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

Date of Decision: 04th February, 2025

+ **W.P.(C) 1378/2025 & CM APPLs.6731-33/2025**

**HUSKY INJECTION MOLDING SYSTEMS SHANGHAI LTD
AND ORS**Petitioners

Through: Mr. Gopal Jain, Sr. Adv. with Mr.
Vikram Naik, Ms. Suverna Kashyap
and Mr. Udajan Choksi, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.
Govind Sharma & Ms. Ishika Gupta,
Advs. for R-1 to 3. (M: 8708500030)
Mr. Rajesh Sharma and Mr Nikhil
Sharma, Advs. for R-4 to 8.

CORAM:

**JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA**

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.6732/2025, 6733/2025 (for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 1378/2025 & CM APPL.6731/2025 (for stay)

3. This is an application filed by the Petitioner seeking stay of the operation of order of Respondent No.3, vide email dated 4th November, 2024, rejecting the responses of the Petitioner as being time barred on account of technical delay of 19 minutes in submission.

4. The brief background of this case is that the Respondent No.2, Designated Authority, Directorate General of Trade Remedies, commenced



an anti-dumping investigation into imports of Plastic Processing Machines originating or exported from China and Taiwan *vide* initiation Notification No.6/09/2024-DHTR on 29th March, 2024. The Petitioners are also exporters/importers of such machines. Questionnaire responses were to be filled by the Petitioners in response to notice issued calling upon interested parties. The date for filing of response was 17th August, 2024. The Petitioners had submitted their response on 18th August, 2024 at 12:19 AM and there was thus a delay of 19 minutes in the same.

5. Thereafter, public hearings have also been held. As part of the public hearings, the Petitioners have also been permitted to participate. Surprisingly, however, on 4th November, 2024, an email was received from the Respondents 2-3, that the response of the Petitioner to the questionnaire was received on 18th August, 2024, when the time expired on 17th August, 2024. Thus, the response was rejected as time barred.

6. Mr. Gopal Jain, Id. Senior Counsel appearing for the Petitioners submits that in fact, the delay was only of a few minutes.

7. Ms. Shiva Lakshmi, Id. CGSC accepts notice on behalf of the Respondent Nos.1 to 3. Remaining Respondents are interested parties for whom Mr. Rajesh Sharma accepts notice.

8. The Court has seen the email dated 4th November, 2024. Considering that in such matters, the investigation has to be comprehensive and the Petitioners have already been permitted to participate in the proceedings. A few minutes' delay in the exporters' questionnaire response cannot oust the Petitioners' response from being heard and participating fully in the proceedings.

9. Accordingly, in terms of the facts of the present case, the response to



2025:DHC:699-DB



the questionnaire is directed to be taken on record. The delay, if any, in filing the same is condoned. The enquiry shall now proceed in accordance with law.

10. Accordingly, the petition is disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

DHARMESH SHARMA
JUDGE

FEBRUARY 4, 2025/dk/ks