x. ITOCHU Corporation
- y. Itochu Plastics Pte., Ltd.
- z. IVICT (Singapore) Pte. Ltd
- aa. Jiali Bio Group (Qingdao) Limited
- bb. Joc International Technical Engineering Co., Ltd.
- cc. Kaneka Corporation
- dd. Kanematsu Corporation
- ee. LG Chem, Ltd.
- ff. Marubeni Corporation
- gg. Mitsubishi Corporation
- hh. Mitsui & Co., Ltd
- ii. Ordos Junzheng Energy & Chemical Industry Co., Ltd
- jj. PT Asahimas Chemical
- kk. PTT Global Chemical Public Company Limited
- ll. Qingdao Haiwan Chemical Co. Ltd.

mm.	SAR Overseas Limited
nn.	Shaanxi Beiyuan Chemical Industry Group Co
oo.	Shandong Xinfu Import & Export Co., Ltd
pp.	Shanghai Chlor-Alkali Chemical Co., Ltd.
qq.	Shin-Etsu Chemical Co., Ltd
rr.	Simosa International Co. Ltd.
ss.	Sojitz Asia Pte Limited
tt.	Stavian Chemical JSC
uu.	Sunshine International Pvt Ltd
vv.	Taiyo Vinyl Corporation
ww.	Texpo International Limited
xx.	Thai Plastics and Chemicals Plc.
yy.	Thai Polyethylene Co. Ltd
zz.	Tianjin Bohua Chemical Developments
aaa.	Tianjin Lg Bohai Chemical. Co. Ltd
bbb.	Tokuyama Corporation
ccc.	Tokuyama Sekisui Co. Ltd
ddd.	Tosoh Nikkemi Corporation
eee.	TS Corporation
fff.	Tun Wa Industrial Co. Ltd.
ggg.	United Raw Material Pte. Ltd.
hhh.	Wanhua Chemical (Fujian) Co., Ltd.
iii.	Wanhua Chemical (Singapore) Pte. Ltd.
jjj.	Wanhua Petrochemical (Yantai) Co., Ltd.
kkk.	Xinjiang Shengxiong Chlor-Alkali Co., Ltd
lll.	Xinjiang Zhongtai Import & Export Co., Ltd
mmm.	Yibin Haifeng Herui Co. Ltd.
nnn.	Yibin Tianyuan Group Co. Ltd.
ooo.	Yibin Tianyuan Materials Industry Group Ltd.
ppp.	Yue Xiu Textiles Co., Ltd
qqq.	Zhong Tai International Development (HK) Limited

97. As per the provisions of Rule 17, while the Authority shall determine individual dumping margin in respect of all those producers/exporters who have filed questionnaire responses, in a situation where a large number of producers/ exporters have filed questionnaire responses, the Authority may resort to sampling by limiting the response to a limited number of producers. The Rules provides as follows in this regard.

17(3) The designated authority shall determine an individual margin of dumping for each known exporter or producer concerned of the article under investigation:

Provided that in cases where the number of exporters, producers, importers or types of articles involved are so large as to make such determination impracticable, it may limit its findings either to a reasonable number of interested

parties or articles by using statistically valid samples based on information available at the time of selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated, and any selection, of exporters, producers, or types of articles, made under this proviso shall preferably be made in consultation with and with the consent of the exporters, producers or importers concerned :

Provided further that the designated authority shall, determine an individual margin of dumping for any exporter or producer, though not selected initially, who submit necessary information in time, except where the number of exporters or producers are so large that individual examination would be unduly burdensome and prevent the timely completion of the investigation.

98. In view of the large number of responses, the Authority considered sampling of producers. The same was proposed vide notification dated 28th August 2024. After receiving comments from various parties, the sampled producers were notified vide notification dated 23rd September 2024. The sample considered was based on the volume of exports to India, with the producers having the largest volume of exports, being considered as a part of the sample. The Authority notes that even though only three producers are selected within sample, the number of producers/exporters, for whom duty would be quantified, is much higher. The sampled producers constitute ***% of the volume of cooperative producers from China and ***% of the volume of cooperative producers from Japan.
99. With regard to the submissions that there is difference in approach with regard to sampling in case of Japan and not undertaking sampling in case of the USA, the Authority notes that in case of USA, response has been filed by only three producer groups (that is, producer and their affiliates). However, in case of Japan, response has been filed by 5 producers. Therefore, there was no cause for sampling for USA even though the Authority undertook sampling for Japan.
100. As regards the request for inclusion on the grounds that the company has supplied speciality products or the product profile forming part of the sample should be comprehensive, the Authority notes that there is no such obligation under Rule 17(3). The Authority notes that the fact of supply of a speciality grade does not justify inclusion of such company for individual determination. It is noted that post examination of all comments, the Authority has not accepted PCN in the present investigation. In a situation where adoption of a PCN methodology was not considered necessary, there can be no cause for consideration of a producer as a part of the sample based on the product type supplied. In any case, the Rules also allow the Authority to limit determination to certain product types as well.
101. Certain interested parties have contended that the Authority has undertaken individual determination of dumping margin for much larger number of producers or exporters in

the past in other investigation. However, the fact that a large number of producers were investigated in the past does not imply that the Authority is barred from resorting to sampling in the present case.

102. The Authority also does not find merit in the contention of the interested parties that there is a mandatory obligation to consider voluntary responses filed and accord an individual dumping margin to all such exporters. Rule 17(3) and its provisos make it amply clear that the Authority may limit examination to certain exporters, where necessary in the interest of timely completion of the investigation.
103. Tianjin LG Bohai has claimed that it is a 100% FDI company, and thus, cannot be equated with producers operating under non-market economy conditions. However, the Authority notes that Tianjin has not claimed market economy treatment in the present case.
104. As regards claim of Formosa that it is also a 100% FDI and has claimed market economy treatment, the Authority notes that its exports comprise less than 0.5% of the total exports by cooperative producers to India during the period of investigation. Therefore, the consideration of Formosa for individual examination would not be appropriate. Further, the basis of determination of normal value cannot form the basis for determining the sample to be considered.
105. With regard to the submissions that the Authority has not considered geographical location while undertaking sampling, the Authority notes that there is no requirement to consider geographical location of the exporters, in the determination of appropriate sample of producers to be considered.
106. With regard to the submissions that sampling is belated, the Authority notes that Rule 17(3) of the Anti-Dumping Rules allows sampling of producers / exporters. There is no deadline in the Rules for undertaking sampling of producers / exporters in an anti-dumping investigation.
107. As regards submissions that Wanhua should be sampled since it has exported higher quality and higher priced product, the Authority notes that the sample has been selected based on the volume of exports. Based on the sampling methodology, the three largest exporters to India have been selected.
108. With regard to the submissions that the sampling methodology does not take into account different types of companies or their operational conditions, the Authority notes that there is no provision in law which mandates the Authority to examine type of company or operational condition at the time of sampling.
109. With regard to submissions that extension was not provided for furnishing comments on sampling, the Authority notes that anti-dumping investigation are time bound and thus, no extension could be provided to the interested parties for offering comments on

sampling. Further, no new fact has been presented subsequently, which indicates that a different sample should have been selected for examination.

110. With regard to the submissions that only 3 producers have been selected as a sample, the Authority notes that the law does not specify the number of producers that may be selected as a sample. Sampling is done as per the facts of the investigation. Since the number of producers in the present investigation are quite high, the Authority has chosen a sample of 3 producers. Even then, there are a number of related and unrelated exporters which export the product under consideration manufactured by the sample producers.
111. In view of the foregoing, the Authority selected three producers from China PR and Japan along with their associated exporters for determining individual dumping margin, on the basis of the largest percentage of the volume of exports to India during the investigation period. The following producers were sampled by the Authority from China.
 - a. Qingdao Haiwan Chemical Co., Ltd.
 - b. Tianjin Bohua Chemical Development Co., Ltd., China PR
 - c. Chiping Xinfu Polyvinyl Chloride Co. Ltd., China PR
112. The following producers were sampled by the Authority from Japan.
 - a. Shin-Etsu Chemical Co., Ltd, Japan
 - b. Kaneka Corporation, Japan
 - c. Taiyo Vinyl Corporation, Japan
113. In the preliminary findings, the response filed by Taiyo Vinyl Corporation (Taiyo Vinyl) was not accepted, on grounds of deficiencies. During the course of desk verification, the response filed by Taiyo Vinyl was examined in detail, and the exporter has demonstrated that the response filed was complete and accurate in all material respect. Accordingly, the Authority proposes to accept the response filed by Taiyo Vinyl Corporation (Taiyo Vinyl). The normal value and export price have been computed as under.
114. The Authority notes that post issuance of preliminary findings, the Authority verified the data filed by all the interested parties. Post verification of data, the landed price and export price of some of the producers / exporters have changed as compared to the preliminary findings.
115. With regard to the submission that anti-dumping duty quantified for Hanwha should be applied to LG Chem, the Authority notes that the dumping margin is determined as per the actual data provided by both the producers. Further, there is no provision in law which allows quantification of duty for one producer based on the margins quantified for the other producer.
116. As regard the market structure in Korea, the Authority notes that the other interested parties have stated that the price in Korea is lower as demand is completely met by the domestic production. However, since there is excess production in Korea as compared to

the demand in the country, in a normal market condition, the prices tend to be lower and not higher. Further, the Korean producer, LG Chem, has requested PCN wise comparison. However, the Authority notes that since no PCN has been formed in the present investigation and no evidence has been provided with regard to change in cost due to change in grade of the product, a PCN wise comparison cannot be undertaken at this stage.

117. With regard to the submissions that there is a need to consider determination of different weighted average margins for producers producing via ethylene route and carbide route, the Authority notes that such determination would not be appropriate, when the need for PCN based on production process was not demonstrated.
118. The cost of production and pricing information of the responding producers were verified during the course of the investigation. Such verified information has been considered for the purpose of the present Disclosure Statement. The verified cost of production was compared with the ex-factory selling price in the home market. Where more than 80% of the sales were found to be profitable, the normal value has been determined based on average selling price in the home market. Where more than 20% of the sales were below cost, the Authority has considered the price of profitable sales in the home market. However, where the volume of profitable sales was very low, the Authority has not found it appropriate to determine normal value based on domestic selling price. In such situations, the normal value has been determined based on the cost of production of the producer, with a reasonable addition for profits and selling, general and administrative expenses.
119. The other interested parties have made submissions with regard to different approaches followed for export price determination. The Authority notes that it has consistently taken the price charged by the producer from the unaffiliated customer, for all exporters. Therefore, there is no inconsistency in the manner of export price determination.
120. With regard to the submissions that facts available should not be used due to non-cooperation of unrelated exporters, the Authority notes that in a situation where full information with regard to exports to India is not on record and when the exporter concerned has not filed questionnaire response, the Authority is not in a position to precisely determine export price and landed price for the producer concerned. It is established practice of the Authority that the Authority determines export price and landed price only when the producer and the exporters concerned have filed questionnaire responses. Since the export price from non-cooperative producers/exporters is not available, the Authority has determined net export price based on facts available.
121. With regard to the submissions that the pricing is based on current market dynamics and does not constitute dumping, the Authority notes that the dumping margin has been determined based on the responses filed by the participating producers and exporters. The Authority notes that the information filed by the producers from the subject countries

shows that they have exported the product under consideration to India at prices below their normal value. Thus, such exports to India have been made at dumped prices. Further, the dumping has been assessed for the period of investigation.

G.3.1. Determination of normal value and export price for China

Normal Value for China PR

122. Article 15 of the China's Accession Protocol to the WTO provides as follows:

“Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") and the SCM Agreement shall apply in proceedings involving imports of Chinese origin into a WTO Member consistent with the following:

In determining price comparability under Article VI of the GATT 1994 and the Anti Dumping Agreement, the importing WTO Member shall use either Chinese prices or costs for the industry under investigation or a methodology that is not based on a strict comparison with domestic prices or costs in China based on the following rules:

(i) If the producers under investigation can clearly show that market economy conditions prevail in the industry producing the like product with regard to the manufacture, production and sale of that product, the importing WTO Member shall use Chinese prices or costs for the industry under investigation in determining price comparability;

(ii) The importing WTO Member may use a methodology that is not based on a strict comparison with domestic prices or costs in China if the producers under investigation cannot clearly show that market economy conditions prevail in the industry producing the like product with regard to manufacture, production and sale of that product.

In proceedings under Parts II, III and V of the SCM Agreement, when addressing subsidies described in Articles 14(a), 14(b), 14(c) and 14(d), relevant provisions of the SCM Agreement shall apply; however, if there are special difficulties in that application, the importing WTO Member may then use methodologies for identifying and measuring the subsidy benefit which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the importing WTO Member should adjust such prevailing terms and conditions before considering the use of terms and conditions prevailing outside China.

The importing WTO Member shall notify methodologies used in accordance with subparagraph (a) to the Committee on Anti-Dumping Practices and shall notify

methodologies used in accordance with subparagraph (b) to the Committee on Subsidies and Countervailing Measures.

Once China has established, under the national law of the importing WTO Member, that it is a market economy, the provisions of subparagraph (a) shall be terminated provided that the importing Member's national law contains market economy criteria as of the date of accession. In any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession. In addition, should China establish, pursuant to the national law of the importing WTO Member, that market economy conditions prevail in a particular industry or sector, the non-market economy provisions of subparagraph (a) shall no longer apply to that industry or sector."

123. The applicants have cited and relied upon Article 15(a)(i) of China's Accession Protocol. The applicants have claimed that producers in China PR must be asked to demonstrate that market economy conditions prevail in their industry producing the like product with regard to the manufacturing, the production and the sale of the product under consideration. It has been stated by the applicants that in case the responding Chinese producers are not able to demonstrate that their costs and price information are market-driven, the normal value should be calculated in terms of provisions of Para 7 and 8 of Annexure- I to the Rules.
124. None of the sampled producers have claimed market economy treatment in the present case. Accordingly, the normal value has been determined in accordance with paragraph 7 of Annexure I of the Rules which state as follows.

"In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in the market economy third country, or the price from such a third country to other countries, including India or where it is not possible, or on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner, keeping in view the level of development of the country concerned and the product in question, and due account shall be taken of any reliable information made available at the time of selection. Accounts shall be taken within time limits, where appropriate, of the investigation made in any similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without any unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments."

125. While the applicants have claimed that the normal value should be determined on the basis of price payable in India. The other interested parties have not adduced any other basis, amongst that listed under paragraph 7 of Annexure I of the Rules, which may form basis of determination of normal value.

126. Para 7 lays down a hierarchy for the determination of normal value and provides that normal value shall be determined on the basis of the price or constructed value in a market economy third country or the price from such a third country to other countries, including India or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted, if necessary, to include a reasonable profit margin. In the present case, there is no evidence of price or constructed value prevailing in a market economy third country brought forward by any interested party. Apart from the subject countries in the present investigation, imports into India from other countries are low in volume. Thus, imports into India from the market economy third country could not be considered for determination of normal value.
127. Therefore, the Authority has determined the normal value in China PR as “price payable in India” as stipulated in para 7 of Annexure – I to the AD Rules, 1995. It has been computed based on the cost of production of the domestic industry, with reasonable addition for selling, general and administrative expenses, and profits. The normal value so determined is given below in the dumping margin table.

Determination of Export Price

128. As stated above, the Authority considered the following producers and their associated exporters for the determination of individual margins.

SN	Name of the producers	Name of the associated affiliated / unaffiliated producers / exporters
1.	Qingdao Haiwan Chemical Co., Ltd.	Chemdo Group Company Limited Cheongfuli (Hong Kong) Company Limited Cosmoss Vu Limited Hanwha Corporation Itochu Plastics Pte Ltd Marubeni Corporation SAR Overseas Ltd Texpo International Limited Tricon Energy Ltd USA United Raw Material Pte Ltd Yue Xiu Textiles Company Limited Zhejiang Hengdian (HK) Import and Export Co. Ltd. Sunshine International Private Limited
2.	Tianjin Bohua Chemical Development Co., Ltd.	Cheongfuli (Hong Kong) Company Limited Cosmoss Vu Ltd

		Hanwha Corporation Marubeni Corporation SAR Overseas Ltd Stavian Chemical Joint Stock Company Sun Shine International Pvt Limited. Texpo International Limited Tricon Energy Ltd Yue Xiu Textiles Co., Ltd
3.	Chiping Xinfu Polyvinyl Chloride Co. Ltd.	Cheongfuli (Hong Kong) Company Limited Cosmoss Vu Limited Hanwha Corporation Itochu Plastics Pte.,Ltd Jiali Bio Group (Qingdao) Limited SAR Overseas Ltd Shandong Xinfu Import & Export Co., Ltd Stavian Chemical Joint Stock Company Texpo International Limited Tun Wa Industrial Co., Ltd United Raw Material Pte Ltd Yue Xiu Textiles Co.,Ltd

Export price for Qingdao Haiwan Chemical Co., Ltd.

129. Qingdao Haiwan Chemical Co., Ltd. (Qingdao Haiwan) is the producer of the product under consideration and has exported *** MT of the subject goods to India directly and *** MT through unrelated exporters. Of the total exporters involved, only the following exporters have furnished a response with respect to the export of goods produced by Qingdao Haiwan.

- i. Chemdo Group Company Limited
- ii. Cheongfuli (Hong Kong) Company Limited
- iii. Cosmoss Vu Limited
- iv. Hanwha Corporation
- v. Itochu Plastics Pte Ltd
- vi. Marubeni Corporation
- vii. SAR Overseas Ltd
- viii. Sun Shine International Pvt Limited
- ix. Texpo International Limited
- x. Tricon Energy Ltd USA
- xi. United Raw Material Pte Ltd
- xii. Yue Xiu Textiles Company Limited

xiii. Zhejiang Hengdian (HK) Import and Export Co. Ltd.

130. It is noted that Zhejiang Hengdian (HK) Import and Export Co. Ltd. has not furnished a full response to the questionnaire, and has only submitted Appendix 3A. Further, some of traders who have exported subject goods to India sourced from Qingdao Haiwan have not cooperated before the Authority. The Authority has determined the export price and landed price for such exports based on the facts available. The Authority has examined the profitability statements of unrelated cooperative traders/exporters, and in cases, an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.
131. Accordingly, the export price has been determined based on the price of sale charged by Qingdao Haiwan for sales to India directly, or through unrelated exporters. Adjustments have been made for ocean freight, insurance, inland transportation, and bank charges, to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative exporters/traders, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for Tianjin Bohua Chemical Development Co., Ltd.

132. Tianjin Bohua Chemical Development Co., Ltd. (Tianjiin Bohua) is the producer of the product under consideration and has exported *** MT of the subject goods to India directly and *** MT through unrelated exporters. Of the total exporters involved, only the following exporters have furnished a response with respect to the export of goods produced by Tianjin Bohua.
- i. Cheongfuli (Hong Kong) Company Limited
 - ii. Cosmoss Vu Ltd
 - iii. Hanwha Corporation
 - iv. Marubeni Corporation
 - v. SAR Overseas Ltd
 - vi. Stavian Chemical Joint Stock Company
 - vii. Sun Shine International Pvt Limited.
 - viii. Texpo International Limited
 - ix. Tricon Energy Ltd
 - x. Yue Xiu Textiles Co., Ltd
133. It is noted that some of traders who have exported subject goods to India sourced from Tianjin Bohua have not cooperated before the Authority. The Authority has determined the export price and landed price for such exports based on the facts available. The Authority has examined the profitability statements of unrelated cooperative traders/exporters, and in cases, an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.

134. Accordingly, the export price has been determined based on the price of sale charged by Tianjin Bohua for sales to India directly, or through unrelated exporters. Adjustments have been made for ocean freight, insurance, and port and other related expenses to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for Chiping Xinfu Polyvinyl Chloride Co. Ltd.

135. Chiping Xinfu Polyvinyl Chloride Co. Ltd. (Chiping Xinfu) is the producer of the product under consideration and has exported *** MT of the subject goods to India directly and remaining through 1 related exporter, namely Shandong Xinfu Import&Export Co., Ltd., and 49 unrelated exporters. However, of this, only the following exporters have furnished a response with respect to export of goods produced by Chiping Xinfu.
- i. Cheongfuli (Hong Kong) Company Limited
 - ii. Cosmoss Vu Limited
 - iii. Hanwha Corporation
 - iv. Itochu Plastics Pte.,Ltd
 - v. Jiali Bio Group (Qingdao) Limited
 - vi. SAR Overseas Ltd
 - vii. Shandong Xinfu Import & Export Co., Ltd. (related)
 - viii. Stavian Chemical Joint Stock Company
 - ix. Texpo International Limited
 - x. Tun Wa Industrial Co., Ltd
 - xi. United Raw Material Pte Ltd
 - xii. Yue Xiu Textiles Co., Ltd
 - xiii. Zhejiang Hengdian (HK) Imp. & Exp. Co., Ltd.
136. It is noted that some of traders who have exported subject goods to India sourced from Chiping Xinfu have not cooperated before the Authority. The Authority has determined the export price and landed price for such exports based on the facts available. The Authority has examined the profitability statements of unrelated traders/exporters, and in cases, an unrelated cooperative exporter has resold the goods at a loss, the loss of such exporter has been adjusted.
137. Accordingly, the export price has been determined based on the price of sale charged by Chiping Xinfu for sales to India directly, or through unrelated exporters. Adjustments have been made for inland transportation, port and other related expenses, and credit cost to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative

exporters, the Authority has determined the export price and landed price based on facts available. Where the volume reported by the producer did not reconcile with the volume reported by the exporter, the landed price and export price for such volume have also been determined based on facts available. The export price determined is mentioned in the table below.

For all other producers / exporters from China PR

138. The dumping margin for all other cooperative non-sampled producers has been determined based on the weighted average margin for the cooperative sampled producers. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.2. Determination of normal value and export price for Indonesia

Normal value for Indonesia

Normal value for PT Asahimas Chemical

139. PT Asahimas Chemicals (Asahimas) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. The Authority notes that the domestic sales are in sufficient volumes when compared with exports to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. Asahimas has claimed price adjustments on account of commission, freight cost, insurance, warehousing cost, license fee, bank charges and credit cost. The adjustments claimed have been allowed after desk verification. The normal value at ex-factory level for Asahimas has been mentioned in the dumping margin table below.

Normal value for PT TPC Indo Plastic and Chemicals

140. PT TPC Indo Plastic and Chemicals (TPC) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. The Authority notes that the domestic sales are in sufficient volumes when compared with exports to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 80% sales were made at profits, the normal value has been determined based on price of profitable sales. TPC has claimed price adjustments on account of

freight cost, insurance, bank charges and credit cost. The adjustments claimed have been allowed after desk verification.. The normal value at ex-factory level for TPC has been mentioned in the dumping margin table below.

Normal value for all other producers / exporters in Indonesia

141. The normal value for all other non-cooperating producers and exporters of Indonesia has been determined based on facts available and the same is mentioned in the dumping margin table below.

Export price for Indonesia

Export price for PT Asahimas Chemical

142. Asahimas has exported ***MT of the subject goods to India, through the following three unrelated exporters.

Asahimas → IVICT(Singapore) Pte. Ltd. → Unrelated customers in India

Asahimas → Itochu (Thailand) Ltd. → Unrelated customers in India

Asahimas → Marubeni Corporation → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

143. Accordingly, the export price has been determined based on the price of sale charged by PT Asahimas Chemical for sales to unrelated exporters. Adjustments have been made for commission, ocean freight, inland freight, insurance, license fee, bank charges and credit cost to arrive at the ex-factory price. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for PT TPC Indo Plastic and Chemicals

144. TPC has exported ***MT of the subject goods to India directly. The price charged by TPC for sales has been considered for determination of export price. Adjustments have been made for ocean freight, inland freight, insurance, handling charges, packing cost, commission, bank charges, credit cost and other expenses to arrive at the ex-factory price. The export price determined is mentioned in the table below.

Export price for all other producers / exporters in Indonesia

145. The export price for all other non-cooperating producers and exporters of Indonesia has been determined based on facts available and the same is mentioned in the dumping margin table below.

G.3.3. Determination of normal value and export price for Japan**Normal value for Japan**

146. As stated above, the Authority considered the following producers and their associated exporters for the determination of individual margins.

SN.	Name of the producers	Name of the associated affiliated / unaffiliated producers / exporters
1.	Shin-Etsu Chemical Co., Ltd.	Itochu Corporation Mitsubishi Corporation
2.	Kaneka Corporation	Itochu Corporation Kanematsu Corporation Marubeni Corporation Mitsui & Co., Ltd. Mitsubishi Corporation
3.	Taiyo Vinyl Corporation	Itochu Corporation Kanematsu Corporation Marubeni Corporation Mitsubishi Corporation Mitsui & Co., Ltd. Sojitz Corporation Tokuyama Sekisui Co., Ltd.

Normal value for Kaneka Corporation

147. Kaneka Corporation (Kaneka) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. Kaneka has sold the subject goods to affiliates in the domestic market, as well as under swap agreement with Tokuyama Sekisui Co., Ltd. to Sekisui Chemical. The Authority examined whether such transactions were made on arm's length basis, and excluded transactions which were not found to be at arm's length prices, as being outside the ordinary course of trade. Having excluded such transactions, the Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.

148. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. Kaneka has claimed price adjustments on account of rebates, freight cost, storage cost, commission and credit

cost. The adjustments claimed have been allowed. The normal value at ex-factory level for Kaneka is mentioned in the dumping margin table below.

Normal value for Shin-Etsu Chemical Co., Ltd.

149. Shin-Etsu Chemical Co., Ltd. (SECL) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. However, SECL has sold the subject goods to affiliates in the domestic market, as well as under swap agreement with Tokuyama Sekisui Co., Ltd. to Sekisui Chemical. The Authority examined whether such transactions were made on arm's length basis, and excluded transactions which were not found to be at arm's length prices, as being outside the ordinary course of trade. Having excluded such transactions, the Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
150. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. SECL has claimed price adjustments on account of rebates, credit notes, freight cost, insurance, handling charges, storage cost, packing cost and credit cost. The adjustments claimed have been allowed after desk verification. The normal value at ex-factory level for SECL has been mentioned in the dumping margin table below.

Normal value for Taiyo Vinyl Corporation

151. Taiyo Vinyl has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. However, Taiyo Vinyl has sold the subject goods to affiliates in the domestic market, as well as under swap agreement with Tokuyama Sekisui Co. Ltd. The Authority examined whether such transactions were made on arm's length basis, and excluded transactions which were not found to be at arm's length prices, as being outside the ordinary course of trade. Having excluded such transactions, the Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
152. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. Taiyo Vinyl has claimed price adjustments on account of credit notes, debit notes, freight cost, storage cost, packing cost, credit cost and other expenses. The adjustments claimed have been allowed after desk verification. Accordingly, the normal value at ex-factory level for Taiyo Vinyl has been determined as shown in the dumping margin table.

Normal value for all other producers / exporters in Japan

153. The dumping margin for all other cooperative non-sampled producers has been determined based on the weighted average margin for the cooperative sampled producers. The normal value for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

Export price for Japan

Export price for Kaneka Corporation

154. Kaneka has exported ***MT of the subject goods to India directly and ***MT, through the following five unrelated exporters.

Kaneka → Itochu Corporation → Unrelated customers in India
 Kaneka → Kanematsu Corporation → Unrelated customers in India
 Kaneka → Marubeni Corporation → Unrelated customers in India
 Kaneka → Mitsubishi Corporation → Unrelated customers in India
 Kaneka → Mitsui & Co. Ltd. → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits. Where an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.

155. Accordingly, the export price has been determined based on the price of sale charged by Kaneka for sales to unrelated customers in India and through unrelated exporters. Adjustments have been made for ocean freight, inland freight, insurance, storage cost, packing cost, bank charges and credit cost to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for Shin-Etsu Chemical Co., Ltd.

156. SECL has exported ***MT of the subject goods through the following two unrelated exporters.

SECL → Itochu Corporation → Unrelated customers in India
 SECL → Mitsubishi Corporation → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits. Where an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.

157. Accordingly, the export price has been determined based on the price of sale charged by SECL for sales through unrelated exporters. Adjustments have been made for ocean freight, inland freight, insurance, storage cost, packing cost, bank charges and credit cost to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for Taiyo Vinyl Corporation

158. Taiyo Vinyl has exported ***MT of the subject goods to India directly and ***MT, through the following six unrelated exporters.

Taiyo Vinyl → Itochu Corporation → Unrelated customers in India
 Taiyo Vinyl → Kanematsu Corporation → Unrelated customers in India
 Taiyo Vinyl → Marubeni Corporation → Unrelated customers in India
 Taiyo Vinyl → Mitsubishi Corporation → Unrelated customers in India
 Taiyo Vinyl → Mitsui & Co. Ltd. → Unrelated customers in India
 Taiyo Vinyl → Sojitz Corporation → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

159. Accordingly, the export price has been determined based on the price of sale charged by Taiyo Vinyl for sales to unrelated customers in India and through unrelated exporters. Adjustments have been made for shipping cost, surveyor cost, ocean insurance, handling charges, demurrage and detention charges, inland freight, storage cost, packing cost, credit cost and other expenses to arrive at the ex-factory price. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price so determined is mentioned in the table below.
160. As regard the submissions that since Taiyo Vinyl has been considered non-cooperative, individual margin may be determined for Tokuyama Corporation, the Authority notes that it has already examined two responses from Japanese exporters. Further, the response filed by Taiyo Vinyl is proposed to be accepted. Therefore, an individual margin cannot be determined for Tokuyama Corporation. The margin for Tokuyama Corporation would be determined based on the weighted average margin for the sampled cooperative exporters.

Export price for all other producers / exporters in Japan

161. The dumping margin for all other cooperative non-sampled producers has been determined based on the weighted average margin for the cooperative sampled producers. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.4. Determination of normal value and export price in Korea RP

Normal value for Korea RP

Normal value for LG Chem Ltd.

162. LG Chem Ltd. (LG) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 20% sales were made at profits, the normal value has been determined based on cost of production with a reasonable addition towards selling, general and administrative expenses and profits. The normal value at ex-factory level for LG has been calculated as mentioned in the dumping margin table below.

Normal value for Hanwha Solutions Corporation

163. Hanwha Solutions Corporation (HSC) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. To determine normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 80% sales were made at profits, the normal value has been determined after removing loss making transactions and only profit-making transactions were considered for computation of normal value. The normal value at ex-factory level for HSC has been mentioned in the dumping margin table below.

Normal value for all other producers / exporters in Korea RP

164. The normal value for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

Export price for Korea RP

Export price for LG Chem Ltd.

165. LG has exported ***MT of the subject goods directly and ***MT through the following two unrelated exporters.

LG → Canko Marketing → Unrelated customers in India

LG → TS Corporation → Unrelated customers in India

The Authority also examined the profitability statements of unrelated traders, and in cases, an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.

166. Accordingly, the export price has been determined based on the price of sale charged by LG for sales to unrelated customers in India and through unrelated exporters. Adjustments have been made for ocean freight, inland freight, insurance, port expenses, packing cost, bank charges and credit cost to arrive at the ex-factory price, in addition to loss of unrelated exporter, as applicable. The producer had also claimed adjustment towards duty drawback. However, the same has not been allowed. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for Hanwha Solutions Corporation

167. Hanwha has exported ***MT of the subject goods to India directly and ***MT, through the following four exporters.

Hanwha → Hanwha Corporation (related) → Unrelated customers in India

Hanwha → Itochu Plastics Pte. Ltd (unrelated) → Unrelated customers in India

Hanwha → NH International (unrelated) → Unrelated customers in India

Hanwha → Tricon Energy Limited (unrelated) → Unrelated customers in India

The Authority also examined the profitability statements of unrelated traders, and in cases, an unrelated exporter has resold the goods at a loss, the loss of such exporter has been adjusted.

168. Accordingly, the export price has been determined based on the price of sale charged by HSC for sales to unrelated customers in India and through related/unrelated exporters. Adjustments have been made for ocean freight, inland freight, insurance, port expenses, packing cost, bank charges and credit cost to arrive at the ex-factory price, in addition to loss of related/unrelated exporter, as applicable. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for all other producers / exporters in Korea RP

169. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.5. Determination of normal value and export price for Taiwan

Normal value for Taiwan

Normal value for China General Plastics Corporation and CGPC Polymer Corporation

170. China General Plastics Corporation (CGPC) and CGPC Polymer Corporation (CGPCP) are affiliated producers of the subject goods in Taiwan. During the period of investigation, CGPC has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. CGPCP has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. However, CGPCP has sold a small volume of goods to affiliate parties as well. The Authority examined whether such transactions were made on arm's length basis, and found that the price of sales to affiliates were not materially different than the price of sales to unaffiliated parties. The Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
171. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 20% sales were made at profits by CGPC, the normal value has been determined based on cost of production, with a reasonable addition towards selling, general and administrative expenses and profits. Since more than 80% sales were made at profits by CGPCP, the normal value has been determined based on average selling price. CPGC and CGPCP have claimed price adjustments on account of inland freight, packing cost, bank charges and costs of technical support department. The adjustments claimed have been allowed after desk verification.. Thus, the weighted normal value at ex-factory level for CPGC and CGPCP has been mentioned in the dumping margin table below.

Normal value for Formosa Plastics Corporation

172. Formosa Plastics Corporation (Formosa) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. Formosa has sold the subject goods to affiliates in the domestic market. The Authority examined whether such transactions were made on arm's length basis, and excluded transactions which were not found to be at arm's length prices, as being outside the ordinary course of trade. Having excluded such transactions, the Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.

173. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. Formosa has claimed price adjustments on account of inland freight, packing cost and credit cost. The adjustments claimed have been allowed after desk verification.. The normal value at ex-factory level for Formosa has been mentioned in the dumping margin table below.

Normal value for Ocean Plastics Co., Ltd.

174. Ocean Plastics Co., Ltd. (OPC) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 20% sales were made at profits, the normal value has been determined based on cost, with a reasonable addition for selling, general and administrative expenses and profits. The normal value at ex-factory level for OPC has been mentioned in the dumping margin table below.

Normal value for all other producers / exporters in Taiwan

175. The normal value for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

Export price for Taiwan

Export price for China General Plastics Corporation and CGPC Polymer Corporation

176. CGPC has exported ***MT of the subject goods to India, of which ***MT was exported directly, and the balance through the following 3 unrelated exporters.

CGPC → Tricon Energy Limited → Unrelated customers in India

CGPC → Grand Dignity Industrial Co. Ltd. → Unrelated customers in India

CGPC → Magnate Merchant Ltd. → Unrelated customers in India

Of the above, Magnate Merchant Ltd. has not cooperated with the Authority. However, the exporter constitutes an insignificant share of the total exports of CGPC. The Authority also examined and confirmed that the unrelated cooperative exporters have resold the product under consideration at profits.

177. CGPCP has exported ***MT of the subject goods to India, of which ***MT was exported directly, and the balance through the following 4 unrelated exporters.

CGPC → Tricon Energy Limited → Unrelated customers in India
 CGPC → Grand Dignity Industrial Co. Ltd. → Unrelated customers in India
 CGPC → Sun Shine International Pvt. Limited → Unrelated customers in India
 CGPC → Al Kanooz Enterprise LLC → Unrelated customers in India

Of the above, Al Kanooz Enterprise LLC has not cooperated with the Authority. Further, while Tricon Energy Limited has participated, the volume reported by the exporter does not reconcile with that reported by the producer. Accordingly, the Authority has not considered the response of Tricon Energy Limited, to the extent of volume exported by CGPCP. However, the two exporters constitute an insignificant share of the total exports of CGPCP. The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

178. Accordingly, the export price has been determined based on the price of sale charged by CGPC and CGPCP for sales to unrelated customers in India and through unrelated exporters. Adjustments have been made for discount, ocean freight, inland freight, insurance, port and handling charges, harbor service fee, trade promotion fee, low sulphur surcharge, packing cost, commission and bank charges to arrive at the ex-factory price. The producer has also claimed an adjustment towards differences in quantity. However, the Authority has not allowed such adjustment. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for Formosa Corporation Limited

179. Formosa has exported ***MT of the subject goods to India directly, and ***MT through the following four unrelated exporters.

Formosa → Simosa International Co. Ltd. → Unrelated customers in India
 Formosa → Tricon Energy Ltd → Unrelated customers in India
 Formosa → Reliance International Limited → Unrelated customers in India
 Formosa → Renuka Agencies Limited → Unrelated customers in India

However, of the above, Reliance International Limited and Renuka Agencies Limited have not participated with the Authority. Further, the volume reported to having been exported through Tricon Energy Ltd. was reconciled with that reported by the exporter, in desk verification. Exports through the non-cooperative exporters are insignificant in relation to the total exports by Formosa. The Authority also examined and confirmed that the cooperative unrelated exporters have resold the product under consideration at profits.

180. Accordingly, the export price has been determined based on the price of sale charged by Formosa for sales to unrelated customers in India and for exports through unrelated exporters. Adjustments have been made for ocean freight, inland freight, insurance, brokerage and documentation fee, harbor service fee, trade promotion fee, LC negotiation interest, packing cost, commission, bank charges and credit cost to arrive at the ex-factory price. The producer has also claimed an adjustment towards differences in quantity. However, the Authority has not allowed such adjustment. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for Ocean Plastics Co., Ltd.

181. OPC has exported ***MT of the subject goods to India directly during the period of investigation. Accordingly, the export price has been determined based on the price of sale by OPC to unrelated customers in India. Adjustments have been made for ocean freight, inland freight, insurance, port and other related expenses, and credit cost to arrive at the ex-factory price. The landed price has been determined based on the price charged to the customer in India. The export price determined is mentioned in the table below.

Export price for all other producers / exporters in Taiwan

182. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.6. Determination of normal value and export price for Thailand

Normal value for Thailand

Normal value for AGC Vinythai Public Co., Ltd.

183. AGC Vinythai Public Co., Ltd. (AGC) sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 80% sales were made at profits, the normal value has been determined based on the price of profitable sales. AGC has claimed price adjustments on account of rebates, credit notes, debit notes, inland freight, handling charges, storage cost, packing cost, bank charges and credit cost. The adjustments claimed have been allowed after desk verification.. The normal value at ex-factory level for AGC has mentioned in the dumping margin table below.

Normal value for Thai Plastics & Company Limited

184. Thai Plastics & Company Limited (TPC) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. TPC has sold the subject goods to affiliates in the domestic market. The Authority examined whether such transactions were made on arm's length basis, and found that the sales to affiliates were made at arm's length prices. The Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
185. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. TPC has claimed price adjustments on account of freight cost, credit cost and other expenses. The adjustments claimed have been allowed. The adjustments claimed have been allowed after desk verification.. The normal value at ex-factory level for TPC has mentioned in the dumping margin table below.

Normal value for all other producers / exporters in Thailand

186. The normal value for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

Export price for Thailand

Export price for AGC Vinythai Public Co., Ltd.

187. AGC has exported ***MT of the subject goods to India during the period of investigation. Of this, ***MT has been exported directly, while the balance has been exported through the following four exporters.

AGC → Marubeni Corporation (unrelated) → Unrelated customers in India
 AGC → Mitsui & Co., Ltd. (unrelated) → Unrelated customers in India
 AGC → GCM Polymer Trading DMCC (related) → Unrelated customers in India
 AGC → PTT Global Chemical PCL (related) → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

188. For direct sales by AGC, and sales through unrelated exporters, the export price has been determined based on the price charged by AGC for sales from the unrelated customer. However, in case of sales made by related exporter, the export price has been determined

based on the price charged by the related exporter for sales to the unrelated customer. Adjustments have been made for ocean freight, inland freight, insurance, handling charges, storage cost, packing cost, commission, bank charges and credit cost to arrive at the ex-factory price. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for Thai Plastics & Company Limited

189. TPC has exported ***MT of the subject goods to India during the period of investigation, through its affiliated trader Thai Polyethylene Co., Ltd. (TPE). Of this, TPE has exported ***MT directly, and the balance through the following three unrelated exporters.

TPC → TPE → SAR Overseas Limited → Unrelated customers in India

TPC → TPE → Tricon Energy Limited → Unrelated customers in India

TPC → TPE → Tun Wa Industrial Co. Limited → Unrelated customers in India

Tun Wa Industrial Co. Limited has not cooperated with the Authority. However, exports through Tun Wa are insignificant in relation to the total exports by TPC. The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

190. For sales made by TPE directly to India, and through unrelated exporters, the export price has been determined based on the price charged by the related exporter, TPE, for sales to the unrelated customer. Adjustments have been made for ocean freight, inland freight, insurance, handling charges, packing cost, commission, bank charges, credit cost and other expenses to arrive at the ex-factory price. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for all other producers / exporters in Thailand

191. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.7. Determination of normal value and export price in USA

Normal value for USA

Normal value for Oxy Vinyls, L.P.

192. Oxy Vinyls, LP (Oxy Vinyls) sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since less than 80% sales were made at profits, the normal value has been determined based on the price of profitable sales. Oxy Vinyls has claimed price adjustments on account of inland freight, storage cost, credit cost and other expenses. The adjustments claimed have been allowed. Accordingly, the normal value at ex-factory level for Oxy Vinyls has been determined as shown in the dumping margin table.

Normal value for Shintech, Inc.

193. Shintech Inc. (Shintech) has sold ***MT of the subject goods in the domestic market during the period of investigation, whereas it has exported ***MT of the subject goods to India. Shintech has sold the subject goods to affiliates in the domestic market. The Authority examined whether such transactions were made on arm's length basis, and found that the sales to affiliates were made at arm's length prices. The Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
194. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of production of the subject goods. Since more than 80% sales were made at profits, the normal value has been determined based on average selling price. Shintech has claimed price adjustments on account of credit notes, inland freight, packing cost and credit cost. The adjustments claimed have been allowed. The normal value at ex-factory level for Shintech has been mentioned in the dumping margin table below.

Normal value for Westlake Chemicals & Vinyls LLC, Westlake Vinyls Company, LP and Westlake Vinyls, Inc

195. Westlake Chemicals & Vinyls LLC (Wchem), Westlake Vinyls Company, LP (Wvinc) and Westlake Vinyls, Inc (Winvy), collectively referred hereinafter as Westlake Group, sold ***MT, ***MT and ***MT of the subject goods in the domestic market during the period of investigation respectively. Westlake Group has sold the subject goods to affiliates in the domestic market. The Authority examined whether such transactions were made on arm's length basis, and excluded transactions which were not found to be at arm's length prices, as being outside the ordinary course of trade. Having excluded such transactions, the Authority notes that the domestic sales in ordinary course of trade are in sufficient volumes when compared with exports to India.
196. To determine the normal value, the Authority has conducted the ordinary course of trade test to determine profit making domestic sales transactions with reference to the cost of

production of the subject goods. In case of Wchem and Wvinc, since less than 20% sales were made at profits, the normal value has been determined based on the cost of production, with a reasonable addition towards selling, general and administrative expenses and profits. However, in case of Wviny, since more than 80% of the sales were made at profits, the normal value has been determined based on the average selling price. Wviny has claimed price adjustments on account of inland freight, handling charges, year end rebates, credit cost and other expenses. The adjustments claimed have been allowed. A weighted average normal value was determined for Westlake Group. The normal value at ex-factory level for Shintech has been mentioned in the dumping margin table below.

Normal value for all other producers / exporters in USA

197. The normal value for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

Export price for USA

Export price for Oxy Vinyls, L.P.

198. Oxy Vinyls has exported ***MT of the subject goods to India through its affiliate exporter, Oxy Vinyls Export Sales, Inc. (OVES), during the period of investigation. OVES has, in turn, exported the subject goods through the following 13 channels.

Oxy Vinyls → OVES → Continental Ind Group Inc → Unrelated customers in India

Oxy Vinyls → OVES → Chemex Inc

Oxy Vinyls → OVES → COPAP USA → COPAP Inc → Unrelated customers in India

Oxy Vinyls → OVES → COPAP USA → COPAP Europe → Unrelated customers in India

Oxy Vinyls → OVES → COPAP USA → COPAP Trading Inc → Unrelated customers in India

Oxy Vinyls → OVES → COPAP USA → Sigma Trade Finance Inc. → Unrelated customers in India

Oxy Vinyls → OVES → COPAP Trading Inc

Oxy Vinyls → OVES → ICC Chemical Corporation

Oxy Vinyls → OVES → Marubeni America Corporation → Marubeni Corporation → Unrelated customers in India

Oxy Vinyls → OVES → Mitsubishi International Corporation → Unrelated customers in India

Oxy Vinyls → OVES → Oxyde Chemicals, Inc → Unrelated customers in India

Oxy Vinyls → OVES → Tricon Dry Chemicals, LLC → Tricon International Limited → Unrelated customers in India

Oxy Vinyls → OVES → Vinmar International LLC

199. Of the above, Chemex Inc and ICC Chemical Corporation have not cooperated before the Authority. While Vinmar International LLC and COPAP Trading Inc have cooperated before the Authority, they have not reported any exports of goods purchased from Oxy Vinyls. It is further noted that COPAP USA, COPAP Inc, COPAP Trading Inc, COPAP Europe and Sigma Trade Finance Inc. are related to each other. Further, Marubeni America Corporation and Marubeni Corporation are related to each other, as also Tricon Dry Chemicals, LLC to Tricon International Limited.
200. To determine the export price and landed price, the Authority considered the price at which the ultimate exporter has sold to the customer in India. The export price was adjusted appropriately to arrive at the ex-factory price. Adjustments have been made, as claimed for each channel, for debit / credit notes, ocean freight, inland freight, insurance, storage cost, purchase discount, handling charges, commission, liability cost, courier fee, packing cost, bank charges, LC discounting charges, LC fee, discounting charges, seller risk insurance, interest expense, credit cost and other expenses to arrive at the ex-factory price. Further, the selling, general and administrative expenses and profits of the exporters / traders forming part of the channel of sales, barring OVES, have been adjusted. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for Shintech Inc.

201. Shintech has exported ***MT of the subject goods to India during the period of investigation, through its affiliated trader Shin-Etsu Chemical Co., Ltd. (SECL). SECL has, in turn, exported the subject goods to India through the following 2 unrelated exporters.

Shintech → SECL → Itochu Corporation → Unrelated customers in India

Shintech → SECL → IVICT(Singapore) Pte. Ltd. → Unrelated customers in India

The Authority also examined and confirmed that the unrelated exporters have resold the product under consideration at profits.

202. The export price has been determined based on the price charged by the related exporter, SECL, for sales to the unrelated customers. Adjustments have been made for ocean freight, inland freight, insurance, packing cost, bank charges and credit cost. The landed price has been determined based on the price charged by the ultimate exporter to the customer in India. The export price determined is mentioned in the table below.

Export price for Westlake Chemicals & Vinyls LLC, Westlake Vinyls Company, LP and Westlake Vinyls, Inc

203. Westlake has exported ***MT of the subject goods to India directly or indirectly through the following 12 channels.

Westlake Group → Unrelated customers in India
 Westlake Group → Continental Industries → Unrelated customers in India
 Westlake Group → COPAP USA → COPAP Inc → Unrelated customers in India
 Westlake Group → COPAP USA → Sigma Trade Finance Inc. → Unrelated customers in India
 Westlake Group → Itochu Plastics Pte Ltd. → Unrelated customers in India
 Westlake Group → Marubeni America Corporation → Marubeni Corporation → Unrelated customers in India
 Westlake Group → Reliance International
 Westlake Group → Resin Technology
 Westlake Group → SAR Overseas Limited
 Westlake Group → Stavian Chemical JSC → Unrelated customers in India
 Westlake Group → Tricon Energy Limited → Unrelated customers in India
 Westlake Group → Vinmar International LLC → Unrelated customers in India

Of the above, Reliance International and Resin Technology have not cooperated before the Authority. Further, while SAR Overseas Limited has cooperated with the Authority, it has not reported any exports of goods produced by Westlake Group to India. It is further noted that COPAP USA, COPAP Inc and Sigma Trade Finance Inc. are related to each other. Further, Marubeni America Corporation and Marubeni Corporation are related to each other.

204. To determine the export price and landed price, the Authority considered the price at which the ultimate exporter has sold to the customer in India. The export price was adjusted appropriate to arrive at the ex-factory price. Adjustments have been made, as claimed for each channel, for debit/credit notes, ocean freight, inland freight, insurance, handling charges, storage cost, courier fee, liability amount, surveyor cost, packing cost, commission, LC discounting charges, LC fees, discounting charges, seller risk insurance, interest expense, bank charges, credit cost and other expenses to arrive at the ex-factory price. Further, the selling, general and administrative expenses and profits of the exporters / traders forming part of the channel of sales have been adjusted. However, for the volume exported through non-cooperative exporters, the Authority has determined the export price and landed price based on facts available. The export price determined is mentioned in the table below.

Export price for all other producers / exporters in USA

205. The export price for all other producers and exporters, that have not participated in the present investigation, has been determined as per facts available. The same has been mentioned in the dumping margin table.

G.3.8. Dumping margin

206. Considering the normal value and export price as determined, the dumping margin determined for the subject countries is as follows:

Dumping Margin Table

SN	Name of Producer	Normal Value	Export Price	Dumping Margin	Dumping Margin	Dumping Margin
		USD/MT	USD/MT	USD/MT	%	Range (%)
A. China						
1	Chiping Xinfu Polyvinyl Chloride	***	***	***	***	60-70%
2	Chiping Xinfu Huaxing Chemical Co., Ltd.					
3	Tianjin Bohua Chemical Development Co., Ltd.	***	***	***	***	25-35%
4	Qingdao Haiwan Chemical Co., Ltd.	***	***	***	***	25-35%
5	Non – Sampled Producers	***	***	***	***	30-40%
6	Others	***	***	***	***	60-70%
B. Indonesia						
7	PT Asahimas Chemical	***	***	***	***	5-15%
8	PT. TPC Indo Plastic and Chemicals	***	***	***	***	15-25%
9	Others	***	***	***	***	30-40%
C. Japan						
10	Kaneka Corporation	***	***	***	***	80-90%
11	Shin-Etsu Chemical Co., Ltd.	***	***	***	***	35-45%
12	Taiyo Vinyl Corporation	***	***	***	***	40-50%
13	Non-Sampled Producers	***	***	***	***	50-60%
14	Others	***	***	***	***	85-95%
D. Korea						
15	LG Chem, Ltd.	***	***	***	***	50-60%
16	Hanwha Solutions Corporation	***	***	(***)	(***)	(0-10)%
17	Others	***	***	***	***	75-85%
E. Taiwan						
18	China General Plastics Corporation	***	***	***	***	25-35%
19	CGPC Polymer Corporation					
20	Ocean Plastic Co., Ltd.	***	***	***	***	30-40%
21	Formosa Plastic Corporation	***	***	***	***	15-25%
22	Others	***	***	***	***	70-80%
F. Thailand						
23	Thai Plastics and Chemicals Plc.	***	***	***	***	5-15%

SN	Name of Producer	Normal Value	Export Price	Dumping Margin	Dumping Margin	Dumping Margin
24	AGC Vinythai Public Company limited	***	***	***	***	5-15%
25	Others	***	***	***	***	20-30%
G. USA						
26	Westlake Chemicals & Vinyls LLC	***	***	***	***	145-155%
27	Westlake Vinyls Inc.					
28	Westlake Vinyls Company LP					
29	Shintech Incorporated	***	***	***	***	60-70%
30	Shintech Louisiana L.L.C					
31	Oxy Vinyls, LLP	***	***	***	***	95-105%
32	Others	***	***	***	***	145-155%

Section-III**H. ASSESSMENT OF INJURY AND CAUSAL LINK****H.1. Views of other interested parties**

207. The following submissions have been made by the other interested parties with regard to injury and causal link:

- i. There is no injury to the domestic industry, warranting imposition of duty. There must be existence of 'real injury', with substantiated evidence, for imposition of duty and not a mere 'probability'.
- ii. The claims for material injury within the domestic markets are unsubstantiated, and do not reflect the effects of global market conditions on pricing and demand. The domestic industry has relied upon excess capacities in subject countries but not provided any evidence that such excess capacities would lead to continuation of injury.
- iii. The subject imports cannot be cumulatively analysed since as the conditions of competition between imports as well as imports and the like article are not same. Imports from Japan are priced higher than all other imports.
- iv. The import prices from China were the highest amongst all importing countries, except for Japan. The injurious effects being caused by other subject countries should be segregated.
- v. The primary cause of injury to the domestic industry is the imports from China and not those from Japan, Thailand, Indonesia and USA, as admitted by Chemplast Sanmar in their Annual Report 2022-23 and noted by CRISIL in their report on Chemplast Cuddalore Vinyls Limited.
- vi. The increase in demand has outweighed the increase in capacity and production of the domestic industry. The imports are being made to meet the increase in demand in the country, which cannot be catered to by the domestic producers.
- vii. As noted by the Appellate Body in China – GOES, a mere increase in imports, even if significant, is not sufficient to establish evidence of volume effect. The impact of imports on domestic sales, market share or capacity utilization must be seen.
- viii. While the Authority has noted that the imports have increased at a higher rate than increase in demand, it has been overlooked that the domestic industry is already operating at 90% utilization.
- ix. The domestic industry might have suffered price suppression or depression because of increase in demand.
- x. The price undercutting is negligible, showing that the domestic industry aligns its prices as per the price prevailing in the market.
- xi. The Authority must examine price undercutting for the entire injury period and its effect on the profitability of the domestic industry.
- xii. The decline in the landed price of imports from China is due to the decline in price of main raw material used for production of subject goods, and optimization of production technology to leading to energy saving.

- xiii. The cost of sales of the domestic industry has declined more than its selling price in the period of investigation as compared to the previous year. In case there was any price pressure from imports, the domestic industry would have been forced to pass on the entire decline in cost to the consumers.
- xiv. Prices of VCM should be compared to prices of PVC to examine whether they have experienced similar price increases.
- xv. The Authority has noted that the raw material cost (VCM) has increased while the import price for the product under consideration has declined. However, evidence has been provided that the landed price of the subject goods declined in line with decline in VCM prices.
- xvi. The information available publicly from chemorbis.com, a reputed foreign agency, shows that the prices of PVC in India are highest amongst other Asian countries. Information from chemorbis.com also shows that the prices of the domestic industry are much higher compared to the prices in other Asian countries.
- xvii. The Authority has noted that it cannot be considered that the prices in India are highest. However, determination of prices are a function of demand-supply gap. Since there is excess supply globally, the foreign producers are exporting to India at competitive prices. The prices have declined with decline in raw material cost and not with the intention to undercut the prices of the domestic industry.
- xviii. The imports and supplies of other producers (non-petitioning) are shaping the price structure of the subject goods of the domestic industry in India.
- xix. The capacity, production, capacity utilization and sales of the domestic industry have increased during the injury period. However, no positive weightage was given to these developments in the preliminary findings, while undue weightage has been given to losses during 2022-23 and the period of investigation.
- xx. The market share of the domestic industry has reduced due to absence of capacity with the domestic industry to cater to demand in India.
- xxi. There has been no injury to the domestic industry in terms of number of employees, wages and productivity.
- xxii. Increase in inventory could be due to poor product quality, lack of customer demand, overproduction, or internal logistical inefficiencies.
- xxiii. Since there is demand-supply gap in India, the prices in India are determined by the exporters and such exporters charge high prices. Thus, the price of domestic industry has not been impacted by price of imports and any decline in profitability is on account of increase in cost.
- xxiv. The significant losses faced by the domestic industry cannot be due to the imports of the product under consideration, since the domestic industry was more profitable in 2020-21, when it was impacted by Covid-19. The decline in losses does not correlate with the decline in selling price.
- xxv. The decline in interest coverage ratio of the domestic industry reflects the financial structuring and leverage of the domestic industry. High interest costs are cannot be attributed to import pricing.

- xxvi. While applicants have sought duty on 7 out of 35 countries from which product under consideration is imported; it must be examined if domestic industry is even able to withstand fair competitions from other producers in India as well as imports.
- xxvii. The product under consideration has been exported from many countries at comparable prices. It is not possible that all countries have been dumping. If despite receiving protection for 14 years the domestic industry is still faced with injury, the reason for injury is something inherent to the industry.
- xxviii. Since all the economic parameters are showing improvement other than the profitability of the petitioners, it must be examined whether other factors are causing injury to the domestic industry.
- xxix. If the domestic industry is facing injury, it is unclear as to how it may be making significant investments.
- xxx. Imports from China are priced consistently higher than import prices from non-subject countries like Mexico, Norway, Brazil, Germany, Colombia, UAE, Egypt, etc. and are thus, not dumped / injurious. Imposition of duty in such a situation would result in shift of imports from subject countries to other countries.
- xxxi. There is no clear evidence that indicates that imports are the sole cause for injury to the domestic industry. The Authority should examine other factors impacting profitability and causing injury to the domestic industry.
- xxxii. The performance of the domestic producers is affected by internal inefficiencies, operational costs associated with capacity expansions, other market dynamic, depressed market conditions, fluctuation in price of raw material and Russia-Ukraine Conflict.
- xxxiii. The reduction in profits of the domestic industry is due to increase in cost of sales over the injury period. Thus, there is no causal link between imports and injury to the domestic industry.
- xxxiv. The Authority has recorded that there is no evidence of fixed price contracts of DCW. However, DCW has claimed that it has long term contracts with VCM suppliers. The losses to the domestic industry are due to lack of operational flexibility and inefficient contractual terms.
- xxxv. There is no incentive for producers/exporters from China to export subject goods at lower price to capture other markets, as 90% of their production is consumed in their domestic market.
- xxxvi. It is not possible that producers in the subject countries are exporting to India at prices below their cost of production, implying that cost of production in India is higher than the cost of production in other countries.
- xxxvii. The selling price and cost of the domestic industry increased due to COVID situations and thereafter, has stabilized in two years till period of investigation. The same cannot be considered as price effect of imports.
- xxxviii. Finolex commands a higher price for the subject goods when compared to DCM, which indicates injury to DCM is self-inflicted and not due to subject imports.

- xxxix. The Authority must examine if injury to the domestic industry is on account of the captive consumption of the subject goods. In this regard, the value of costs as reported in Proforma IV-A must be seen since lower allocation of costs towards captive production may lead to inflated per unit cost of sales.
- xl. It is possible that the domestic industry is recovering from the losses incurred due to a shutdown.
- xli. The non-injurious price of 950-1000 USD per MT claimed by the domestic industry is exaggerated, as such non-injurious price is also higher than imports from non-subject countries.
- xlii. 22% return on capital employed was designed in 1987 when the interest rates and corporate tax rates were different. Such a return is not appropriate in the current period. The CESTAT in Bridge Stone Tyre Manufacturing & othr. Vs. DA, held that adoption of 22% return on investment has coloured the injury determination. In Hyosung Corporation V. DA, the CESTAT held that a reasonable return on capital employed should have been what was earned by the domestic industry in the years where there was no allegation of dumping. Even European Commission determines reasonable returns on the basis of actual returns earned by the domestic industry during the injury period.
- xlili. A return of 22% should not be allowed on capital employed because such return is being allowed even on the debt portion of capital employed and is very high in an era of global recession. A return of 22% on capital employed implies an effective profit on net worth of 27.15% to 41.41% depending upon the debt equity ratio.
- xliv. The non-injurious price determined is inflated as 22% return has been considered which is incorrect as global recession does not allow such high returns and considering return on capital employed which consists of both equity and debt, the effective return on net worth is much more than 22%. Reasonable return on capital employed should be considered as that actually earned by the industry when there was no dumping in the country.
- xlv. The practice in European Union, as also affirmed by the European Courts in the case of European Fertiliser Manufacturers Association V. Council, is that the profit margin considered should be based on the profit margin earned by domestic industry in the period in which the dumped or subsidized imports did not have an adverse effect on the domestic industry.
- xlvi. As per Annual Reports, DCM Shriram Ltd is earning a return of 18.69%, while DCW Ltd is earning 18.09%, which should be considered for determination of non-injurious price.
- xlvi. Participation of Reliance and Finolex would show better injury parameters and a reduced NIP due to their more cost-efficient structure.
- xlvi. Retrospective duties should not be imposed since the submissions made by the domestic industry requesting retrospective duties lack evidence and there is no injury to the domestic industry.
- xlix. The applicants have claimed that since the imports were subject to anti-dumping duty till 2022, there is history of dumping in India. However, the duties on

imports from USA were continued based on likelihood and not actual dumping and injury to the domestic industry. The Authority did not continue anti-dumping duty on imports from Thailand due to lack of injury and likelihood of injury. The Authority did not initiate a second sunset review on imports from Japan, Korea, Taiwan and Thailand due to absence of dumping. Thus, it cannot be said that there is history of dumping in India.

1. The domestic industry has failed to provide evidence that the importers had the knowledge that exporters are dumping the product in India.
- li. The applicants have failed to provide evidence to demonstrate massive dumping in short period of time warranting retrospective duties. The applicants have also not demonstrated that the remedial effects of anti-dumping duty would be undermined if anti-dumping duty is not levied on retrospective basis.
- lii. The applicants have failed to request provisional duties which is a pre-condition of imposition of retrospective duties.
- liii. There are no provisions in the Act or the Rules that empower the Authority to recommend provisional assessment of duties.
- liv. The applicants have requested the Authority to collect month-wise export data of the exporters for post period of investigation. However, since the present is an original investigation, the Act or the Rules do not confer any power to review post period of investigation data.

H.2. Views of the domestic industry

208. The following submissions have been made by the domestic industry with regard to the injury and causal link:

- i. The domestic industry has been suffering injury since past three years. The Authority is requested to issue early final findings.
- ii. Cumulative assessment of injury is appropriate in view of the margin of dumping, volume of imports, and conditions of competition.
- iii. In response to the contention that the import price from subject countries is not dumped and injurious as the price of imports from third countries is also similar, it was submitted that comparison of price of subject imports with price of non-subject imports is not appropriate to assess whether such price is dumped and injurious. The dumping margin for imports from China is positive and significant.
- iv. The volume of the subject imports has increased in absolute terms as well as in relation to production and consumption in India as compared to the base year as well as the previous year.
- v. During the period of investigation, the subject imports accounted for 93% imports into India.
- vi. The volume of the subject imports has increased at a faster pace than the increase in demand in India.

- vii. Contrary to the submissions of the other interested parties, the Authority is not required to conduct country-to-country analysis of volume and price as pre-condition for cumulation.
- viii. The fact that the import price from one country is higher than other subject countries is not a reason for de-cumulation.
- ix. As opposed to the submissions by the other interested parties, the price of imports from all subject countries is in similar range and causing injury to the domestic industry.
- x. The domestic industry has suffered injury as a result of increase in imports, at prices below the prices of the domestic industry, and the imports suppressing and depressing the prices of the domestic industry.
- xi. Contrary to the submissions of the other interested parties, the imports in India are much more than the demand-supply gap. Imports in excess of demand-supply gap have increased in India.
- xii. The domestic industry has been forced to compete with the low-priced subject imports, by reducing its prices to retain customers. As a result, while the imports are undercutting the prices of the domestic industry, the price undercutting is low.
- xiii. The price undercutting is positive even when the domestic industry has sold at losses.
- xiv. The claim that there is no price effect is illogical as the landed price is below the cost of sales of the domestic industry due to which the domestic industry has been forced to sell at losses. While the cost of sales has increased, the selling price of the domestic industry has declined.
- xv. The data relied by the other interested parties for VCM prices is unreliable as the source of such data has not been disclosed. Since there is no dedicated code for VCM, prices cannot be identified based on import data. As per the actual data of DCW Limited and Chemplast Cuddalore Vinyl Limited, which import VCM, the difference between the landed price and VCM prices have declined. The prices VCM for the domestic industry is based on international prices.
- xvi. As opposed to the submissions of the other interested parties, price suppression and depression are not related to demand of the product.
- xvii. The imports have adversely affected inventories, profits, cash profits and return on investment of the domestic industry, as well as its ability to raise capital investment.
- xviii. The Authority has already examined the volume effect of subject imports. The nature of the industry is such that it has to undertake continuous production even if it has to sell at losses. Domestic producers have long-term contracts for supplies of VCM with suppliers and shipping companies, due to the unique containers required for transportation. If a domestic producer suspends production, they default on their contractual obligations, or face build-up of inventories of raw materials. Therefore, slowing down production is not an option for domestic producers.

- xix. The domestic industry is able to utilize its capacities only as it has been selling at losses.
- xx. The market share of the subject imports has increased while that of the domestic industry and Indian industry as a whole has declined.
- xxi. The domestic industry has incurred financial losses during the period of investigation.
- xxii. The cash profits have declined and turned into cash losses. The return on investment of the domestic industry was the lowest during the period of investigation.
- xxiii. The interest coverage ratio of the domestic industry has declined over the injury period and was the lowest during the period of investigation. The domestic industry has not earned sufficient profits before interest to even cover its present interest obligations.
- xxiv. There is no provision which allows comparison cost of production in subject countries and India for examination of injury. While the domestic industry does not have objection to collection of data from other domestic producers, the Authority is only required to conduct injury analysis with regard to domestic producers constituting domestic industry as per Appellate Body report in US – Anti-dumping measures on Certain Hot-Rolled Steel Products from Japan and Panel Report in European Communities — Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India.
- xxv. The losses to the domestic industry have increased in the period of investigation. The domestic industry was profitable when the landed price was above the cost of sales of the domestic industry.
- xxvi. The other interested parties have failed to provide evidence with regard to capacity utilization in China. The capacities in China are to the tune of 25 million MT and a 10% capacity utilization is enough to cater to 73% demand in India.
- xxvii. As opposed to the submissions by the other interested parties, the domestic industry is capable of competing in fair market situation which is evident that the performance of domestic industry was much better when there was no dumping in the Indian market.
- xxviii. As opposed to the submissions by the other interested parties, investments made in the product are not short-term decisions. The domestic industry was not suffering injury in 2020-21 and 2021-22 and the injury to the domestic industry is recent.
- xxix. Contrary to the submissions of the other interested parties, dumping has been quantified by the Authority based on the data submitted by the exporters. Thus, contention that there is no dumping is incorrect. There are no other factors which may have caused injury to the domestic industry.
- xxx. Volume of imports from other countries is much less than imports from China. Since S-PVC is a commodity product, the prices from other countries are also likely to increase once dumping in India is checked.

- xxxi. The other interested parties have failed to point out other potential factors which may have caused injury to the domestic industry.
- xxxii. As opposed to the submissions by the other interested parties that actual injury should be seen and not probable injury to the domestic industry, the present case is not a sunset review, and the domestic industry has provided information with regard to actual injury to the domestic industry.
- xxxiii. As opposed to the submissions of the other interested parties, the injury cannot be due to capacity expansion as only one of the applicants has expanded capacities but the other applicants have suffered losses.
- xxxiv. There is no provision which allows for comparison of performance of domestic producers inter-se. There is a need to consider the operations of the company to assess injury. While DCM produces for merchant market, Finolex majorly produces for captive consumption.
- xxxv. As opposed to the submissions by the other interested parties, DCW does not have fixed price contracts with the buyers. The contracts are fixed in terms of quantity and not price.
- xxxvi. The injury is not on account of fluctuations in raw material costs, since such fluctuations are inherent to the nature of the industry. In the absence of dumping, increase in raw material cost would have a corresponding increase in selling price and landed price of the product.
- xxxvii. Injury is not due to captive consumption, as alleged by other parties, since only one applicant captively consumed the subject goods and such captive consumption was quite low as compared to total production of subject goods.
- xxxviii. As regards the contention that the claim of injury is unsubstantiated and does not reflect effects of global market conditions on pricing or demand, it was submitted that no evidence has been provided by the other interested parties with regard to global prices or demand. The Authority has already provided a preliminary finding with detailed analysis of injury to the domestic industry.
- xxxix. In alleging that a return of 22% allows inordinately high return on net worth, the interested parties have assumed an unrealistic debt equity ratio. In case, the actual ratio is considered, a return of 22% allows a much lower return on net worth. The other interested parties have also ignored the fact that the applicants are required to pay a tax on the profits earned and that there are some expenses on which the return must be allowed which are considered by the Authority as non-cost expenses. The profits earned must be sufficient to cover such expenses.
- xl. In case, the Authority considers the highest profits during the injury period, the same were much higher than that considered consistently by the Authority for determination of non-injurious price.
- xli. Reliance on practice of European Union is inappropriate as the European Union determines non-injurious price based on total cost of production of the domestic industry, without adjusting for optimization of raw material, utilities and production capacities. If the practice of European Union has to be adopted in determining return, it should also be adopted in considering full cost.

- xlii. As opposed to the submissions of the other interested parties, the return on investment of both DCM and DCW are higher than 22% in the previous years.

H.3. Examination by the Authority

209. The Authority has examined the arguments and counterarguments of all the interested parties with regard to injury to the domestic industry. The analysis made by the Authority hereunder addresses the various submissions made by the interested parties.
210. With regard to the submissions made by Ashirvad Pipes that there should be real injury and not probable injury, the Authority notes that it has examined actual dumping, injury and causal link due to imports of subject goods from the subject countries.
211. The other interested parties have submitted that injury is unsubstantiated and does not reflect effects of global market conditions. The Authority notes that the other interested parties have failed to provide any credible evidence in this regard.
212. As regard the submission that there is no injury as the domestic industry is making investments, the Authority notes that investments are not short-term decisions. The applicant has submitted that the performance of the domestic industry was better prior to dumping when such decisions were taken. The dumping and injury to the domestic industry is recent in the present investigation.
213. The other interested parties have submitted that there is no incentive for the Chinese producers to sell at low prices as 90% of their production is consumed in the domestic market. However, the facts on record demonstrate that the Chinese producers have sold significant quantities in the domestic market. Further, the prices of such imports are low, and show dumping. The imports from other subject countries were also found to be at dumped prices. Therefore, irrespective of the volumes sold in the domestic market, it is a fact that the producers in subject countries have engaged in dumping in the Indian market.
214. With regard to the submissions that the prices from non-petitioning producers are shaping the price structure of the subject goods in India, the Authority notes that subject imports command significant market share in India. Further, the landed price of subject imports is below not only the selling price but also the cost of sales of the domestic industry. Thus, it is evident that the subject imports are influencing the prices in India. No evidence or information has been put on record, which would lead the Authority to conclude that the prices of the domestic industry are being affected by non-petitioning producers.
215. With regards to the submission that the price of subject goods is highest in India, the Authority notes that as per the data filed by the foreign producers and exporters, the dumping margin is positive and significant. Further, the landed price of the subject imports is below the selling price and cost of sales of the domestic industry. Since the

producers in the subject countries are selling the product under consideration to India at prices below their normal value, it cannot be considered that the prices in India are highest.

216. As regards the submission that there is excess supply globally and the foreign producers are exporting to India at competitive prices, the Authority notes that there is a demand-supply gap in India. Even after the demand-supply gap, the domestic industry is selling the product under consideration at prices below its cost of sales due to dumping in India. Thus, the prices cannot be considered competitive. Further, the Authority has determined the dumping margin based on the responses filed by the foreign producers. Since the dumping margin is positive and significant, it cannot be considered that the imports are at fair prices.
217. With regard to the submissions that the cost of production in India is higher than other subject countries, the Authority notes the situation of the domestic industry must be seen as it exists. The Anti-Dumping Rules do not call for comparison between the cost in subject countries and that in India.
218. With regard to request for imposition of anti-dumping duty on retrospective basis, the Authority notes that there is no need for retrospective imposition of anti-dumping duty in the present investigation.

H.3.1. Cumulative assessment of injury

219. Article 3.3 of WTO agreement and para (iii) of Annexure II of the Rules provides that in case where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, the Authority will cumulatively assess the effect of such imports, in case it determines that:
 - a. The margin of dumping established in relation to the imports from each country is more than two percent expressed as percentage of export price and the volume of the imports from each country is three percent (or more) of the import of like article or where the export of individual countries is less than three percent, the imports collectively account for more than seven percent of the import of like article, and
 - b. Cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.
220. In the instant case, volume of imports and dumping margin from each of the subject countries is more than the de-minimis. Further, the imports from the subject countries and the product manufactured by the domestic industry have inter-se comparable properties and is being used for the same applications and by the same segment of customers. Thus, the subject imports are competing in the Indian market inter-se as well as with the subject goods manufactured by the domestic industry.

221. With regard to the submissions that the import price from one of the subject countries was higher than other subject countries, the Authority notes that there is no requirement to assess the same for cumulation of imports. The Authority notes that in all investigations where imports from more than one country are simultaneously being assessed, the import price from one of the country will always be higher than the other. If such a comparison were to be necessary for cumulative assessment, there will be no possibility to cumulatively assess the imports in any investigation.
222. With regard to the fact that the import price from China is higher than that from the non-subject countries, the Authority notes that there is no provision which mandates comparison of import price from subject countries to that of non-subject countries. The imports from non-subject countries are de-minimis and hence, such imports cannot be considered as subject imports in the present investigation.
223. The Authority, thus, proposes to conclude that it would be appropriate to cumulate imports in the present investigation for the following reasons:-
- The subject goods are being dumped into India from the subject countries.
 - The margin of dumping from each of the subject countries is more than the *de minimis* limits prescribed under the Rules.
 - The volume of imports from each of the subject countries is individually more than 3% of the total volume of imports.
 - Cumulative assessment of the effects of import is appropriate as the imports from the subject countries not only directly compete with the imports from each of the subject countries but also the like articles offered by the domestic industry in the Indian market.

H.3.2. Volume effect of the dumped imports

a) Assessment of demand / apparent consumption

224. For the purpose of the present investigation, demand or apparent consumption of the product in India has been defined as the sum of domestic sales of the Indian producers and imports from all sources. The demand so assessed is given in the table below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Sales of domestic industry	MT	4,10,587	4,54,477	4,70,734	4,81,280
Trend	Indexed	100	111	115	117
Sales of other domestic producers	MT	7,75,586	7,71,140	7,94,595	7,40,996
Trend	Indexed	100	99	102	96
Subject imports	MT	10,29,546	12,51,861	19,97,000	23,23,183

Un-dumped imports (Hanwha)	MT				93,466
Other imports	MT	2,76,383	1,16,123	1,48,155	1,69,420
Total Demand	MT	24,92,103	25,93,601	34,10,483	37,14,880
Trend	Indexed	100	104	137	149

225. The Authority notes that the demand for the subject goods has increased in India throughout the injury period and was highest during the period of investigation.

b) Import Volumes from the subject countries

226. With regard to the volume of the imports, the Authority is required to consider whether there has been a significant increase in the dumped imports from the subject countries, either in absolute terms or relative to production or consumption in India. The same is analysed in the table below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Subject imports	MT	10,29,546	12,51,861	19,97,000	22,29,717
China PR	MT	88,995	2,82,101	7,71,817	8,08,326
Indonesia	MT	15,839	58,524	67,425	1,14,045
Japan	MT	3,57,780	3,38,146	3,61,072	4,04,597
Korea RP	MT	2,09,254	1,93,786	1,81,813	1,58,167
Taiwan	MT	2,49,544	2,60,851	3,24,390	3,69,959
Thailand	MT	67,312	1,09,792	1,21,946	1,25,325
USA	MT	40,823	8,662	1,68,536	2,49,299
Un-dumped imports (Hanwha)					93,466
Other imports	MT	2,76,383	1,16,123	1,48,155	1,69,420
Total Imports	MT	13,05,930	13,67,984	21,45,155	24,92,603
Subject imports in relation to					
Production	%	76%	88%	134%	157%
Consumption	%	41%	48%	59%	60%
Total Imports	%	79%	92%	93%	93%

227. It is noted that –

- i. The imports of subject goods from the subject countries have increased throughout the injury period.
- ii. While the imports from the subject countries have increased, the imports from other countries have declined over the injury period.
- iii. Imports in relation to production and consumption have also increased over the injury period. The subject imports cater to the majority of the consumption in India

- during the period of investigation.
- iv. Further, while the volume of imports was less than the total domestic production, being only three-fourths of the latter, they are now almost 1.57 times the domestic production.
 - v. While the subject imports comprised of 79% imports into India during the base year, the imports from the subject countries account for almost entirety of imports during the period of investigation.
 - vi. The demand in India has increased by 49% in the period of investigation as compared to the base year, while the subject imports have increased by 117% over the same period. Thus, the subject imports have increased at a pace higher than the increase in demand.

228. The Authority notes that the other interested parties have submitted that while subject imports have increased more than increase in demand in India, the same is only due to lack of capacity of the domestic industry to fulfill the demand-supply gap. The Authority notes that the subject imports are in excess of the demand-supply gap in India. Further, the excess imports have increased over the injury period. Thus, such increase in imports cannot be considered to be only due to the demand-supply gap in India.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Capacity in India	MT	14,63,500	14,77,000	15,18,667	15,27,000
Demand	MT	24,92,103	25,93,601	34,10,483	37,14,880
Demand-supply gap	MT	10,28,603	11,16,601	18,91,816	21,87,880
Imports from subject countries	MT	10,29,546	12,51,861	19,97,000	22,29,717
Un-dumped imports (Hanwha)	MT				93,466
Imports from other countries	MT	2,76,383	1,16,123	1,48,155	1,69,420
Excess Imports	MT	2,77,326	2,51,383	2,53,339	3,04,723

229. With regard to the submissions that mere increase in imports is not enough and there is a need to examine the impact of the same, the Authority notes that the capacity utilization and production of the domestic industry has increased over the injury period. The same is due to the nature of the production process of the domestic industry. The Authority notes that the domestic producers have long-term contracts with the suppliers of CVM and shipping companies. The applicants are bound to lift the VCM quantities on a regular basis and store the same in specialized storage spaces. Since the storage is limited, the domestic industry cannot suspend or reduce production even if it has to sell at losses. Due to this, the production and capacity utilization of the domestic industry has increased over the injury period.

230. With regard to increase in domestic sales of the domestic industry, the Authority notes that the domestic industry has been able to increase its sales only due to the fact that it has been selling at losses. Since S-PVC is a commodity product, the domestic industry

will not be able to continue selling the product in case, it prices its product above its cost of sales as the landed price is much below the cost of sales of the domestic industry.

H.3.3. Price effect of the dumped imports

231. With regard to the effect of the dumped imports on prices of the domestic industry, it is required to be analysed whether there has been a significant price undercutting by the alleged dumped imports as compared to the price of the like products in India, or whether the effect of such imports is otherwise to depress prices or prevent price increases, which otherwise would have occurred in the normal course. The impact on the prices of the domestic industry on account of the dumped imports from the subject countries has been examined with reference to price undercutting, price suppression and price depression, if any.

a) Price undercutting

232. For the purpose of price undercutting analysis, the selling price of the domestic industry has been compared with the landed value of imports from the subject countries.

Particulars	Unit	Amount
Selling price	₹/MT	***
Landed price	₹/MT	75,846
Price undercutting	₹/MT	***
Price undercutting	%	***
Price undercutting	Range	0-10%

233. The Authority notes that the subject imports are undercutting the prices of the domestic industry, and the price undercutting is positive and significant. The domestic industry has been forced to reduce prices due to landed price of imports and has been selling at losses during the period of investigation. Even then, the landed is below the selling price of the domestic industry.

234. With regard to the submissions that the price undercutting should be assessed for four years, the Authority notes that such an examination is not warranted in law or as per past practice. The Authority has examined price suppression and depression for the injury period.

235. With regard to the submissions that the negligible price undercutting shows that domestic industry aligns the price of the product as per the market, the Authority notes that the subject goods are a commodity product, and all the producers of S-PVC price their products according to the market. Since subject imports account for majority of market share in India and the landed price of subject imports is below the cost of sales of the domestic industry, the domestic industry has been forced to sell at prices below its cost

of sales. Due to this, the domestic industry has incurred losses in the period of investigation.

b) Price suppression/depression

236. In order to determine whether the dumped imports are depressing the domestic prices and whether the effect of such imports is to suppress prices to a significant degree or prevent price increases which otherwise would have occurred in normal course, the changes in the costs and prices over the injury period, are compared as below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	141	101	86
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	146	123	105
Landed Price	₹/MT	82,169	1,24,033	95,518	75,846
Trend	Indexed	100	151	116	92

237. The Authority notes that in 2021-22, both the cost of sales and selling price of the domestic industry increased. However, the increase in selling price was lower than increase in cost of sales. In 2022-23, the selling price and cost of sales of the domestic industry decreased, but the decline in selling price was higher. During the period of investigation, the cost of sales and selling price reduced further. The landed price of imports from the subject countries was below the cost of sales and selling price of the domestic industry during the period of investigation, forcing the domestic industry to reduce its prices, despite being below cost. As compared to the base year, while the cost of sales has increased, the selling price of the domestic industry has declined. The imports have depressed the prices of the domestic industry and prevented price increases, which otherwise would have occurred.
238. The other interested parties have submitted that the price suppression/depression may be due to increase in demand. The Authority notes that price suppression/depression is an analysis of cost of sales and selling price of the domestic industry, and is not a factor of demand. However, even otherwise, it is an undisputed fact that the demand for the subject goods has increased and exceeds the capacity in the country. In such a situation, the demand-supply economics should have resulted in an increase in the prices in the market. On the contrary, the prices have declined, despite an increase in cost. Such a trend cannot be attributed to the movement in demand, which has increased at a healthy pace.
239. With regard to the submissions that the decline in landed price from China PR is due to decline in price of raw material and optimization of production technology, the Authority notes that the other interested parties have not provided any evidence with regard to decline in prices of raw material for the subject goods or changes made to technology.

The Authority notes that as per the evidence on record, while the raw material prices of the domestic industry have increased over the injury period, the landed price has declined.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Landed price	₹/MT	82,169	1,24,033	95,518	75,846
Landed price	Indexed	100	151	116	92
Raw material cost	₹/MT	***	***	***	***
Raw material cost	Indexed	100	155	125	106

240. With regard to the submissions that the landed price of the product under consideration has moved in tandem with the international price of VCM, the Authority notes that as per the evidence on record, the VCM prices of the domestic industry are based on international prices. Further, VCM is imported by Chemplast Cuddalore Vinyls Limited and DCW Limited. The Authority has compared the landed price of the subject goods with price of VCM of Chemplast and DCW. It is noted that the difference between the landed price and price of VCM has declined. Thus, the Authority proposes to conclude that the landed price has declined without commensurate decline in price of VCM.

Particulars	Unit	2020-21	2021-22	2022-23	2023-24
Price of VCM	₹/MT	***	***	***	***
Price of VCM	Indexed	100	157	120	101
Landed price	₹/MT	82,169	1,24,033	95,518	75,846
Landed price	Indexed	100	151	116	92
Delta	₹/MT	***	***	***	***
Delta	Indexed	100	131	103	64

241. Further, contrary to the submission of the interested parties, if the landed price would have declined only in response to decline in raw material prices, the former should not have shown dumping. However, the Authority has found that the information provided by the foreign producers itself shows dumping. In such a situation, it cannot be considered that the import prices are low, because of low raw material prices.
242. The other interested parties have submitted that the selling price and cost was impacted due to COVID and has stabilized only in the period of investigation and thus, there is no price effect. The Authority notes that there is no evidence on record which shows possible adverse impact of COVID on the cost and price of the domestic industry. The Authority notes that the domestic industry was profitable in the base year and 2021-22 when the landed price of the subject goods was above the cost of sales and selling price of the domestic industry.

H.3.4. Economic parameters of the domestic industry

243. Annexure II to the Rules requires that the determination of injury shall involve an objective examination of the consequent impact of dumped imports on the prices of the domestic industry. With regard to consequent impact of dumped imports on domestic producers of such products, the Rules further provide that the examination of the impact of the dumped imports on the domestic industry should include an objective and unbiased evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including actual and potential decline in sales, profits, output, market share, productivity, return on investments or utilization of capacity; factors affecting domestic prices, the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.
244. The injury parameters have been examined objectively taking into account various facts and submissions made.

a) Production, capacity, capacity utilization and sales volumes

245. Capacity, production, capacity utilization and sales of the domestic industry over the injury period is given in the following table: -

Particulars	Unit	2020-21	2021-22	2022-23	POI
Capacity	MT	4,63,500	4,77,000	5,18,667	5,27,000
Trend	Indexed	100	103	112	114
Production	MT	4,02,473	4,61,616	4,78,088	4,80,406
Trend	Indexed	100	115	119	119
Capacity Utilization	%	87%	97%	92%	91%
Trend	Indexed	100	111	106	105
Domestic Sales	MT	4,10,487	4,54,477	4,70,734	4,81,820
Trend	Indexed	100	111	115	117

246. The Authority notes that the capacity, production, domestic sales, and capacity utilization of the domestic industry have increased over the injury period. The domestic industry has not suffered injury on this account.
247. The Authority further notes that the nature of the production process is such that the domestic industry is required to continue production even if it has to sell at losses. The domestic industry is bound by contractual obligation from the raw material supplier and shipping companies for purchase of VCM. Since VCM is stored in specialized storage tanks at cryogenic temperatures, there is limited storage for VCM available with the applicants. Accordingly, the domestic industry has sold at losses but has continued to increase its production and capacity utilization.

b) Market share

248. The market share of the domestic industry, other domestic producers, subject imports and imports from the other countries are given in the table below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Sales of domestic industry	%	16%	18%	14%	13%
Trend	Indexed	100	106	84	79
Sales of other Indian producers	%	31%	30%	23%	20%
Trend	Indexed	100	96	75	64
Subject imports	%	41%	48%	59%	60%
Trend	Indexed	100	117	142	146
Un-dumped imports (Hanwha)	%				93,466
Trend	Indexed				100
Other imports	%	11%	4%	4%	5%
Trend	Indexed	100	40	39	41

249. The Authority notes that:

- i. The share of the domestic industry as well as the Indian industry as a whole has declined over the injury period.
- ii. The share of imports from other countries has also declined.
- iii. The share of the subject imports in demand has increased, and the subject imports account for 60% share of the market. The subject imports have taken over the market share of the Indian industry as well as imports from other countries.

c) Inventories

250. The inventory position with the domestic industry over the injury period is given in the table below:

Particulars	Unit	2020-21	2021-22	2022-23	POI
Average Inventory	MT	8,919	4,308	6,795	8,798
Trend	Indexed	100	48	76	99

251. The Authority notes that the inventories of the domestic industry declined in 2021-22 as compared to the base year and increased thereafter in 2022-23 and the period of investigation.

252. The other interested parties have submitted that increase in inventory is due to poor quality, lack of demand, overproduction, or internal logistical inefficiencies. The

Authority notes that the domestic industry has sold significant volume of subject goods in India. In case of quality issues, the domestic industry would not have been able to sell the subject goods. Further, since there is a demand-supply gap in India, there is no overproduction or lack of demand. With regard to logistical inefficiencies, there is no evidence on record regarding the same.

d) Profitability, cash profits and return on capital employed

253. Profitability, return on investment and cash profits of the domestic industry over the injury period is given in the table below: -

Particulars	Unit	2020-21	2021-22	2022-23	POI
Cost of sales	₹/MT	***	***	***	***
Trend	Indexed	100	146	123	105
Selling price	₹/MT	***	***	***	***
Trend	Indexed	100	141	101	86
Profit/(Loss) per unit	₹/MT	***	***	(***)	(***)
Trend	Indexed	100	116	-4	-9
Total Profit/(Loss)	₹ Lacs	***	***	(***)	(***)
Trend	Indexed	100	129	-5	-10
Cash Profit	₹ Lacs	***	***	***	(***)
Trend	Indexed	100	127	4	-1
Return on Capital Employed	%	***	***	***	***
Trend	% Indexed	100	91	14	14

254. The Authority notes that:

- The profitability of the domestic industry has declined significantly over the injury period. While the domestic industry was earning profits in 2020-21 and 2021-22, it has incurred financial losses in 2022-23 and the period of investigation. Further, the losses of the domestic industry have increased in the period of investigation.
- While the sales of the domestic industry have increased, the total losses of the domestic industry have also increased. Thus, with additional volume of sales, the losses of the domestic industry are growing.
- The cash profit has fallen significantly and to such an extent that it was in negative during the period of investigation.
- The return on capital employed of the domestic industry has also followed the same trend. The return on capital employed has declined significantly over the injury period.

255. The other interested parties have submitted that the interest coverage ratio has declined due to increase in interest costs. The Authority notes that the interest cost of the domestic

industry has actually declined over the injury period. Further, the PBIT of the domestic industry has also declined steeply over the period. Therefore, the deterioration in profitability cannot be attributed to the interest cost.

Particulars	Unit	2020-21	2021-22	2022-23	POI
PBIT	₹ Lakhs	***	***	***	***
PBIT	Indexed	100	121	17	12
Interest	₹ Lakhs	***	***	***	***
Interest	Indexed	100	98	76	76

e) Employment, productivity and wages

256. Employment, productivity and wages of the domestic industry over the injury period is given in the table below.

Particulars	Unit	2020-21	2021-22	2022-23	POI
No of Employees	Nos	555	571	567	577
Trend	Indexed	100	103	102	104
Wages	Rs/Lacs	7,491	8,607	9,060	8,786
Trend	Indexed	100	115	121	117
Productivity per day	MT/Days	1,220	1,399	1,449	1,456
Trend	Indexed	100	115	119	119
Productivity per employee	MT/No.	725	808	843	833
Trend	Indexed	100	111	116	115

257. The Authority notes that the number of employees, wages and productivity of the domestic industry has increased over the injury period. The domestic industry has not claimed any injury on this parameter.

f) Growth

Particulars	Unit	2020-21	2021-22	2022-23	POI
Production	%	-	15%	4%	0%
Domestic Sales	%	-	11%	4%	2%
Profit/Loss	%	-	16%	-104%	-109%
Cash profits	%	-	27%	-96%	-125%
Return on capital employed	%		-9%	-85%	-0.46%

258. The Authority notes that the volume parameters of the domestic industry have shown a positive growth over the injury period. The profits, cash profits and return on capital

employed of the domestic industry have increased in 2021-22, as compared to the base year. However, the profitability parameters of the domestic industry have shown a negative growth during 2022-23, deteriorating even further during the period of investigation.

g) Factors affecting prices

259. The price of the subject imports is lower than the selling price as well as cost of sales of the domestic industry. Such lower prices have created a strain on the prices of the domestic industry. This has forced the domestic industry to sell at prices below their cost, resulting in financial and cash losses. The imports have prevented price increases, which otherwise would have occurred. Therefore, the imports are impacting the prices of the domestic industry.
260. With regard to the submissions that the prices of the domestic industry are not impacted by import price as exporters charge higher prices and determine the price in India, the Authority notes that the import price was below the cost of sales and non-injurious price of the domestic industry in the period of investigation. Further, even when the domestic industry has sold at losses, the price undercutting is positive. Thus, the selling price of the domestic industry has been adversely impacted due to dumping of subject imports in India.

h) The magnitude of dumping

261. It is noted the subject goods from the subject countries are being dumped in India and the dumping margin is positive and significant.

i) Ability to raise capital investments

262. The Authority notes that the domestic industry has incurred financial losses and cash losses in the period of investigation. The total losses of the domestic industry have increased with increase in sales of the domestic industry. The domestic industry is not earning sufficient profits to discharge its present interest costs. In such a case, the ability of the domestic industry to raise capital investment has been adversely impacted.

I. MAGNITUDE OF INJURY MARGIN

263. The Authority has determined the non-injurious price for the domestic industry on the basis of the principles laid down in the Rules read with Annexure III, as amended. The non-injurious price of the subject goods has been determined by adopting the verified information/data relating to the cost of production for the period of investigation. The non-injurious price has been considered for comparing the landed price from the subject countries for calculating the injury margin. For determining the non-injurious price, the best utilisation of the raw materials, the utilities and the production capacity by the

domestic industry over the injury period have been considered. It is ensured that no extraordinary or non-recurring expenses were charged to the cost of production. A reasonable return (pre-tax @ 22%) on the average capital employed (i.e., average net fixed assets plus average working capital) for the product under consideration was allowed as pre-tax profit to arrive at the non-injurious price as prescribed in Annexure III of the Rules and is being followed.

264. The landed price for the cooperative exporters has been determined on the basis of the data furnished by the exporters. For all the non-cooperative producers/exporters from the subject countries, the Authority has determined the landed price based on facts available.
265. As regard the contention that 22% return on capital employed is unwarranted, the Authority notes that it is a consistent practice of the Authority to determine the non-injurious price of the domestic industry based on reasonable return on capital employed, which is 22%. The Authority notes that submissions on reckoning returns on the basis of company level returns without due consideration to the like article or benchmarking returns to one of the applicants to the exclusion of others or to certain periods, the selection of which is difficult to justify, are not sound grounds for the Authority to deviate from its established practice.
266. Some of the interested parties have contended that a return of 22% is not appropriate in light of the present economic situation, including prevailing interest rates and tax rates. The Authority notes it is the consistent practice of the Authority to allow a return of 22% on capital employed for the determination of non-injurious price. The observations of the Hon'ble CESTAT in the Bridgestone case were specific to the use of 22% ROCE in determining price underselling, not its appropriateness in computing the Non-Injurious Price (NIP). Moreover, the Bridgestone decision predates the introduction of Annexure-III to the Anti-Dumping Rules, rendering reliance on it by other interested parties unjustified. In the subsequent Merino Panel Products case, the CESTAT upheld the practice of the Authority of applying a 22% ROCE. Moreover, the Authority notes that even after consideration of a return of 22% on capital employed, the return for one of the domestic producers remains lower than the interest cost incurred by it, thereby not allowing sufficient recovery towards interest and a return on equity. In view of the same, the Authority does not find that a return of 22%
267. Based on the landed price and non-injurious price determined as above, the injury margin for producers/exporters has been determined by the Authority and the same is provided in the table below: -

[illegible]

1	Chiping Xinfu Polyvinyl Chloride	***	***	***	***	15-25%
2	Chiping Xinfu Huaxing Chemical Co., Ltd.					
3	Tianjin Bohua Chemical Development Co., Ltd.	***	***	***	***	5-15%
4	Qingdao Haiwan Chemical Co., Ltd.	***	***	***	***	10-20%
5	Non – Sampled Producers	***	***	***	***	10-20%
6	Others	***	***	***	***	25-35%
B. Indonesia						
7	PT Asahimas Chemical	***	***	***	***	0-10%
8	PT. TPC Indo Plastic and Chemicals	***	***	***	***	0-10%
9	Others	***	***	***	***	20-30%
C. Japan						
10	Kaneka Corporation	***	***	***	***	0-10%
11	Shin-Etsu Chemical Co., Ltd.	***	***	***	***	0-10%
12	Taiyo Vinyl Corporation	***	***	***	***	5-15%
13	Non-Sampled Producers	***	***	***	***	0-10%
14	Others	***	***	***	***	10-20%
D. Korea						
15	LG Chem, Ltd.	***	***	***	***	0-10%
16	Hanwha Solutions Corporation	***	***	(***)	(***)	(0-10%)
17	Others	***	***	***	***	15-25%
E. Taiwan						
18	China General Plastics Corporation	***	***	***	***	0-10%
19	CGPC Polymer Corporation					
20	Ocean Plastic Co., Ltd.	***	***	***	***	0-10%
21	Formosa Plastic Corporation	***	***	***	***	0-10%
22	Others	***	***	***	***	15-25%
F. Thailand						
23	Thai Plastics and Chemicals Plc.	***	***	***	***	0-10%
24	AGC Vinythai Public Company Limited	***	***	***	***	0-10%
25	Others	***	***	***	***	20-30%
G. USA						
26	Westlake Chemicals & Vinyls LLC	***	***	***	***	10-20%
27	Westlake Vinyls Inc.					
28	Westlake Vinyls Company LP					
29	Shintech Incorporated	***	***	***	***	0-10%
30	Shintech Louisiana L.L.C					
31	Oxy Vinyls, LLP	***	***	***	***	15-25%
32	Others	***	***	***	***	40-50%

J. NON-ATTRIBUTION ANALYSIS AND CASUAL LINK

268. As per the Rules, is the Authority, inter alia, is required to be examine that any known factors other than the dumped imports which at the same time are injuring the domestic industry, so that the injury caused by these other factors may not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia, the volume and prices of imports not sold at dumped prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry. It has been examined below whether factors other than dumped imports could have contributed to the injury to the Domestic Industry.

a. Volume and price of imports from third countries

269. The imports from countries, other than the subject countries, are not significant in volume so as to cause or threaten to cause injury to the domestic industry.

b. Contraction in Demand

270. It is noted that the demand for the subject goods has increased consistently over the entire injury period. Thus, it is proposed to be concluded that the injury to the domestic industry was not due to contraction in demand.

c. Development of Technology

271. There has been no change in technology for production of the subject goods which could have caused injury to the domestic industry.

d. Trade Restrictive Practices and Competition between the Foreign and Domestic producers

272. The Authority notes that there are no trade restrictive practices which could have caused injury to the domestic industry.

273. As regard the submission that it must be examined whether the domestic industry is capable to withstand fair competition and Finolex is selling at higher prices, the Authority notes that the performance of the domestic industry was better when there was no dumping in India. However, the dumping into the country resulted in deterioration in performance of the domestic industry. With regard to pricing strategy of Finolex, the Authority notes that the cost structures of Finolex and the applicants may be different as the applicants produce the subject goods to sell in the merchant market while Finolex produces majorly for captive consumption.

e. Changes in pattern of consumption

274. There have been no material changes in the pattern of consumption of the product under consideration. Hence, changes in the pattern of consumption have not caused injury to the domestic industry.

f. Productivity

275. The Authority notes that the productivity of the domestic industry has increased over the injury period, with improvement in production. Thus, decline in productivity cannot be a reason for injury to the domestic industry.

g. Export Performance of the domestic industry

276. The injury information examined hereinabove relates only to the performance of the domestic industry in terms of its domestic market. Thus, the injury suffered cannot be attributed to the export performance of the domestic industry.

h. Performance of other products

277. The Authority has examined data relating only to the performance of the subject goods. Therefore, performance of other products produced and sold by the applicants are not a possible reason for injury to the domestic industry.

i. COVID-19

278. With regard to the submissions that the losses are not due to imports as domestic industry was profitable during COVID-19 and decline in losses does not correlate to decline in selling price, the Authority notes that the losses of the domestic industry have increased in the period of investigation and have not declined. Further, none of the interested parties have provided any evidence of impact of COVID-19 on the performance of the domestic industry.

j. Factors Inherent to the domestic industry

279. With regard to the submissions that the product under consideration is being imported at comparable prices from all countries and the injury is due to other factors including inherent features of the domestic industry, internal inefficiencies, costs associated with capacity expansion and other market dynamics, the Authority notes that the imports are being dumped from all the subject countries. This is evident from the data submitted by the responding producers and exporters. Further, the product under consideration being a commodity product, the prices tend to remain in the similar range. Further, only one of the applicants has undertaken capacity expansion in the injury period. While the profitability of such applicant has declined, the other two applicants have incurred losses in the period of investigation. The domestic industry was not suffering injury when there was no dumping in India and its performance was much better. Thus, injury is due to dumping and not due to any factor inherent to the domestic industry. In any case, there is no non-attribution analysis required to be conducted for factors inherent to the domestic industry, which have remained unchanged over the period. The injury to the domestic industry is required to be seen as it exists.

k. Captive Consumption

280. With regard to the submissions that the injury may be on account of captive consumption, the Authority notes that only one of the applicants captively consumed the subject goods. Further, such captive consumption is only [***%] of the total production by the said applicant and thus, injury cannot be attributed to captive consumption. Further, over the injury period, less than 1% of the production has been used captively by the domestic industry. Thus, it cannot be considered that the domestic industry has suffered injury due to captive consumption.

l. Nature of raw material prices

281. The other interested parties have also submitted that injury is due to fluctuating nature of raw material and fixed price contracts of DCW. The Authority notes that the raw material for the subject goods is VCM which is a derivative of crude. Since the nature of crude is such that the price is fluctuating, the raw material price of the subject goods also fluctuates. However, in a normal business scenario, the selling price of the subject goods should fluctuate in accordance with the price of the raw material. The same has not been observed in the present case. As noted hereinabove, while raw material cost of the product has increased, the price of imports has declined. Further, there is no evidence of fixed price contracts of DCW on record, as alleged by other parties. As per the evidence on record and contracts submitted by the domestic industry, the contracts are fixed in terms of procurement of specific quantity of VCM over a period of time. However, the price of the raw material is not fixed as per the contract. The prices are derived by a formula which is based on international prices. Therefore, injury to the domestic industry cannot be attributed to the raw material prices.

m. Shutdown

282. With regard to the submissions that the domestic industry is suffering injury due to shut down, the Authority notes that the domestic industry did not face any abnormal shutdowns in the injury period.

K. INDIAN INDUSTRY'S INTEREST & OTHER ISSUES**K.1. Submissions by other interested parties**

283. The other interested parties have made the following submissions with regard to the Indian industry's interest:
- i. The price of the product under consideration is consistently higher than the import price, due to which the downstream industry struggles to compete with imports of plastic products.
 - ii. Imposition of anti-dumping duty on imports of off-grade PVC Suspension will make the finished product unviable and uncompetitive compared to imported PVC flooring.

- iii. Imposition of anti-dumping duty on the product under consideration will lead to huge imports of downstream product, which will destroy hundreds of downstream producers.
- iv. Anti-dumping duty should not be imposed on imports of the product under consideration till India becomes self-sufficient for the product.
- v. There is a significant demand-supply gap, and the applicants have not attempted to increase its capacity sufficiently to meet domestic demand despite 14 years of protection. The applicants have increased capacity only by 1,00,000 MT in the last 10 years.
- vi. There is no legal basis which makes it mandatory for the Authority to levy anti-dumping duty even if there is a demand-supply gap.
- vii. The imposition of the anti-dumping duty will affect the availability of goods in India and not be in the interest of the public at large.
- viii. Due to inadequate domestic supply of the product and quality issue in production, there is severe shortage of the product in India. This is evident from the fact that DCW has indirectly imported in the period of investigation and directly imported post period of investigation.
- ix. The expansion plans noted by the Authority are speculative and lacks commitments. Plans of IOCL to expand capacities are uncertain. Even if RIL and Adani complete their expansion as projected, it will still not offset India's supply deficit.
- x. The applicants are trying to abuse the anti-dumping investigation to undertake monopolistic and anti-competitive practices and the entire investigation is to target raw material imports of Epigral, which is in competition with DCW Limited for manufacturing C-PVC.
- xi. Anti-dumping duty should not be used to give undue advantage to domestic producers and create a monopoly position in the market.
- xii. From the preliminary findings, it is evident that DCW and RIL plan to exclusively use in-house PVC suspension resin for C-PVC production. Imposition of duty in such a situation could lead to shortage of PVC resins for Indian pipe and fitting manufacturers/processors which would result in significant supply constraints.
- xiii. Sectors such as profiles (21%), pipes (6%), calendaring (10%), sheets (16%), and wire and cables (9%) are witnessing considerable demand growth. Coupled with government projects like the Har Ghar Jal Yojna and Pradhan Mantri Krishi Sinchaayee Yojana are expected to drive the increased consumption of PVC pipes. Imposition of duty could lead to critical projects becoming economically unviable.
- xiv. The imposition of duties will also impact the competitiveness of MSMEs. The additional costs would make their products unsustainable in the long run.
- xv. An increase in input costs due to the duties will lead to job losses and affect and economic development of MSMEs.
- xvi. Higher production costs because of the duties on key materials will lead to reduced export competitiveness.

- xvii. The Authority has already imposed or in process of imposition of anti-dumping duties or Countervailing duties on several key products used by members of AIPMA and OPPI namely; PVC Suspension Resin, PVC Paste Resin, Titanium Dioxide, Plastics Processing Machines, Effect Pearlescent Pigments or Mica Pearlescent Pigments, Azo Pigments and Low-Density Polyethylene (LDPE). The imposition of duties in the present investigation will negatively impact both domestic production and job creation and stifle the sectors potential, particularly since a large number of members belong to MSME sector.
- xviii. The domestic producers of PVC suspension resin have raised their prices by ₹ 14 per kg, since the initiation of investigation, due to demand supply dynamics in the market.
- xix. Imposition of anti-dumping duties on PVC resin could significantly impact pharmaceutical industry as well as the common man and overall health industry.
- xx. The expected impact of the imposition of these anti-dumping measures on the cost of pharmaceutical packaging is an increase of around 30-40%, which is an increase of 10% in the cost of generic medication.
- xxi. Despite their large production capacity, RIL and Finolex are dependent on imports, which clearly shows that the domestic industry is unable to match market demand in terms of quality.
- xxii. The imported downstream product is 15-20% cheaper than the domestic product. Imposition of anti-dumping duty will widen this gap and harm the local downstream industry which are a part of unorganized sector.
- xxiii. The Authority should quantify the impact of duties based on information on record and not based on the fact that the duty in the past did not have any adverse impact on the downstream industry.
- xxiv. 10-20% injury margin on 2.5 million MT imports would mean an additional burden of ₹19-38 billion of annual cost for various downstream industries.
- xxv. The scenario identified by the domestic industry may not reflect the true state as the injury period coincides with COVID period in which the industry was trying to survive and remain commercially viable.
- xxvi. PVC Suspension Resins constitutes a significant share in the downstream product and anti-dumping duty to the tune of 10-20% will have an impact of at least 4-8% on the finished product. The downstream industry will not be able to pass on such increased costs due to competition with imported downstream product.
- xxvii. There are large number of users which are a part of MSME sector but collectively contribute immensely to the GDP of the country.
- xxviii. The Government of India is in process of implementing mandatory BIS standards for the product under consideration which will lead to increase in prices of the product and adversely impact the downstream industry. The Indian government is not processing application for the BIS licenses for Chinese manufacturers. Any implementation of anti-dumping duty will further impact the users.

K.2. Submissions by the domestic industry

284. The domestic industry has made the following submissions with regard to the Indian industry's interest:
- i. There will not be any adverse impact of imposition of anti-dumping duty which is evident from the fact that there has been no adverse impact of anti-dumping duty in the past.
 - ii. Impact of imposition of anti-dumping duty is less than 0.1%.
 - iii. Since the impact of anti-dumping duty is minimal, it is likely to be borne by the downstream industry and not passed on to the users.
 - iv. Fair prices will be maintained in the market as there is sufficient inter se competition in India.
 - v. Imposition of anti-dumping duty does not restrict imports into India.
 - vi. Since the subject goods are not sold under long-term contracts, the users can easily switch suppliers, if required.
 - vii. There are global overcapacities for the product under consideration and hence, there is abundant supply of the product in the market.
 - viii. There is history of dumping in India, hence, the exporters are not able to sell the product in India at fair prices.
 - ix. As opposed to the submissions of the other interested parties, demand-supply gap is not a ground for dumping in India or non-imposition of anti-dumping duty. Imposition of anti-dumping duty will not restrict imports into India but only ensure that such imports are made at fair price.
 - x. The Indian industry is expanding its capacities in order to bridge the demand-supply gap. In case, the situation does not change in India, such investments will turn unviable.
 - xi. As opposed to the submissions of the other interested parties, if the situation does not improve and dumping continues in India, the operations of the domestic industry may become unviable, and force the domestic industry to cease production in India. This will lead to a situation of only demand and no domestic supply in India.
 - xii. Contrary to the submissions of the other interested parties, the requirement of Epigral during the period of investigation was only 0.23% of the Indian consumption and no industry will file an application to target such negligible volume of imports. Further, the application has been filed by three applicants and only one of the applicants is a producer of C-PVC and competing with Epigral.
 - xiii. As opposed to the submissions by the other interested parties, DCW Limited produces C-PVC using S-PVC and M-PVC and intends to continue the same. Even if DCW Limited uses its own S-PVC exclusively for manufacturing C-PVC, it will not create scarcity of subject goods in India.
 - xiv. Contrary to the submissions of the other interested parties, DCW Limited has majorly used its own grade even post period of investigation along with the product produced by foreign producers and other domestic producers. Thus, it cannot be contended that there are any quality issues in India.
 - xv. Economic viability of the downstream industry cannot be said to be dependent upon dumped prices of the product under consideration.

- xvi. As opposed to the submissions of the other interested parties, there is no anti-dumping duty on imports of LDPE and no ongoing investigation on the product.
- xvii. There are 22,000 members of AIPMA, all of such members may not be users of S-PVC. Some of such users may be impacted by duty on one of the products but not all the products as listed by AIPMA.
- xviii. The other interested parties have not provided any evidence that the downstream industry is involved in exporting the product from India. In any case, in order to export, the downstream industry can import under advance authorisation without payment of anti-dumping duty.
- xix. Contrary to the submissions of the other interested parties, increase in selling price has to be examined in light of increase in raw material cost and cost of sales.
- xx. The other interested parties have not provided calculations for 30-40% impact of duties claimed by them. In any case, there was no adverse impact on the users when the prices of the product under consideration were higher in India.
- xxi. As opposed to the submissions by the other interested parties, the domestic industry has operated at a high capacity utilization and has been able to sell a large part of its production. The other producers have imported to shield themselves from dumping.
- xxii. As opposed to the submissions of the other interested parties, an impact of ₹ 19-38 billion is negligible in the context of the actual size of the downstream industry. According to the impact calculations given by the other interested parties, the impact is as low as ₹ 2.16 / kg.

K.3. Examination by the Authority

- 285. The Authority notes that the primary objective of anti-dumping duty is to remedy the injury inflicted upon the domestic industry by the unjust trade practices of dumping, thereby, fostering an environment of open and equitable competition in the Indian market. This is not merely a regulatory measure, but a matter of national interest. The imposition of anti-dumping measures is not designed to curtail imports from the subject countries arbitrarily. Rather, it is a mechanism to ensure a level playing field. The Authority acknowledges that the persistence of anti-dumping duties may influence the price levels of the product in India. However, it is crucial to note that the essence of fair competition in the Indian market will remain unscathed by the imposition of these measures. Far from diminishing competition, the imposition of anti-dumping measures serves to prevent the accrual of unfair advantages through dumping practices. It safeguards the consumers' access to a broad selection of the subject goods. Thus, anti-dumping duties are not a hindrance but a facilitator of fair-trade practices.
- 286. The other interested parties have submitted that the prices of the domestic industry are higher than import price, which causes a strain on the margins of the downstream industry. The Authority notes, that the prices of the domestic industry as well as landed price of imports have declined significantly in the period of investigation. The prices were much higher in the past. Since there was no adverse impact on the performance of

downstream industry in the past due to such high prices, there likely will not be any adverse impact of imposition of anti-dumping duty.

287. With regard to the contention that imposition of anti-dumping duty will lead to monopoly and higher prices for users, the Authority notes that imposition of anti-dumping duty only ensures fair prices in India and does not restrict or bans imports. The Authority has determined the dumping margin and injury margin based on the responses filed by the exporters and not as per the facts available. In such a case, imposition of anti-dumping duty will ensure fair market prices in India.
288. With regard to the contention that the applicants are taking undue advantage of trade remedial measures, the Authority notes that the anti-dumping duty has been imposed on imports of the product under consideration multiple times in the past, as a result of dumping of the product. The Authority has conducted detailed examination of dumping, injury and causal link and thereafter recommended imposition of anti-dumping duty. The number of measures on imports of the product under consideration shows the pricing and unfair trade practice of the producers in the subject countries.
289. With regard to the submissions that there is demand-supply gap in India, the Authority notes that demand-supply gap is not a justification for dumping in India. The Authority has determined the dumping margin based on the response filed by the foreign producers and exporters. The dumping margin is positive and significant. Further, demand-supply gap in India does not bar the Authority from recommending imposition of anti-dumping duty. The Authority further notes that the domestic industry has incurred losses due to dumping in India. If no remedy is provided to the domestic industry, the domestic industry is likely to continue to suffer and the viability of its operations would be affected. This will lead to increase in demand-supply gap.
290. With regard to the contention that the domestic industry has failed to increase capacities even though anti-dumping duty was in force, the Authority notes that the purpose of imposition of anti-dumping duty is to offset the price discriminatory behaviour of the exporters. It is not a safeguard measure, intended to facilitate adjustment by the domestic industry. While the imposition of safeguard measures presupposes that there are factors required to be addressed by the domestic industry, in order to allow it to become competitive versus the imports; there is no such presumption in case of imposition of anti-dumping duty. The duty imposed earlier was intended to counteract the injurious effects of dumping earlier by the foreign producers, and thus, achieved its intended purpose. In any case, the capacities in India have increased. The domestic industry has increased capacities even over the injury period.
291. The other interested parties have submitted that anti-dumping duty should not be imposed till India is self-sufficient in production of the subject goods. The Authority notes that the same is not a requirement for imposition of anti-dumping duty. The Authority in the past has imposed anti-dumping duty on a number of products where there was demand-

supply gap in India. Imposition of anti-dumping duty is likely to provide a level playing field to the Indian industry. In the current scenario, the total losses of the domestic industry have increased. Thus, any increase in sales and capacity expansion is likely to lead to increase in losses and no industry would be willing to invest in such a market.

292. The applicants have submitted as shown in table below that the Indian industry is expanding capacities in order to bridge the demand-supply gap in India. Since the landed price is below the cost of sales of the domestic industry, the market situation is not conducive for any investment to bridge the demand-supply gap. Thus, there is a need for imposition of anti-dumping duty in order to establish fair market situation in India.

SN	Name of producer	Capacity (MT)	Expected in
1.	Reliance Industries Limited	12,00,000	2025-26
2.	Adani Petrochemicals	10,00,000	2026-27
3.	IOCL, Paradeep	6,00,000	2027-28
4.	IOCL, Baroda	2,00,000	2027-28
5.	Total	30,00,000	

293. The other interested parties have stated that the expansion plans are only speculative. The Authority notes even if the expansion plans are speculative, there is no bar on imposition of anti-dumping duty even when there is demand-supply gap in India. The producers from the subject countries are dumping the product under consideration into India which is causing material injury to the domestic industry. Further, the product has been subject to anti-dumping duty in the past, even though there was a demand-supply gap. Since imports did not cease and there was no scarcity of the product under consideration during the last anti-dumping duty in force, there likely will be no scarcity of the product under consideration post imposition of anti-dumping duty.
294. With regard to the contention that imposition of anti-dumping duty will lead to excessive imports of downstream product, the Authority notes that there was anti-dumping duty on imports of the subject goods for a long period of time in India. During such time, the downstream industry has not suffered adversely due to imports of the downstream product. Such being the case, the downstream industry will likely not suffer due to imposition of current measures. Further, in case, the downstream product starts getting dumped in India post imposition of measures, the downstream industry is free to make an application for initiation of anti-dumping investigation.
295. With regard to the submissions that the domestic industry is abusing the trade remedial investigation, and the entire exercise is to target raw material imports of Epigral Limited, the Authority notes that the application of imposition of anti-dumping duty is filed by three domestic producers of the subject goods. Only one of the domestic producers of the subject goods is a producer of C-PVC and is in direct competition with Epigral Limited. The other two producers do not produce C-PVC. Further, the total imports by Epigral

Limited during the period of investigation were negligible in comparison to total imports into India. Thus, the present investigation cannot be construed as targeting the imports by an individual user.

296. The Authority further notes that the contention that imposition of anti-dumping duty will only ensure fair prices in India and not restrict imports into India. Epigral Limited will be able to import the subject goods from the subject countries at fair prices and thus, its profitability will not be hampered.
297. With regard to the submissions that RIL and DCW plan to captively use the subject goods, the Authority notes that there is no evidence in record which suggests the same. While DCW Limited uses the subject goods captively, the capacity of S-PVC is much more than that of C-PVC. Thus, there is nothing to indicate that DCW Limited would not supply in the domestic merchant market after imposition of anti-dumping duty.
298. As regard the submission that there are quality issues with the product produced by DCW Limited as it has imported the product under consideration post period of investigation, the Authority notes that the domestic industry has submitted that DCW Limited has imported the product under consideration, procured from domestic producers and majorly used its own grade to manufacture C-PVC post the period of investigation. Since the major consumption of DCW Limited remains its own grade, the Authority proposes to conclude that there are no quality issues in the subject goods manufactured by the domestic industry.
299. The other interested parties have submitted that imposition of anti-dumping duty will make the downstream industry unprofitable. The Authority notes that the user industry cannot claim its viability based on dumped prices of imports. Further, the import price during 2020-21 and 2021-22 was much higher than the period of investigation. There is no evidence on record which suggests that there was an adverse impact on the user industry at this time.

Particulars	Unit	2020-21	2021-22	2022-23	POI
Landed price	₹/MT	82,169	1,24,033	95,518	76,156

300. With regard to the export competitiveness of the downstream industry, the Authority notes that the downstream industry has an option to import the subject goods under advance authorization without payment of anti-dumping duty. Thus, imposition of anti-dumping duty will not impact the interest of the downstream export-oriented industry.
301. There is no evidence on record to show that imposition of anti-dumping duty will lead to creation of monopoly in India. The Authority notes that there are five producers of subject goods in India. Additionally, the subject goods are also produced in non-subject

countries and can be imported from such countries without payment of anti-dumping duty.

302. One of the user associations submitted that anti-dumping duty has been levied on multiple products used as raw materials of its members. However, the Authority notes that the association has failed identify the product or downstream industry affected by multiple duties. There are more than 20,000 members of the association manufacturing different products using different raw materials. It is possible that certain raw materials used by some of the users attract duty. However, all anti-dumping duties imposed on various identified products do not impact a single downstream product produced by individual users.
303. The other interested parties have claimed that the domestic industry has increased its prices post period of investigation. However, there is no information on record to substantiate such a claim. In any case, increase in selling price cannot be examined in isolation with the change in cost of sales.
304. The Authority notes that the majority of use of the product under consideration is in manufacturing of PVC Pipes. The applicant has, accordingly, quantified the impact of anti-dumping duty on the prices of PVC pipes. It is noted that the impact of imposition of anti-dumping duty on the prices of the downstream industry will be negligible.
305. The contention that the current scenario does not reflect correct situation as the injury period coincides with COVID period is incorrect. There was no impact of COVID-19 in the period of investigation. It is seen that the profitability parameters of the domestic industry have been adversely impacted in the period of investigation as compared to even the previous year. Thus, the present scenario reflects the extent of injury to the domestic industry.
306. With regard to the contention that BIS standards are being imposed, the Authority notes that the BIS standards are being worked out by the Government of India since a long period of time. The same have not been implemented yet. Further, implementation of BIS does not vitiate the fact that the domestic industry is suffering material injury due to dumping in India. The Authority is not the appropriate forum to examine concerns regarding any alleged delay in granting of BIS licenses.
307. The essential facts gathered by the Authority during the investigation, and as established based on information received from various sources are hereby disclosed in the present disclosure statement, to enable the various interested parties to offer their comments on these facts so gathered. The Authority will make the final determination on various aspects of the investigation based on the comments received from the interested parties to the extent they are relevant.

308. The Authority proposes to come to a final conclusion on the matter after receiving the comments from all interested parties on this disclosure statement.

Section-IV**L. METHODOLOGY FOR DETERMINATION OF NON-INJURIOUS PRICE**

309. The non-injurious price has been determined by adopting the verified information/data relating to the cost of production for the period of investigation (1st October 2022 – 30th September 2023) in respect of the domestic industry. Detailed analysis/examination and reconciliation of the financial and cost records maintained by the company, wherever applicable, were carried out for this purpose.
310. The non-injurious price for the domestic industry has been determined in terms of principals outlined in Annexure III to the Rules as briefly described below:
- a) **RAW MATERIAL COST:** The best utilization of raw material by the domestic producers, over the period of investigation and preceding three years period, at the period of investigation rates was considered.
 - b) **COST OF UTILITIES:** The best utilization of utilities by the domestic producers, over the period of investigation and preceding three years period, at the period of investigation rates was considered.
 - c) **PRODUCTION:** The best utilization of production capacities over the period of investigation and the preceding three years period was considered.
 - d) **SALARY & WAGES:** Proprietary of expenses grouped under this head and charged to cost of production was examined. It has been ensured that no extraordinary or non-recurring expenses were charged to production.
 - e) **DEPRECIATION:** The reasonableness of the amount of depreciation charged to the cost of production was examined to ensure that no charge has been made for facilities not deployed to production of subject goods. Further, amortization of goodwill has been disallowed.
 - f) **IDENTIFICATION AND ALLOCATION / APPORTIONMENT OF EXPENSES:** The reasonableness and justification of various expenses claimed for the period of investigation has been examined and scrutinized by comparing with the corresponding amounts in the immediately preceding year and admitted for computing non-injurious price.
 - g) **REASONABLE RETURN ON CAPITAL EMPLOYED:** A reasonable return (pre-tax) of 22% on average capital employed (i.e., Average Net Fixed Assets and Average Working Capital) for the product under consideration was allowed for recovery of interest, corporate tax and profit.
 - h) Interest is allowed as an item of cost of sales and after deducting the interest, the balance amount of return has been allowed as pre-tax profit to arrive at the non-injurious price.
 - i) **NON-INJURIOUS PRICE FOR THE DOMESTIC INDUSTRY:** The non-injurious price for the product under consideration is proposed as ₹ ***/MT.