

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.2639 OF 2019

ORDER: (per SK,J)

This writ petition was filed by M/s.Andhra Petrochemicals Limited aggrieved by the letters dated 28.09.2018, 24.10.2018 and 03.12.2018 issued by the then Additional Director General (Foreign Trade), Directorate General of Trade Remedies, Department of Commerce, Ministry of Commerce and Industry, Government of India, on the ground that the said authority was calling for filing of a fully documented second petition though the matter was coming before him pursuant to the remand order passed on 28.08.2018 in W.P.No.11116 of 2018.

2. We may note at this stage that the matter arises under the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Article and for Determination of Injury) Rules, 1995. After filing of this writ petition, we were informed that Mr.Sunil Kumar, the present Additional Secretary & Designated Authority, Directorate General of Trade Remedies, Department of Commerce, Ministry of Commerce and Industry, Government of India, issued Initiation Notification dated 09.07.2019 followed by Corrigendum Notification dated 09.07.2019, demonstrating that the apprehension of the petitioner company was not without foundation. In the light of this development, this Court was constrained to initiate *suo moto* contempt proceedings against the said authority by name.

3. That being so, we are of the opinion that it would not be proper for the said authority to undertake the necessary exercise pursuant to the order dated 28.08.2018 passed in W.P.No.11116 of 2018. We are

informed that there are three officers, viz., Mr.Mithileshwar Thakur, Mr.Satish Kumar and Ms.Shubhra, all of the rank of Additional Director General in the Department, who would be competent to take up the exercise pursuant to the aforestated order.

4. Sri K.Lakshman, learned Assistant Solicitor General for India, would inform this Court that the designated authority would have to be appointed by the Union of India.

5. We accordingly dispose of the writ petition directing the Union of India, the third respondent herein, to choose one of the aforestated officers and appoint him/her as the designated authority to do the needful and undertake the exercise pursuant to the order dated 28.08.2018 passed in W.P.No.11116 of 2018. This exercise shall be completed expeditiously by the Union of India and in any event, not later than two weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:05.08.2019

GJ/PGS