$~12

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

\+ **W.P.(C) 225/2023& CM APPLs. 819/2023 & 17750/2025**

M/S AUTOMOTIVE TYRE MANUFACTURERS ASSOCIATION

.....Petitioner

Through:

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Mr. Shubham Kr., Mr. Vipul Kr. And Ms. Garima Kr., Advocates.
Mr. Farman Ali, SPC with Ms. Usha Jamnal, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% **26.03.2025**

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner-M/s Automotive Tyre Manufacturers Association under Article 226 of the Constitution of India, *inter alia* challenging the Office Memorandum bearing no. 190354/106/2022-TRU dated 15th December, 2022 (hereinafter, '*impugned OM*') *vide* which the Central Government has refused to accept the recommendations of the Respondent No.2- Directorate General of Trade Remedies (hereinafter, '*DGTR*').

3. The present matter relates to New/Unused pneumatic radial tyres with or without tubes and /or flaps of rubber (including tubeless tyres) having

nominal rim dia code above 16 inches used in buses, lorries and trucks (hereinafter, '*subject goods*') imported in India from China PR.

4. Brief facts of the case are that the Ministry of Finance through Department of Revenue imposed original anti-dumping duty *vide* Notification No. 45/2017- Customs (ADD) dated 18th September 2017 on imports of the subject goods imported from China. The Petitioner being a part of the domestic industry had filed an application before the DGTR on 30th March 2022 requesting Sunset Review of the imposition of Anti-Dumping Duty (hereinafter "*ADD*") of the import of the subject goods..

5. Thereafter, in terms of the Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Sunset Review was initiated by the DGTR. Interested parties had filed their submissions and oral hearing was also held. The DGTR issued a final finding on 16th September, 2022 indicating that there is likelihood of continuation of imposition of ADD on the imports of the subject goods. Accordingly, the continuation of ADD imposition was recommended. However, the Central Government *vide* the impugned OM did not accept the recommendation of the DGTR and denied the continuation of imposition of ADD. Hence, the present petition was filed.

6. The stand of the Petitioner now is that it no longer insists on the imposition of the ADD in respect of the subject goods and, therefore, the Petitioner does not press its challenge in the present petition to the impugned OM.

7. In view of the above position, the petition is disposed of as infructuous binding the Petitioner to its stand that it no longer insists on imposition of ADD in respect of the subject goods. Pending applications, if any, are also

disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MARCH 26, 2025/*nd/ck*