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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6162/2016

PTA USERS ASSOCIATION & ORS.

..... Petitioners

Through: Mr. V. Lakshmikumaran, Mr. T. D.
Satish and Mr. Darpan Bhuyan,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Amit Mahajan, Central
Government Standing Counsel with
Mr. Nitya Sharma, Advocate for UOI.
Mr. Sandeep Sethi, Senior Advocate
with Ms. Reena Khair and Mr. Rajesh
Sharma, Advocate for R-3 and 4.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE NAJMI WAZIRI

ORDER

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01.08.2016

CM No. 25309/2016 (for exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6162/2016 & CM No. 25308/2016 (for stay)

1. The challenge in the writ petition is to the Final Finding dated 9th
June 2016 of the Designated Authority (DA) consequent upon the

anti-dumping investigation concerning imports of 'Purified Terephthalic Acid' (PTA), originating in or exported from China PR, Iran, Indonesia, Malaysia & Taiwan. The consequent Notification No. 28/2016-Customs (ADD) dated 5th July 2016 issued by the central government under Section 9 A (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 has also been challenged.

2. Mr. Lakshmikumaran states that although the Petitioner has a statutory remedy of an appeal against the Final Findings of the DA under Section 9 C of the CTA before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT), in view of the heavy pendency of such appeals it is unlikely that the CESTAT will be able to take up the appeal filed at an early date. His apprehension is that the appeal itself might be rendered infructuous.

3. Similar pleas by other parties aggrieved by the Final Findings of

the DA have been rejected by this Court on several occasions the recent one being an order dated 13th May 2016 in WP(C) 4337/2016 (***Balaji Action Buildwell v. union of India***). As pointed out in those orders, the above plea does not constitute a sufficient justification to permit the Petitioner to bypass the statutory remedy of an appeal provided under the CTA.

4. It would, however, be open to the Petitioner to request the CESTAT, as and when an appeal is filed by it, to dispose of the appeal expeditiously and in any event not later than six months thereafter.

5. The petition and the application are dismissed with the above observations.

S. MURALIDHAR, J

NAJMI WAZIRI, J

AUGUST 01, 2016
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