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

\+ **W.P.(C) 1832/2025 & CM APPL. 8822/2025**

RISHIROOP LIMITED THROUGH ITS DIRECTOR.....Petitioner
Through: Mr. Syed Jafar Alam, Adv.
versus

UNION OF INDIA, THROUGH MINISTRY OF FINANCE & ANR. .....Respondents
Through: Mr. Shoumendu Mukherji, SPC with Ms. Rudra Paliwal, GP and Ms. Megha Sharma & Mr. Aniruddha Ghosh, Advs. for UOI.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA

O R D E R

% **20.02.2025**

1. This hearing has been done through hybrid mode.

2. The present petition has been filed under Articles 226 and 227 of the Constitution of India challenging the impugned order dated 1st November, 2021 passed by the Customs, Excise & Service Tax Appellate Tribunal (hereafter "*CESTAT*") in Anti Dumping Appeal No. 51048/2021.

3. *Vide* the impugned order the CESTAT has set aside the memorandum issued by the Union of India by which the prayer of the domestic industry for imposition of anti-dumping duty over the concerned entity had been rejected by the Union of India.

4. Similar matters were considered by this Court including ***W.P.(C)10641/2022*** titled ***Union of India through Secretary of Ministry of Finance v. M/s Apcotex Industries Limited*** wherein a detailed order was

passed on 13th February 2025. In the said order, it was clearly recorded that the domestic industry no longer insists on continuation of anti-dumping duty and therefore, the issue had become moot. The relevant paragraphs of the said order read as under:

> *"8. It is submitted by the ld. Counsels for the parties today that similar petitions in respect of certain other products were filed by the Union of India before the Supreme Court seeking quashing of the order passed by CESTAT setting aside the respective Office Memorandums.*
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> *9. In that case, being* ***SLP (C) Diary No. 31452/2023*** *titled as* ***Union of India vs. Plastics Machinery Manufacturers Association of India through its Director and Ors.,*** *the Supreme Court passed the following order on 9th December, 2024:*
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>> *"It is pointed out by the learned counsel for the petitioner that the domestic industries have given up their right in terms of the recommendation made by the designated authority, as well as, their claims on the basis of the order passed by the Customs, Excise and Service Tax Appellate Tribunal, Principal Bench, New Delhi.*
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>> *In view of the statement made, the special leave petition is dismissed as infructuous."*
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> *10. In terms of the submissions made before the Supreme Court, ld. Counsel for the domestic industries who are the Respondents in these cases, submit that they have already written to the Government that they do not press their rights in terms of the recommendation given by the Designated Authority, DGTR.*
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> *11. In effect thereof, the domestic industry no longer presses for imposition of ADD. The respective Office Memorandums, therefore, are no longer challenged by the domestic industry.*

12. The question of law raised by the Union of India i.e., as to whether CESTAT has jurisdiction to set aside an Office Memorandum or not, would therefore become moot in this background.

13. Under these facts and circumstances, the stand of the Respondents, i.e., the domestic industry is accepted. The present writ petitions are disposed of as having been rendered infructuous, in view of the stand of the Respondents- domestic industry.

14. The legal issues raised in these petitions are, however, kept open for adjudication in an appropriate case. "

5. In this petition also, the Respondent No. 2 is the domestic industry which again confirms the same submission that it does not press its rights in terms of the recommendations given by the designated authority *i.e.,* the Directorate General of Trade Remedies.

6. In view thereof, the present petition is also not pressed by the Petitioner and the same is disposed of in the same terms as recorded in order dated 13th February, 2025 passed in ***W.P.(C)10641/2022***.

7. The petition is disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

FEBRUARY 20, 2025/*Ch/ms*