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

+ **W.P.(C) 13928/2022 & CM APPL. 15045/2025**

M/S GUJARAT FLUOROCHEMICALS LIMITEDPetitioner

Through: Mr. Rajesh Sharma and Mr. Nikhil
Sharma, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **12.03.2025**

1. This hearing has been done through hybrid mode.

**CM APPL. 15045/2025 (for withdrawal of the petition) in W.P.(C)
13928/2022**

2. This is an application filed by the Applicant/Petitioner under Section 151 of CPC seeking withdrawal of the present writ petition.

3. The said writ petition, being **W.P. (C) 13928/2022**, was filed by the Petitioner under Article 226 of the Constitution of India seeking to

(i) set aside the Office Memorandum ('OM') issued by the Respondent No. 1/Ministry of Finance *vide* F. No. CBIC190354/168/2022-(TRU)-CBEC dated 18th July, 2022, and

(ii) implement the recommendations made by Respondent No.2/Directorate General of Trade Remedies ('DGTR') *vide* Notification F. No. 7/4/2021-DGTR dated 26th April, 2022.

4. The brief background is that this matter relates to a product, Polytetrafluoroethylene ('PTFE') imported from China to India. The Petitioner had filed an application before the Designated Authority/DGTR



under Customs Tariff [Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury] Rules, 1995 ('*ADD Rules*'), seeking imposition of Anti-Dumping Duty ('*ADD*'). The investigation was undertaken by the DGTR, and *vide* final findings dated 27th July, 2004, imposition of Anti-Dumping Duty was recommended. The same was then notified by Respondent No. 1 on 17th October, 2005.

5. Thereafter, in terms of the ADD Rules, the first sunset review was initiated and the Respondent No. 2/DGTR again recommended the imposition of ADD Duty on 25th July, 2011 which was notified by the Respondent No. 1/Central Government on 24th August, 2011. Similarly, the second sunset review was initiated and Anti-Dumping Duty was imposed *vide* notification dated 28th July, 2017.

6. The Petitioner then filed an application for the third sunset review in which also after proper stakeholder consultation, ADD imposition was recommended for a further period of three years on 26th April, 2022. However, on this occasion, the Central Government through its OM dated 18th July, 2022 denied the extension of ADD. It is this OM dated 18th July, 2022 that is under challenge in the present petition.

7. Upon an application being ***CM Appl.43846/2022*** by the Petitioner, this matter was tagged along with other writ petitions in which similar issues were involved *vide* order dated 11th October, 2022. However, these matters were being adjourned from time to time as similar issues were also pending before the Supreme Court.

8. However, *vide* the present application, the Petitioner submits that PTFE continues to be dumped and, pursuant to the same, it has filed a fresh application before the Respondent No.2/DGTR for initiation of a fresh anti-



dumping investigation. The same has been initiated by the Designated Authority *vide* notification dated 30th September, 2024. In view of the fact that a fresh investigation has been initiated, the Petitioner has moved this application to withdraw the present writ petition.

9. Accordingly, the petition is dismissed as withdrawn with liberty to the Petitioner to pursue its application before the Designated Authority/DGTR in accordance with law.

10. All pending applications, if any, are also disposed of.

11. The next date of hearing stands cancelled.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 12, 2025

dj/Ar.