Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3789 OF 2024

Bystronic Laser India Pvt Ltd …Petitioner

Versus

The Designated Authority General of Trade Remedies & Ors …Respondents

---

Mr Irfan A Shaikh, *with Mr Sachindra B Shetye, Ms Radhika Sharma & Mr Akshay Pansare, for the Petitioner.*

Mr Y R Mishra, *for the Respondents 1 & 2.*

Mr Nikhil Sharma, *(through VC)* **Mr Gaurav Lele**, *with Mr Rajesh Sharma (through VC), i/b, Mr Rigved Kalekar, for the Respondent No. 3.*

CORAM **M.S. Sonak &**
Advait M. Sethna, JJ.
DATED: **07 October 2025**

ORAL ORDER:- *(per M. S. Sonak, J)*

1. Heard learned Counsel for the parties.

2. We issue Rule. The Rule is made returnable immediately at the request of and with the consent of the learned Counsel for the parties.

3. Even otherwise, by our order of 25 August 2025, we had clarified that, subject to time constraints, this Court would consider whether the matter could be disposed of finally at the admission stage.

4. The Petitioner, inter alia, challenges the Corrigendum Notification dated 6 December 2023 in terms of which the Anti-Dumping Duty imposed upon the Petitioner under the provisions of the Customs Tariff Act, 1975, was enhanced from 27.86% to 30.16%. The Petitioner also challenges the Customs Notification dated 22 December 2023, consequent to the issuance of the Corrigendum Notification dated 6 December 2023. These are challenged only to the extent that they concern the Petitioner, not in their entirety.

5. Mr Irfan Shaikh, learned Counsel for the Petitioner, submits that the Petitioner has a grievance regarding the original order dated 6 July 2022, by which an anti-dumping duty of 27.86% was levied upon the Petitioner. However, the Petitioner has already appealed against the original order, and the said appeal is pending before the Appellate Authority; therefore, the said grievance is not pressed in this petition.

6. Mr Shaikh, on instructions submitted, that this Petition is now limited to challenging the impugned Corrigendum Notification dated 6 December 2023 because it was issued without the designated authority having the powers of review or correction of orders vested in it, and in any case, without adhering to principles of natural justice and fair play, under which the Petitioner should have been given a reasonable opportunity to contest the proposed corrections.

7. Mr Y R Mishra and Mr Nikhil Sharma, learned Counsel for the Respondents, submit that only an arithmetical error, which was obvious from the record, was corrected by the impugned Corrigendum Notification. They pointed out paragraphs 115 and 146 of the original order dated

September 27, 2023, and submitted that the magnitude of the injury margin had to be assessed by adopting the CIF method. However, the calculations were mistakenly made by adopting the landed value method. The impugned Corrigendum Notification has only corrected this obvious arithmetical error, which admitted of no divergent views. Therefore, they submitted that there was neither any jurisdictional error in making such a correction nor were the principles of natural justice required to be followed.

8. We have considered the rival contentions and perused the record.

9. The impugned Corrigendum Notification undoubtedly visits the Petitioner with civil or rather pecuniary consequences arising out of the enhancement of Anti-Dumping Duty from 27.86% to 30.16%. As such, a decision of this nature should have been preceded by at least a minimum compliance with the principles of natural justice and fair play.

10. The Petitioner has contested the jurisdiction of the designated authority to initiate review proceedings by contending that no such powers have been vested in the designated authority. The Petitioner has also urged that this is not a case of simple arithmetical correction, as projected, but rather a case of exercising review powers, even though such powers have not been specifically vested in the designated authority. The petitioner has also contested the imposition of duty and the methodology for its determination.

11. At this stage, we do not propose to go into the legality or validity of the above contentions. Even from the submissions made on behalf of the Respondents, it appears that the correction was prima facie made because an incorrect method of determination was employed.

12. In the above circumstances, we are satisfied that at least minimum compliance with principles of natural justice and fair play was warranted before the impugned Corrigendum Notification was issued. Admittedly, there was no such compliance. On this sole ground, we quash and set aside the impugned Corrigendum Notification dated 6 December 2023, leaving it open to the designated authority to issue notice to the Petitioner, consider the Petitioner's reply, hear the parties and decide on the issue of Corrigendum to the original order dated 27 September 2023. All contentions of all parties on the merits or demerits of such proposed correction are, however, left open to be determined by the designated authority in the first instance.

13. We clarify that we are quashing the impugned Corrigendum Notification dated 6 December 2023 to the extent it concerns the Petitioner and enhances the Anti-Dumping Duty from 27.86% to 30.16%.

14. Based on the impugned Corrigendum Notification, the customs authorities have issued a Notification to the Petitioner dated 22 December 2023 raising increased demands. Since we have now quashed the impugned Corrigendum Notification dated 6 December 2023, we also quash the customs Notification to the extent it concerns the petitioner and demands Anti-Dumping Duty at the rate of 30.16%. However, the customs Notification dated 22 December 2023, subject to any orders in the Petitioner's appeal, which demands the anti-dumping duty at a rate of 27.86%, is not disturbed by this order.

15. The Rule is made absolute to the above extent only without any costs order.

16. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J) **(M.S. Sonak, J)**