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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (C) No. 7887/2017**

MITA INDIA PVT. LTD

..... Petitioner

Through: Mr. Rajesh Sharma and Ms. Rita Jha,
Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Kirtiman Singh and Prateek
Dhanda, Advocates.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE PRATHIBA M. SINGH

ORDER

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06.09.2017

1. The Petitioner seeks a direction to the Designated Authority, Directorate General of Anti Dumping and Allied Duties, Department of Commerce, Ministry of Commerce & Industry ('DA') to permit inspection of the public file pertaining to the anti-dumping investigation concerning imports of "Seamless tubes, pipes and hollow profiles of iron, alloy or non-alloy steel" (other than cast iron and stainless steel) whether hot finished or cold drawn or cold rolled of an external diameter not exceeding 355.6 or 14" OD" from China PR.

2. It appears that the Initiation Notification was issued on 8th July, 2015. Thereafter the Final Finding was issued by the DA on 9th December 2016, followed by the Notification dated 17th February 2017.

3. It is not disputed that, against the Final Findings and Notification, there is remedy available to the Petitioner before the Customs Excise, Service Tax Appellate Tribunal ('CESTAT').

4. On 27th June 2017, the Petitioner addressed a letter to the DA stating that, for the purposes of filing an appeal before the CESTAT, it required the list of interested parties along with their complete addresses and a copy of the disclosure statement. The above request was made more than four months after the Notification dated 17th February 2017.

5. Learned counsel for the Petitioner claims that the Petitioner became aware of the Notification dated 17th February 2017 only in the second week of May, 2017 and therefore could not make the above request earlier. This explanation is not convincing. The Notification, having been gazettted, is presumed to have been in the knowledge of the Petitioner. Further, the provisional duty during the period of investigation was already in force for more than a year and was to the knowledge of the Petitioner. It appears to the Court that, having missed its opportunity of filing its appeal in the CESTAT within time, the Petitioner was seeking to build an alibi to explain its delay and therefore applied for inspection of the DA's file.

6. Learned counsel for the Petitioner states that, without the address of the interested parties, it cannot file an appeal before the CESTAT. It is noticed that the names of the interested parties are set out in the Final Findings itself. With most of them being companies, it should not have been difficult for the

Petitioner to ascertain their addresses. The Court is not satisfied about the bonafides of the Petitioner's request to the DA.

7. The petition is dismissed.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

SEPTEMBER 06, 2017

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