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

\+ **W.P.(C) 1856/2025 & CM APPL. 8857/2025**

EXXONMOBIL ASIA PACIFIC PTE LTD .....Petitioner

Through: Mr. V. Lakshmikumaran, Mr. Yogendra Aldak, Mr. Agrim Arora and Mr. Sumit Khadaria, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Shiva Lakshmi, CGSC for R-1 and R-2.
Mr. Sandeep Sethi and Mr. Pragyan Pradip Sharma, Senior Advocates with Mr. Rajesh Sharma, Mr. Nikhil Sharma and Mr. Hardik Jain, Advocates for R-3.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% **28.03.2025**

1. This hearing has been done through hybrid mode.

2. The present petition has been filed under Article 226 of the Constitution of India by the Petitioner - Exxonmobil Asia Pacific PTE Ltd. group challenging the final findings in Case No. AD (OI) -18/2023 dated 28th December, 2024 issued by the Designated Authority, Directorate General of Trade Remedies (Hereinafter *'DGTR').*

3. *Vide* the impugned order, DGTR has recommended imposition of Anti-Dumping Duty (hereinafter *'ADD'*) under Rule 17 of Customs Tariff (identification, assessment and collection of Anti-Dumping Duty on dumped articles and for determination of injury) Rules, 1995 (hereinafter *'ADD Rules'*).

4. The product in question is Halo-butyl-rubber (hereinafter *'HIIR')*, which is imported into India from Japan, Russia, Singapore, United Kingdom and United States of America (subject countries). The impugned order was passed pursuant to the application submitted by Respondent No.3/Domestic Industry to DGTR under the Customs Tariff Act seeking imposition of ADD.

5. In terms of Rule 18 of the ADD Rules, the Central Government has to, within three months of the publication of the final findings, decide to impose ADD or take a decision otherwise.

6. Ms. Shiva Lakshmi, ld. CGSC appearing for the Government submits that the Central Government is yet to take a decision on whether to accept the final findings of the DGTR or not.

7. It is brought to the notice of this Court that, in terms of Section 9C of the Customs Tariff Act, 1975, once the decision is taken by the Government, an appeal would lie before *CESTAT* against the imposition of ADD. If the same is not imposed, then the challenge could be by the Respondent No.3 *i.e.,* the Domestic Industry.

8. At this point, Mr. V. Lakshmikumaran, ld. Counsel for the Petitioner/Foreign exporter submits that there is some ambiguity in regard to the availability of the appellate remedy against a Final Finding before the *CESTAT*. He places reliance on ***Saurashtra Chemicals Ltd. v. Union of India***; **(2009) 17 SCC 529** and ***Jindal Poly Film Ltd. v. Designated Authority, 2018 SCC OnLine Del 11395*** in this regard.

9. Heard. Even after considering Mr. V. Lakshmikumaran's submission, this Court is of the opinion that the present petition is premature. Irrespective of whether the Central Government accepts the recommendation for imposition of ADD or not, the said decision would be appealable either at the

instance of the Petitioner or the domestic industry. Challenge being raised to Final Findings would clearly be pre-mature.

10. In view of the above, the present petition is disposed of as being premature at this stage. The rights and remedies of both the Petitioner and Respondent No.3 are left open to be availed in accordance with law.

11. All pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MARCH 28, 2025/*nd/Ar.*