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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13930/2022**
M/S NATIONAL PEROXIDE LIMITEDPetitioner
Through: Mr. Rajesh Sharma & Mr. Nikhil
Sharma, Advs.
versus
UNION OF INDIA & ANR.Respondents
Through: Ms. Arunima Dwivedi, CGSC with
Mr. Sanyam Bhardwaj, Adv. for UOI.
Mr. Anurag Ojha, SSC with Mr. Dipak
Raj, Adv. for R-2.
22 **WITH**
+ **W.P.(C) 15356/2022**
M/S ARCH PHARMALABS LIMITEDPetitioner
Through: Mr. Rajesh Sharma & Mr. Nikhil
Sharma, Advs.
versus
UNION OF INDIA & ANR.Respondents
Through: Ms. Anju Gupta, SPC, Mr. Bhuvan
Goel, Mr. Roshan Lal Goel & Ms.
Priti, Adv.
23 **WITH**
+ **W.P.(C) 3461/2023 & CM APPL. 13357/2023**
UNION OF INDIAPetitioner
Through: Mr. Anurag Ojha, SSC with Mr. Dipak
Raj, Adv. for R-2.
versus
M/S BAJAJ HEALTH CASE LIMITEDRespondent
Through: Mr. Rajesh Sharma & Mr. Nikhil
Sharma, Advs. for R-1.
24 **WITH**
+ **W.P.(C) 6386/2023**
GUJARAT POLYFILMS PVT. LTD.Petitioner
Through: Mr. Yogendra Aldak & Mr. Agrim
Arora, Advs.
versus
GUJARAT STATE FERTILIZERS AND CHEMICALS



LTD & ORS.

.....Respondents

Through: Mr. Rajesh Sharma & Mr. Nikhil Sharma, Advs. for R-1.
Dr. B. Ramaswamy, CGSC for R-2.
Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Adv. for R-2.

27
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AND

W.P.(C) 11724/2023

**RABIGH REFINING AND PETROCHEMICAL
COMPANY**

.....Petitioner

Through: Mr. Yogendra Aldak & Mr. Agrim Arora, Advs.

versus

**CHEMICAL AND PETROCHEMICALS MANUFACTURERS
ASSOCIATION & ORS.**

.....Respondents

Through: Mr. Rajesh Sharma & Mr. Nikhil Sharma, Advs. for R-1.
Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Adv. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **09.07.2025**

1. This hearing has been done through hybrid mode.
2. **W.P.(C)s 13930/2022 and 15356/2022** are petitions filed under Article 226 of the Constitution of India by various entities forming part of Domestic Industry, *inter alia*, seeking to quash the Office Memorandums (*hereinafter* 'OM') issued by the Central Government.
3. **W.P.(C)s 3461/2023, 6386/2023, 11724/2023** are writ petitions filed by the Petitioners *i.e.*, Central Government, Domestic Importer and Exporter respectively *inter alia* seeking to quash the impugned orders passed by CESTAT, New Delhi setting aside various OMs *vide* which recommendations to impose Anti Dumping Duty (*hereinafter* 'ADD') on certain products was



rejected.

4. The brief background of *W.P.(C)s 13930/2022* is that the Petitioner-Domestic Industry had approached the Directorate General of Trade Remedies (*hereinafter* 'DGTR') in the year 2016 seeking imposition of ADD with respect to Hydrogen Peroxide from Bangladesh and Thailand. Pursuant to the initiation of proceedings, the DGTR issued recommendations for the imposition of ADD, which were accepted by the Central Government. Consequently, ADD was imposed on the said product for a period of five years *vide Notification No. 28/2017-Customs (ADD)* dated 14th June, 2017. At the end of the said period of five years, a sunset review was undertaken in order to examine the effect of the ADD. In this sunset review, the DGTR came to the conclusion that ADD deserves to be continued and accordingly submitted its recommendations. However, the Central Government did not accept the same and consequently issued *OM F.No.CBIC-190354/271/2021-TO(TRU-I)-CBEC* dated 22nd June, 2022, denying to extend the imposition of ADD. It is this OM that is being challenged *vide W.P.(C)s 13930/2022*.

5. Insofar as the remaining matters are concerned, they arise from applications filed by entities forming part of Domestic Industry before the DGTR, seeking the imposition of Anti Dumping Duty on various products, as identified in the table below, in terms of the Act and the Customs Tariff Rules, 1995 (*hereinafter* 'the Rules'). Pursuant to the said applications, final findings were issued by the DGTR recommending the imposition of ADD on the import of these goods from certain countries. The recommendations for imposition of ADD on the following products originating from specific countries were rejected *vide* the OMs listed below :



OM Reference Nos. and Dates	Product and Countries	Concerned Writ Petitions
<i>F.No.CBIC-190354/271/2021-TO(TRU-I)-CBEC</i> dated 22nd June, 2022	Hydrogen Peroxide from Bangladesh and Thailand	W.P.(C) 13930/2022
<i>F.No. CBIC-190354/265/2022-TRU Section-CBEC</i> dated 20th October 2022	(4R-Cis)-1,1-Dimethylethyl-6-cyanomethyl-2,2-dimethyl-1,3-dioxane-4-acetate also known as ATS-8 from China PR	W.P.(C) 15356/2022
<i>F.No.CBIC-190354/221/2021-TO(TRU-I)-CBEC</i> dated 27th October, 2021	Vitamin C from China PR	W.P.(C) 3461/2023
<i>F. No. CBIC-190354/247/2021-TO(TRU-I)-CBEC</i> dated 8th December, 2021	Caprolactam from European Union, Korea RP, Russia, and Thailand	W.P.(C) 6386/2023
<i>F. No. CBIC-190354/211/2021-TRU Section-CBEC</i> dated 6th June 2022	Low Density Polyethylene from Qatar, Saudi Arabia, Singapore, Thailand, United Arab Emirates and United States of America	W.P.(C) 11724/2023

6. However, the Central Government did not accept the said recommendations and ADD was not imposed in the above cases. Some of the said OM's namely -

- ***F.No. CBIC-190354/265/2022-TRU Section-CBEC*** dated 27th October, 2021



- **F. No. CBIC-190354/247/2021-TO(TRU-I)-CBEC** dated 8th December, 2021
- **F. No. CBIC-190354/211/2021-TRU Section-CBEC** dated 6th June 2022

were challenged by the Domestic Industry before CESTAT. The said appeals were allowed and these OMs were set aside *vide* the impugned orders dated 30th August, 2022 and 19th December, 2022. It is these orders that have been challenged by Petitioners *vide W.P.(C) 3461/2023, 6386/2023 and 11724/2023*. Whereas the remaining OMs are challenged by the Domestic Industry directly by way of writ petitions which are *W.P.(C)s 13930/2022, and 15356/2022*.

7. However, today, the Court is informed that the Domestic Industry in all these matters, no longer wish to press for the imposition of ADD. A similar position was also recorded by the Supreme Court in *SLP (C) Diary No. 31452/2023* titled *Union of India v. Plastic Machinery Manufacturers Association of India through its Director and Ors.*, *vide* order dated 9th December, 2024 which reads as under:

“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.”

8. Since in all these matters, the Domestic Industry does not wish to press the prayer for imposition of ADD,



- (i) the recommendations of the *DGTR* in the Sunset review
- (ii) the OM issued refusing to impose ADD and
- (iii) the CESTAT Order dated 27th October, 2021

would not survive and, in fact, shall be rendered infructuous.

9. The stand of the domestic industry is accepted. Accordingly, ***W.P.(C) 13930/2022***, and ***W.P.(C) 15356/2022*** are dismissed as not pressed.

10. ***W.P.(C) 3461/2023***, ***6386/2023*** and ***11724/2023*** are rendered infructuous as the respective CESTAT orders itself has been declared to be infructuous.

11. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 9, 2025

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