$~ 13 to 18, 31, 34 to 37, 39 to 46, 48, 49, 51 to 54

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

Date of Decision: 13th February, 2025

\+ **W.P.(C) 10641/2022, CM APPL. 8734/2025 & CM APPL. 8814/2025**

UNION OF INDIA THROUGH SECRETARY MINISTRY OF FINANCE .....Petitioner

versus

M/S APCOTEX INDUSTRIES LIMITED .....Respondent

14 WITH

\+ **W.P.(C) 10781/2022**

UNION OF INDIA .....Petitioner

versus

ASSOCIATION OF CHLOROMETHANES MANUFACTURERS .....Respondent

15 WITH

\+ **W.P.(C) 11394/2022**

UNION OF INDIA .....Petitioner

versus

FORUM FOR ACRYLIC FIBRE MANUFACTURER FORUM (FAFM) .....Respondent

16 WITH

\+ **W.P.(C) 11774/2022**

UNION OF INDIA .....Petitioner

versus

FORUM OF ACRYLIC FIBRE MANUFACTURERS FAFM .....Respondent

17 WITH

\+ **W.P.(C) 12077/2022**

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UNION OF INDIA .....Petitioner

versus

M/S SI GROUP INDIA PRIVATE LIMITED .....Respondent

18 WITH

\+ **W.P.(C) 5185/2022**

UNION OF INDIA .....Petitioner

versus

JUBLIANT INGREVIA LIMITED .....Respondent

31 WITH

\+ **W.P.(C) 1324/2023 & CM APPL. 4961/2023**

UNION OF INDIA THE SECRETARY MINISTRY OF FINANCE .....Petitioner

versus

APCOTEX INDUSTRIES LIMITED .....Respondent

34 WITH

\+ **W.P.(C) 2461/2023**

UNION OF INDIA THROUGH SECRETARY .....Petitioner

versus

M/S. DEEPAK PHENOLICS LIMITED .....Respondent

35 WITH

\+ **W.P.(C) 2820/2023**

UNION OF INDIA .....Petitioner

versus

M/S GUJRAT STATE FERTILISERS AND CHEMICALS LTD .....Respondent

36 WITH

\+ **W.P.(C) 2867/2023 & CM APPL. 11110/2023**

UNION OF INDIA .....Petitioner

versus

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M/S GUJRAT STATE FERTILIZERS AND CHEMICALS LTD .....Respondent

37 WITH

\+ **W.P.(C) 3390/2023 & CM APPL. 13134/2023**

UNION OF INDIA .....Petitioner

versus

M/S UI VR PVT LTD .....Respondent

39 WITH

\+ **W.P.(C) 3598/2023 & CM APPL. 13949/2023**

UNION OF INDIA .....Petitioner

versus

M/S GUJRAT FLUOROCHEMICALS LIMITED .....Respondent

40 WITH

\+ **W.P.(C) 3824/2023 & CM APPL. 14884/2023**

UNION OF INDIA .....Petitioner

versus

DEEPAK PHENOLICS LTD .....Respondent

41 WITH

\+ **W.P.(C) 3825/2023 & CM APPL. 14887/2023**

UNION OF INDIA .....Petitioner

versus

JINDAL STAINLESS HISAR LIMITED JSHL .....Respondent

42 WITH

\+ **W.P.(C) 4039/2023 & CM APPL. 15745/2023**

UNION OF INDIA .....Petitioner

versus

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JINDAL STAINLESS LIMITED JSL .....Respondent

43 WITH

\+ **W.P.(C) 4401/2023, CM APPL. 16944/2023, CM APPL. 16945/2023 & CM APPL. 16946/2023**

UNION OF INDIA .....Petitioner

versus

JINDAL STAINLESS HISAR LIMITED JSHL .....Respondent

44 WITH

\+ **W.P.(C) 4501/2023, CM APPL. 17199/2023, CM APPL. 17200/2023 & CM APPL. 17201/2023**

UNION OF INDIA .....Petitioner

versus

M/S JINDAL STAINLESS LIMITED (JSL) .....Respondent

45 WITH

\+ **W.P.(C) 4506/2023, CM APPL. 17269/2023, CM APPL. 17270/2023 & CM APPL. 17271/2023**

UNION OF INDIA .....Petitioner

versus

M/S IG PETROCHEMICALS LIMITED .....Respondent

46 WITH

\+ **W.P.(C) 4676/2023, CM APPL. 18051/2023 & CM APPL. 18053/2023**

UNION OF INDIA THROUGH SECRETARY MINISTRY OF FINANCE .....Petitioner

versus

M/S THIRUMAL CHEMICALS LIMITED .....Respondent

48 WITH

\+ **W.P.(C) 5047/2023 & CM APPL. 19720/2023**

UNION OF INDIA .....Petitioner

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versus

JINDAL STAINLESS LIMITED JSL .....Respondent

49 WITH

\+ **W.P.(C) 5145/2023 & CM APPL. 20093/2023**

UNION OF INDIA .....Petitioner

versus

M/S OWENS CORNING INDIA PRIVATE LIMITED .....Respondent

51 WITH

\+ **W.P.(C) 5494/2023, CM APPL. 21428/2023, CM APPL. 25428/2023, CM APPL. 25518/2023, CM APPL. 30799/2023, CM APPL. 30800/2023, CM APPL. 30801/2023, CM APPL. 30803/2023 & CM APPL. 30804/2023**

UNION OF INDIA .....Petitioner

versus

M/S JINDAL STAINLESS STEEL LIMITED .....Respondent

52 WITH

\+ **W.P.(C) 5681/2023, CM APPL. 22227/2023, CM APPL. 25399/2023, CM APPL. 25404/2023, CM APPL. 25520/2023, CM APPL. 30798/2023, CM APPL. 30802/2023 & CM APPL. 30805/2023**

UNION OF INDIA .....Petitioner

versus

M/S JINDAL STAINLESS HISAR LIMITED .....Respondent

53 WITH

\+ **W.P.(C) 5924/2023 & CM APPL. 23221/2023**

UNION OF INDIA .....Petitioner

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versus

JINDAL STAINLESS HISAR LIMITED .....Respondent

54 WITH

\+ **W.P.(C) 6385/2023**

SIJ ACRONI D O O .....Petitioner

versus

JINDAL STAINLESS HISAR LIMITED & ORS. .....Respondents

Presence:

Counsel for the Petitioner(s):

Mr. Anurag Ojha, Sr. SC with Mr. Subham Kumar and Mr. Dipak Raj, Advs. in Items No. 13 to 18 and 31, 34 to 46, 48, 49, 51 to 54.

Counsel for the Respondent(s):

Mr Abhay Chattopadhyay, Mr. Sarthak Yadav, Mr. Sanjay Notani, Mr. Ambarish Sathianathan and Ms. Harika Bakaraju, Advs. in Items No. 31, 51 and 52. (M: 9654770189)

Mr. Rajesh Sharma and Mr. Nikhil Sharma, Advs. in Items No. 13-15, 18, 31, 34, 35, 37-54.

Mr. R. Venkat Prabhat, SPC with Mr. Abhinav M. Goel, Ms Kamna Behrani and Mr. Ansh Kalra, Advs. for UOI in Item No. 54. (M: 9109698880)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The Respondents in these petitions who are stated to be the domestic industry, had filed their respective applications before the Directorate General of Trade Remedies (hereinafter "*DGTR*") praying for imposition of Anti-Dumping Duty (hereinafter "*ADD*") in terms of the Customs Tariff Act, 1975 (hereinafter "*the Act*") and Customs Tariff (Identification, Assessment and

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Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 in respect of the following products:

Sr. No.	Writ Petition No.	Party Name	Product Name	Country of Origin
1.	W.P(C) 10641/2022	Union of India vs M/s Apcotex Industries Ltd.	Acrylonitrile Butadiene Rubber	Korea RP
2.	W.P(C) 10781/2022	Union of India vs. Association of Chloromethanes Manufacturers	Methylene Chloride	China PR
3.	W.P(C) 11394/2022	Union of India vs. Forum for Acrylic Fibre Manufacturer Forum	Acrylic Fibre	Belarus, Ukraine, European Union, Peru
4.	W.P(C) 11774/2022	Union of India vs Forum for Acrylic Fibre Manufacturer Forum	Acrylic Fibre	Thailand
5	W.P(C) 12077/2022	Union of India vs M/s Si Group India Private Limited	Nonyl Phenol	Chinese Taipei
6.	W.P(C) 5185/2022	Union of India vs Jubilant Infgrevia Limited	Chlorine Chloride in all forms	China PR
7.	W.P(C) 1324/2023	Union of India vs Apcotex Industries Limited	Acrylonitrile Butadiene Rubber	China PR, European Union, Japan, Russia
8.	W.P(C) 2461/2023	Union of India vs Deepak Phenolics Limited	Phenol	Thailand, United States of America
9.	W.P(C) 2820/2023	Union of India vs Gujrat State Fertilisers & Chemicals Ltd.	Melamine	China PR

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10.	W.P(C) 2867/2023	Union of India vs Gujrat State Fertilisers & Chemicals Ltd.	Caprolactam	European Union, Korea RP, Russia, Thailand
11.	W.P(C) 3390/2023	Union of India vs M/s UI VR Pvt Ltd	Peroxo-sulphates (Perulphates)	China PR, United States of America
12.	W.P(C) 3598/2023	Union of India vs Gujrat Fluorochemicals Limited	Polytetra-fluoroethylene (PTEE)	Russia
13.	W.P(C) 3824/2023	Union of India vs Deepak Phenolics Ltd	Phenol	European Union, Singapore
14.	W.P(C) 3825/2023	Union of India vs Jindal Stainless Hisar Limited	Flat Products of Stainless Steel	Indonesia
15.	W.P(C) 4039/2023	Union of India vs Jindal Stainless Limited JSL	Hot Rolled Flat Products of Stainless Steel - 304 grade	China PR, Malaysia and Korea RP
16.	W.P(C) 4401/2023	Union of India vs Jindal Stainless Hisar Limited JSHL	Hot Rolled Flat Products of Stainless Steel - 304 grade	China PR, Malaysia and Korea RP
17.	W.P(C) 4501/2023	Union of India vs Jindal Stainless Limited JSL	Flat Products of Stainless Steel	Indonesia
18.	W.P(C) 4506/2023	Union of India vs IG Petrochemicals Limited	Phthalic Anhydride	Japan, Russia
19.	W.P(C) 4676/2023	Union of India vs Thirumal Chemicals Limited	Phthalic Anhydride	Russia
20.	W.P(C)	Union of India vs	Cold-Rolled	China PR,

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	5047/2023	Jindal Stainless Limited JSL	Flat Products of Stainless Steel of width 600 nm to 1250 nm and above 1250 mm of non bonafide usage	Kora PR, European Union, South Africa, Taiwan, Thailand and United States of America
21.	W.P(C) 5145/2023	Union of India vs Owens Corning India	Glass Fibre and articles thereof	China PR
22.	W.P(C) 5494/2023	Union of India vs M/s Jindal Stainless Steel Limited	Flat Rolled Products of Stainless Steel	China PR, Kora PR, European Union, South Africa, Taiwan, Thailand, United States of America, Japan, Indonesia, UAE, Hong Kong, Singapore, Mexico, Vietnam, Malaysia
23.	W.P(C) 5681/2023	Union of India vs M/s Jindal Stainless Hisar	Flat Rolled Products of Stainless Steel	China PR, Kora PR, European Union, South Africa, Taiwan, Thailand, United States of America, Japan,

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				Indonesia, UAE, Hong Kong, Singapore, Mexico, Vietnam, Malaysia
24.	W.P(C) 5924/2023	Union of India vs M/s Jindal Stainless Hisar	Cold–Rolled Flat Products of Stainless Steel of width 600 nm to 1250 nm and above 1250 mm of non bonafide usage	China PR, Korea PR, European Union, South Africa, Taiwan, Thailand and United States of America
25.	W.P(C)6385/ 2023	SIJ Acroni DOO vs Jindal Stainless Hisar Limited & Ors.	Flat Rolled Products of Stainless Steel	China PR, Kora PR, European Union, South Africa, Taiwan, Thailand, United States of America, Japan, Indonesia, UAE, Hong Kong, Singapore, Mexico, Vietnam, Malaysia

3. Findings were issued in the respective applications by the Designated Authority, DGTR recommending imposition of provisional ADD on the concerned import of goods from certain countries. Thereafter, final findings

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were also notified recommending imposition of ADD. The definitive ADD was then imposed *vide* respective Customs notifications issued in various cases.

4. After the imposition of the ADD, a sunset review was undertaken by the Designated Authority, DGTR in order to examine the effect of the imposition of ADD. Final findings were rendered in the sunset review, wherein the Designated Authority, DGTR came to the conclusion that the ADD deserves to be continued.

5. However, the Central Government, on this occasion, did not accept the recommendations of the DGTR and hence the ADD was set aside in the respective cases. The various Office Memorandums issued by the Central Government not to continue the ADD, were challenged before Customs, Excise & Service Tax Appellate Tribunal (hereinafter "*CESTAT*") which then set aside the said Office Memorandums.

6. The challenge in these petitions, is to the respective orders of CESTAT, which set aside the respective Office Memorandums, by which the ADD was not accepted by the Central Government.

7. The question of law that has been raised by the Union of India in these cases is whether an Office Memorandum is capable of being assailed before CESTAT.

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.

9. In that case, being ***SLP (C) Diary No. 31452/2023*** titled as ***Union of India vs. Plastics Machinery Manufacturers Association of India through***

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its Director and Ors., the Supreme Court passed the following order on 9th December, 2024:

> *"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.*
>
> *In view of the statement made, the special leave petition is dismissed as infructuous."*

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.

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.

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

15. The interim orders in all these matters, if any, shall stand vacated.

PRATHIBA M. SINGH
JUDGE

DHARMESH SHARMA
JUDGE

FEBRUARY 13, 2025/*gunn/ms*

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