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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3432/2016

DEEPAK NITRITE LTD.

..... Petitioner

Through Mr Piyush Kumar and Ms Shikha Sapra,
Advocates.

versus

**DESIGNATED AUTHORITY, DIRECTORATE OF ANTI
DUMPING AND ALLIED DUTIES & ANR.**

..... Respondents

Through Ms Reena Khair, Mr Rajesh Sharma and
Ms Rita Jha, Advocates for R2.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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25.04.2016

CM 14668/2016

1. Allowed, subject to all just exceptions.

W.P.(C) 3432/2016

2. Learned counsel for the Petitioner states that in a similar matter this Court has issued notice on 29th March, 2016 in W.P. (C) 2742/2016 [*Pt Petro Oxo Nusantara v. The Designated Authority*] and therefore notice should be issued in this petition as well.

3. Learned counsel for the Respondent appearing on advance notice, on the

other hand, draws the attention of this Court to the fact that on the date when notice was issued in the aforementioned writ petition, the final Notification No. 10/2016-Customs (ADD) was not published. The Central Government has on 29th March 2016 now published the Final Notification under Section 9A (1) and (5) of the Customs Tariff Act, 1975 (CTA) read with Rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 imposing anti-dumping duty on '2-Ethyl Hexanol (2-EH) in all forms and grades imported from countries mentioned therein.

4. It is not in dispute that against the final notification confirming the imposition of anti dumping duty under Section 9A of the CTA a statutory remedy in the form of an appeal is available under Section 9C of the CTA before the Customs Excise Service Tax Appellate Tribunal (CESTAT). In the circumstances, the Court finds no reason to entertain the present writ petition which challenges the Final Findings dated 18th February 2016 which preceded the Final Notification.

5. However, it will be open to the Petitioner to file an appeal before the CESTAT in accordance with law.

6. The writ petition is dismissed with the above observations.

S.MURALIDHAR, J

VIBHU BAKHRU, J

APRIL 25, 2016

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