

Container Handling Crippled in Chennai Port as DRI, Customs Raid Imported Cargos for Fake Currencies

4 Kolkata, Delhi, Mumbai also Affected

4 Nothing Found but Movement Disrupted Affecting “Ease of Doing Business” even as the Instructions and Intelligence is said to Emanate from PMO

Container handling operations in the Chennai Port Trust came to grinding halt since late 17 March night due to joint searches conducted by the officials of the Directorate of Revenue Intelligence (DRI) and the Customs department, following a “tip off” that a large sums of fake Indian currencies are hidden in the containers..

Raids were being conducted simultaneously across several ports in the country.

“All the imported containers, which is said to be allegedly containing the fake Indian currencies, are subjected to thorough checks by the DRI and the customs officials”. Fake currencies have surfaced even as demonetization is supposed to have banished them with the additional security features in the new currency notes. In fact, the denomination of 2k in the new currency has further incentivized the production of fake currencies.

The Directorate of Revenue Intelligence (DRI) is continuing its extensive searches in in, Mumbai and Kolkata ports as well besides the container depot in Tughlaqabad for the fourth day following a tip off that consignments of fake Indian currency and arms have reached the country’s shores.

This has resulted in congestion in some ports as additional customs and excise official other than those posted in the ports have been requisitioned to ensure free movement of trucks into the ports.

Traffic has been hit due to rigorous searches being carried out by DRI sleuths in these ports.

Till now, the searches have not yielded anything in spite of the extensive clampdown.

Chennai Port recorded a movement of nearly 1,600 trucks carrying goods for outbound cargo. However, the flow of trucks carrying incoming cargo has yet to get normal.

Even Central Industrial Security Force Personnel have been deployed to handle the disruption.. It is learnt that each and every container is checked minutely. The instructions to carry out the searches has come directly

from the Prime Minister’s Office.

Movement of ships and goods at five depots, including Kolkata Port Trust’s twin facilities at Kidderpore and Haldia, were affected on Sunday as sleuths checked shipping containers

A team of 80 officers drawn from the Department of Revenue Intelligence and customs formed eight teams to check containers in what is undoubtedly the largest search operation in recent times. By the end of the day, the men could clear only 50 containers out of 8,000, underlining the enormity of the task at hand. The absence of advanced scanners at the ports have only made the search more difficult.

Sleuths are particularly focusing on the Kolkata Dock System (KDS) as it handles a significant number of containers and acts as a feeder port for north India. A large number of containers from KDS travels to the inland terminal in Tughlakabad, Delhi.

Kolkata Port Trust officials allayed fears of congestion and claimed the port could handle the situation for three-four days. “Containers did not move out from the ports on Sunday. A decision on the matter will be taken on Monday but there is no immediate risk of congestion,” said S Balaji Arun Kumar, deputy chairman of KoPT.

“Initially the mandate was to look for contraband,” an official said. The order was to go through containers that landed in Kolkata and Haldia after March 1.KDS has already handled over 6,00,000 Twenty Foot Equivalent Units (TEU) of containers in 2016-17 while HDC’s share has been 1,17,000 TEUs. Of these, 8,000 have been segregated for thorough searches.

“We chose some of the containers based on the port of origin and articles,” an official said. According to customs sources, the lens is on containers from the Middle East, politically disturbed European countries and North African countries.



Exports Jump 17% to \$24.5bn in Feb, Imports Rise 21.76%

4 Pulses Import Shoots up 71%

4 Gold Rises 1.5 Times

I. Merchandise Trade

Exports (including re-exports)

In continuation with the revival exhibited by exports since September 2016, exports during February 2017 for the first time exhibited a double digit positive growth of 17.48 per cent in dollar terms valued at US\$ 24490.27 million as compared to US\$ 20845.73 million during February, 2016. In Rupee terms, during February 2017 exports were valued at Rs. 164269.71 crore as compared to Rs. 142246.46 crore during February, 2016, registering a positive growth of 15.48 per cent.

Cumulative value of exports for the period April-February 2016-17 was US\$ 245413.05 million (Rs. 1648743.26 crore) as against US\$ 239378.37 million (Rs. 1562819.14 crore) registering a positive growth of 2.52 per cent in Dollar terms and positive growth of 5.50 per cent in Rupee terms over the same period last year.

Non-petroleum and Non Gems & Jewellery exports in February 2017 were valued at US\$ 18011.73 million against US\$ 14990.68 million in February 2016, an increase of 20.15 %. Non-petroleum and Non Gems and Jewellery exports during April - February 2016-17 were valued at US\$ 179136.99 million as compared to US\$ 175352.94 million for the corresponding period in 2016, an increase of 2.16%. In this connection it is mentioned that the global Brent prices (\$/bbl) and Gold (\$/troy oz) have increased by 67.14% and 2.89% respectively in February 2017 vis-à-vis February 2016 as per World Bank commodity price data (The pink sheet).

The growth in exports is positive for USA (5.61%), EU(1.68%) and Japan(10.87%) but China has exhibited negative growth of (-6.20%) for December 2016 over the corresponding period of previous year as per latest WTO statistics.

Imports

Imports during February 2017 were valued at US\$ 33386.57 million (Rs. 223942.06 crore) which was 21.76 per cent higher in Dollar terms and 19.69 per cent higher in Rupee terms over the level of imports valued at US\$ 27418.98 million (Rs. 187100.79 crore) in February, 2016. Cumulative value of

imports for the period April-February 2016-17 was US\$ 340698.43 million (Rs. 2289598.48 crore) as against US\$ 353696.36 million (Rs. 2307259.36 crore) registering a negative growth of 3.67 per cent in Dollar terms and 0.77 per cent in Rupee terms over the same period last year.

Crude Oil and Non-Oil Imports:

Oil imports during February, 2017 were valued at US\$ 7681.20 million which was 60.02 percent higher than oil imports valued at US\$ 4800.20 million in February 2016. Oil imports during April-February, 2016-17 were valued at US\$ 76743.86 million which was 1.76 per cent lower than the oil imports of US\$ 78121.86 million in the corresponding period last year.

Non-oil imports during February, 2017 were estimated at US\$ 25705.37 million which was 13.65 per cent higher than non-oil imports of US\$ 22618.78 million in February, 2016. Non-oil imports during April-February 2016-17 were valued at US\$ 263954.57 million which was 4.22 per cent lower than the level of such imports valued at US\$ 275574.50 million in April-February, 2015-16.

II. Trade in Services

Exports (Receipts)

Exports during January 2017 were valued at US\$ 13570 Million (Rs. 92385.10 Crore) registering a negative growth of 1.70 per cent in dollar terms as compared to positive growth of 3.49 per cent during December 2016 (as per RBI's Press Release for the respective months).

Imports (Payments)

Imports during January 2017 were valued at US\$ 8409 Million (Rs. 57248.81 Crore) registering a positive growth of 1.39 per cent in dollar terms as compared to negative growth of 0.35 per cent during December 2016 (as per RBI's Press Release for the respective months).

III. Trade Balance

Merchandise: The trade deficit for April-February, 2016-17 was estimated at US\$ 95285.38 million which was 16.65% lower than the deficit of US\$ 114317.99 million during April-February, 2015-16.

Services: As per RBI's Press Release dated 15th March 2017, the trade balance in Services (i.e. net export of Services) for January, 2017 was estimated at US\$ 5161 million. The net export of services for April- January, 2016-17 was estimated at US\$ 53477 million which is lower than net export of services of US\$ 59289 million during April- January, 2015-16. (The data for April-January 2015-16 and 2016-17 has been derived by adding April-January month wise QE data of RBI Press Release).

Overall Trade Balance: Overall the trade balance has improved. Taking merchandise and services together, overall trade deficit for April- February 2016-17 is estimated at US\$ 41808.38 million which is 24.0 percent lower in Dollar terms than the level of US\$ 55028.99 million during April-February 2015-16. (Services data pertains to April-January 2016-17 as January 2017 is the latest data available as per RBI's Press Release dated 15th March 2017)

Merchandise Trade

Exports & Imports : (US \$ Million)

	(Provisional)	
	February	April- February
Exports (including re-exports)		
2015-16	20845.73	239378.37
2016-17	24490.27	245413.05
% Growth 2016-17/ 2015-16	17.48	2.52
Imports		
2015-16	27418.98	353696.36
2016-17	33386.57	340698.43
% Growth 2016-17/ 2015-16	21.76	-3.67
Trade Balance		
2015-16	-6573.25	-114317.99
2016-17	-8896.30	-95285.38

Services Trade

Exports & Imports (Services): (US \$ Million)

	(Provisional)	
	January 2016-17	
Exports (Receipts)	13570.00	
Imports (Payments)	8409.00	
Trade Balance	5161.00	

Frozen Beef Stranded at China Sea After China Shuts Out Brazil



Zhang Lian has 270 tons of frozen Brazilian beef on a ship steaming toward Shanghai that he may not be able to get through customs when the vessel arrives next month.

Zhang's Shanghai Yadongsheng Import-Export Ltd. trades \$200 million of meat annually, part of the global supply chain that keeps China fed. Brazil is the world's largest beef and chicken exporter, accounting for almost a fifth of global exports.

The crisis arose after Brazilian authorities announced on March 17 they're investigating evidence food producers bribed government officials to approve the sale of spoiled meat. Prosecutors said some sausages and cold cuts contained animal parts such as pig heads, and that there were cases where cardboard was added to meat products or acid used to mask the smell of tainted meat.

It takes a month or more for meat from Brazil to reach Asian ports, so cargoes already loaded are now in limbo. China, including Hong Kong, is the biggest export market for Brazilian meat, buying about a third of the \$5.5 billion of beef shipped from Latin America's largest economy last year, according to the meat exporters group Abiec.

Hong Kong said on Tuesday that it has also temporarily suspended the import of frozen, chilled and poultry meat from Brazil. The city is a major transshipment point for meat and other goods into China.

Zhang said a government order told his company that from March 19, China customs should stop accepting all Brazilian meat imports for inspection, and cargoes already accepted for inspection should not be opened. Importers can choose to leave refrigerated containers plugged in at the port until further notice.

Supermarket React

In Brazil, the nation's biggest meatpackers are

trying to limit damage from the probes.

Brazil's President Michel Temer tried to reassure export customers by hosting an all-you-can-eat steak dinner on Sunday for ambassadors of major buyers. The Chinese envoy sat next to him at the restaurant.

Brazilian meat may not be so easy for customers to identify. One importer, whose suppliers include JBS, said Brazilian beef tends to be about 10 percent to 20 percent cheaper than other imports, so is mostly sold to factories for food processing. The fresh steaks sold in supermarkets and restaurants are generally not from Brazil, he said.

Chilled meat needs to get from meatpacker to consumer in about 70 days and meat shipped from Brazil uses more than half that time at sea, according to Asian shippers. Inspection times at the receiving port are usually four or five days, but can take two weeks for a thorough examination. Agricultural products that do not pass customs inspections are typically burned at the port, the shippers said.

Essential Solvent Dimethylacetamide from China and Turkey under Dumping Investigation on Complaint of Rashtriya Chemicals and Balaji Amines

4 Artificial Construction of Normal Value Allowed, but Proof of Non Market Conditions Required

[DGAD Initiation Notification No. 14/41/2016-DGAD dated 17th March 2017]

Subject Anti-dumping investigation concerning imports of 'Dimethylacetamide' originating in or exported from China PR and Turkey.

M/s Rashtriya Chemicals and Fertilizers Ltd and M/s Balaji Amines Ltd have jointly filed an application before the Designated Authority for initiation of anti-dumping investigation and imposition or anti-dumping duty concerning imports of 'Dimethylacetamide', originating in or exported from China PR and Turkey.

Domestic Industry & Standing

The Application has been jointly filed by M/s Rashtriya Chemicals and Fertilizers Ltd and M/s Balaji Amines Ltd as the domestic industry as defined in the Rules.

The applicants submitted that they are the sole producers of the subject good in India. Thus, as per the evidence available on record, the production of the applicant companies constitutes "a major proportion" of the domestic production, in fact 100% share of domestic production. The Authority, therefore, determines that the applicant company constitutes eligible domestic industry within the meaning of Rule 2(b) of the Anti-dumping Rules and the application satisfies the criteria of standing in terms of Rule 5(3) of the anti-dumping Rule.



Product under consideration

The product under consideration is 'Dimethylacetamide' IN, N-Dimethylacetamide [hereinafter also referred to as "subject goods" or "PUC"] originating in or exported China PR and Turkey [hereinafter also referred to as "subject countries"]. Dimethylacetamide is the organic compound with the formula $\text{CH}_3\text{C}(\text{O})\text{N}(\text{CH}_3)_2$ and bears the chemical nomenclature 'N, N-Dimethylacetamide'. Abbreviations like DMAC or DMA is also used to denote the product under consideration in the market parlance.

'Dimethylacetamide', which is also the medical subheading used to refer to the PUC, is a clear, colorless to yellow liquid soluble in water and other organic substances with a pale amine like or ammoniacal odor and bears the Chemical Abstract Service (CAS) number 127.

The subject goods is used as a solvent in the manufacture of Acrylic fibre, solvent in the manufacture of polyester films, as a paint remover, and used as a solvent in Paint stripping because of its very rapid removal action and used both as a solvent as well as reactant in drug industry. The product is a hazardous chemical and is generally packed in UN approved HDPE drums.

Product under consideration is an organic chemical falling under Chapter 29 of the Customs Tariff Act, 1975 and further under custom subheading no. 29241900 which is not a dedicated subheading for the PUC. The petitioner submitted that the PUC is primarily declared under Customs subheading 29241900 at the time of imports however, the subheading is indicative only and is not binding on the scope of the PUC since the imports of PUC are reported under numerous other subheadings also. As per the petition, the imports of the PUC

have been taking place under other subheadings also such as 29021100, 29051990, 29110090, 29152990, 29153990, 29211110, 29211190, 29212990, 29225090, 29241900, 29242190, 29242990, 29269000 and 20420090.

The Customs classification is, however, indicative only and in no way binding on the scope of the proposed investigation and any measures to be recommended to be imposed.

Normal Value

The Applicants have claimed that China PR should be treated as a non-market economy country and its normal value be determined in accordance with Para 7 and 8 of Annexure 1 of the Rules.

The applicants have claimed normal value for subject countries on the basis of cost of production in India, duly adjusted. The Authority has prima-facie considered the normal value of subject goods in subject countries on the basis of constructed values as made available by the applicants for the purpose of this initiation.

However, while submitting the questionnaire response producers/exporters may have to demonstrate prevalence of market condition related to manufacture, production, and sales of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/exporter, may clarify and provide sufficient information on the following:

- Decision in regard to price, cost, input including raw material, cost of technology and labour, output, sales and investment, are without significant state interference and whether cost of major inputs substantially reflect market value.
- Production costs and financial situation does not suffer for any distortion,
- The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.
- Exchange rate conversions are carried out at the market rate.

Export Price

The applicants have determined the export price on the basis of import data procured from IBIS in

the application since the DGCI&S summary data for the subheading does not pertain solely to the PUC and the DGCI&S transaction wise data was not available to the applicants as per their claims. However, the Authority has obtained DGCI&S transaction wise import data for the PUC and the same is relied upon for the purpose of this Initiation. Price adjustments have been claimed on account of Ocean freight, Marine insurance, Inland freight, D/O Charges. Handling & clearing charges.

Dumping Margin

The normal value and the export price have been compared at ex-factory level, which show significant dumping margin in respect of both the subject countries. There is sufficient prima facie evidence that the normal value of the subject goods in the subject countries is significantly higher than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the producers/exporters from the subject countries.

Injury and Causal Link

Information furnished by the applicants has been considered for assessment of injury to the domestic industry. The applicants has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption, price suppression, price underselling and consequent significant adverse impact in terms of decline in capacity utilisation, increase in inventories, significant financial losses, negative ROI, negative growth in various parameters etc. There is sufficient prima facie evidence of the 'material injury' suffered by the domestic industry caused by dumped imports from subject countries to justify initiation on antidumping investigation.

Initiation of anti-dumping investigation

The Designated Authority, in view of the foregoing paragraphs, initiates antidumping investigations into the existence, degree and effect of alleged dumping of the subject goods originating in or exported from the subject countries.

Period of Investigation (POI)

The applicants had proposed 1st April 2015 to June 30th 2016 (15 months) as the POI in their application. However, for enabling the Authority to make required analysis on the basis of more recent data, the Authority determines the POI as 1st April 2015 to September 30th 2016 (18 months). The injury investigation period will however, cover the periods 2012-13, 2013-14, 2014-15 and the POI.

[Full text available at worldtradesScanner.com]

DGAD Initiates Investigation on Phosphorus Pentoxide (P2O5) from China on Complaint of Sandhya Dyes & Chemicals

4 Normal Value Construction Allowed

[DGAD Initiation Notification F.NO 14/47/2016-DGAD dated 17th March 2017]

Subject: Anti-dumping investigation concerning imports of Phosphorus Pentoxide or P2O5, originating in or exported from China PR

M/s Sandhya Dyes & Chemicals Ltd have filed an application/petition before the Designated Authority for initiation of anti-dumping investigation and imposition of anti dumping duty concerning imports of Phosphorus Pentoxide, originating in or exported from China PR.

Domestic Industry & Standing

The petition has been filed M/s Sandhya Dyes & Chemicals Ltd by as the domestic industry of the subject goods in India.

As per the evidence available on record, the production of the applicant company constitutes

“a major proportion” of the domestic production since it is the sole producer of the subject goods in the Country. The Authority, therefore, determines that the applicant company constitutes eligible domestic industry within the meaning of Rule 2 (b) of the Anti Dumping Rules and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

Product under Consideration

The product under consideration for the purpose of present investigation is “Phosphorous Pentoxide”. P₂O₅ is also known as Diphosphorous Pentoxide, Phosphorus(V) oxide, Phosphoric anhydride, Tetraphosphorus is decaoxide, Tetraphosphorus decoxide. Phosphorous pentoxide is a white, micro-crystalline, light weight powder which is produced by the combustion of elemental phosphorus in an excess of oxygen. Phosphorus pentoxide is the anhydride of orthophosphoric acid, H₃PO₄. It is very hygroscopic and is converted by water to H₃PO₄ via intermediates.

The product under consideration is classified under Chapter 28 of the Customs Tariff Act. The PUC has a specific HS code 28091000 under Chapter 28 of Customs Tariff Act, 1975. The customs classification is indicative only and in no way it is binding upon the product scope.

For the purpose of analyzing the imports data, the Authority has relied upon transaction wise DGCI&S data.

Like Article

The applicant has claimed that there is no known difference between the subject goods exported from subject country and that produced by the domestic industry. As submitted by the applicant, the product under consideration produced by the domestic industry and imported from subject country are comparable in terms of essential product characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Consumers can use and are using the two interchangeably. The applicant has further claimed that two are technically and commercially substitutable and, hence, should be treated as “like article” under the Rules. Therefore, for the purpose of the present investigation, the Authority treats the subject goods produced by the applicants in India as ‘Like Article’ to the subject goods being imported from the subject country/territory.

Normal Value

The petitioners have submitted that in the absence of availability of reliable information in the public domain on domestic prices of the subject goods in the subject countries the Normal values in the

subject countries have been estimated on the basis of cost of production; taking into account prevailing international prices of raw materials and cost of utilities in subject countries, conversion costs of the domestic industry, duly adjusted on account of selling, general & administration expenses, plus reasonable profit.

Export Price

The export price has been claimed by the applicants as the weighted average import price from subject country based on the transaction-wise import data obtained from a secondary source, IBIS. Price adjustments have been made on account of Ocean Freight, Marine insurance, Commission, Inland Freight expenses, Port expenses and Bank charges to arrive at the net export price at ex-factory level.

Dumping Margin

The normal value has been compared with the export price at ex-factory level. There is sufficient prima facie evidence that the normal value of the subject goods in the subject country are higher than the ex-factory export price, indicating, that the subject goods are being dumped into the Indian market by the exporters from the subject country. The dumping margins are estimated to be above de minimis.

Injury and Causal Link

Information furnished by the applicant has been considered for assessment of injury to the domestic industry. The applicant has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption, price undercutting, price underselling and consequent significant adverse impact in terms of decline in production, sales, market share, inventories. There is sufficient prima facie evidence of the “material injury” being suffered by the domestic industry caused by dumped imports from subject country to justify initiation of an antidumping investigation.

Period of Investigation

The Period of Investigation (POI) proposed by the applicant is from July 2015 – June 2016 (12 months) However, for enabling the Authority to make required analysis on the basis of more updated data, the Authority has fixed the POI as 1st July 2015 to 30th September 2016 (15 Months). The injury investigation period will however cover the periods 2013-14, 2014-15, 2015-16 and period of investigation.

[Full text available at worldtradesScanner.com]

DGAD Recommends Anti-dumping Duty on PTFE from Russia by \$134.79/MT in Final Findings

4 Revision Follows Sept 2016 CESTAT Ruling to Determine NIP afresh on Complaint of Guj Fluoro

[DGAD Final Findings F.No. 15/02/2015-DGAD dated 15th March 2017]

Subject: Anti-dumping investigation concerning imports of “Polytetrafluoroethylene” (PTFE) originating in or exported from Russia remanded by Hon’ble CESTAT through Order dated 16.09.2016.

Having regard to Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the Act) and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules thereof, as amended from time to time (hereinafter referred to as the AD rules), and the Hon’ble CESTAT’s order no. 53592/2016

dated 16.09.2016

Background of the Case

Based on a Sunset Review petition filed by the by M/s Gujarat Fluorochemicals Ltd., the Authority had issued Final Finding dated 12th April, 2016 recommending imposition of AD Duty on imports of “Polytetrafluoroethylene” (PTFE) originating in

or exported from Russia. DOR through Notification No 23/2016-Customs (ADD) dated 6th June 2016 levied AD Duty for a period of 5 years from the date of Notification.

Based on the domestic industry’s appeal, the Hon’ble CESTAT on the issue of NIP determination have remanded the case to the Designated Authority directing the Authority to complete determination and give Final Finding to the Competent Authority of the Government to take the action as deemed fit within a period of six months from the date of the Order i.e. 16th September, 2016 in accordance with the directions in para 9 of the aforesaid order. The revised Final Finding have therefore to be completed by 15th March, 2017.

Domestic industry has represented that Non-Injurious Price (NIP) determined by the Authority is low and inconsistent with the principles laid down in Annexure III of AD Rules and also contrary to the consistent position taken by DA while valuing inputs captively used for manufacture of subject goods since as per consistent practice, the Authority adds 22% return on capital employed for assets utilized for producing such inputs if these are transferred at cost of production.

The Domestic Industry submitted before the Tribunal that the appellant had provided detailed statement showing cost of production of these various captive inputs to DA during investigation.

CESTAT has observed that the only point of determination is correctness of method adopted by DA while arriving at NIP considering a large number of captively produced and consumed inputs while manufacturing the subject goods by the appellant. The Tribunal, further observed that DA has been adding 22% return of capital employed in producing captively inputs for arriving at NIP.

CESTAT also observed that the Authority has not recorded any reasons for such sudden change in practice, nor any reason stated for adopting Central Excise provision of Valuation (Rule 8) for captively used inputs. There is no provision in AD Rules or in Customs Tariff Act which mandates the application of such rule and to calculate NIP in AD investigation. In such a matrix, CESTAT found that NIP determined in the present case was faulty, in so far as, it relate to the treatment of captively used goods with specific reference to profit/return on capital deployed.

CESTAT therefore set aside the Final Finding dated 12th April 2016 of the Authority on this account and directed the Authority that the matter may be re-examined afresh after giving due opportunity to the interested parties to arrive at a finding in consonance with the legal provision applicable. The reason for arriving at a particular NIP with specific reference to the treatment of captively used inputs are to be recorded.

Thereafter the injury margin and the AD duties liable to be imposed may be determined as per law in the present case.

Conclusions

The Authority in view of the aforesaid submissions and evaluation has recomputed the NIP appropriately after taking into account the methodology of providing 22% return on corresponding NFA required for production of captive inputs in case those inputs were transferred at cost in terms of Annexure-III.

Recommendations

The Authority keeping in view of the recomputed NIP in accordance with CESTAT’s order dated

16/9/2016 consequently recommends revision of the existing ADD in accordance with the Lesser Duty Rule as under:

Having regard to the lesser duty rule followed by the Authority, the Authority recommends modification of the existing ADD imposed vide Customs Notification No. 23/2016 dated 6th June, 2016.

Anti-dumping duty to a quantum equal to the lesser of the margin of dumping and the margin of injury, on the imports of the subject goods, originating in or exported from Russia so as to remove the injury to the domestic industry.

Accordingly, the Anti-dumping duty equal to the

amount indicated in Col. 9 of the table below is now recommended to be imposed by the Central Government on the imports of the subject goods, originating in or exported from Russia, thereby modifying the ADD imposed vide Custom Notification No. 23/2016 dated 6th June, 2016.

Duty Table

SNo.	Tariff Item	Description of goods	Specs	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	3904 61 00	Polytetrafluoroethylene (PTFE)	Any	Russia	Russia	Any	Any	874.56	MT	USD
2.	3904 61 00	-do-	Any	Russia	Any other than Russia	Any	Any	874.56	MT	USD
3.	3904 61 00	-do-	Any	Any other than Russia or People's Republic of China	Russia	Any	Any	874.56	MT	USD

An appeal against the order of the Central Government that may arise out of this recommendation shall lie before the Customs, Excise and Service Tax Appellate Tribunal in accordance with the relevant provisions of the Act.

[Full text available at worldtradesScanner.com]

DGAD Recommends Anti-dumping Duty of \$22.89 per Unit on China Origin Aluminium Radiators, Aluminium Radiator Sub-Assemblies and Core Including CKD or SKD in Final Findings

[DGAD Final Findings F. No. 14/24/2015-DGAD dated 20th March 2017]

Subject: Anti-dumping duty investigation concerning imports of Aluminum Radiators, Aluminium Radiator Sub- Assemblies and Aluminium Radiator Core, including in CKD or SKD conditions, for use in used/on road vehicles and generator sets, excluding aluminum radiators meant for use in new Automobiles from China PR

Background

M/s Banco Products (India) Ltd. has filed an application before the Designated Authority for initiation of Anti-Dumping Duty investigation concerning imports of "Aluminium Radiators, Aluminium Radiator Sub- Assemblies and Aluminium Radiator Core, including in CKD or SKD conditions, for use in used/on road vehicles and generator sets, excluding aluminum radiators meant for use in new Automobiles from China PR".

Whereas, the Authority, on the basis of sufficient evidence submitted by the applicant, issued a Notification No. 14/24/2015-DGAD dated 1st January, 2016, published in the Gazette of India, initiating the subject investigations in accordance with the Rule 5 of the above Rule to determine existence, degree and effect of the alleged dumping of the subject goods, originating in or exported from China, and to recommend the amount of anti-dumping duty, which, if levied, would be adequate to remove the alleged injury to the domestic industry.

Whereas, the Authority issued a corrigendum dated 22nd January 2016 and determined the period of investigation as 1st April 2014 to 30th June 2015 (15 Months) to enable itself to make required analysis on the basis of more updated data.

Whereas, the Authority issued a clarification dated 16th March 2016 with regard to scope of the product under consideration.

Conclusion

The Authority has, after considering the foregoing, come to the conclusion that:

- The subject goods have been exported to India from the subject country below its associated normal value;
- The domestic industry has suffered material injury;

- The material injury has been caused by the dumped imports of the subject goods from subject country.

Recommendations

The Authority notes that the investigation was initiated and notified to all interested parties and adequate opportunity was given to the exporters, importers and other interested parties to provide positive information on the aspects of dumping,

injury and causal link. Having initiated and conducted the investigation into dumping, injury and the causal link thereof in terms of the AD Rules and having established positive dumping margins as well as material injury to the domestic industry caused by such dumped imports, the Authority is of the view that imposition of antidumping duty is required to offset dumping and injury. Therefore, the Authority considers it necessary to recommend imposition of definitive anti-dumping duty on imports of subject goods from the subject country in the form and manner described hereunder.

Having regard to the lesser duty rule followed by the Authority, the Authority recommends imposition of definitive anti-dumping duty equal to the lesser of margin of dumping and margin of injury, from the date of notification to be issued in this regard by the Central Government, so as to remove the injury to the domestic industry. Accordingly, the antidumping duty equal to the amount indicated in Col No.9 of the table below is recommended to be imposed on all imports of the subject goods originating in or exported from the subject country.

Duty Table

SNo.	Tariff Item	Description of Goods	Specification	Country of Origin	Country of Export	Producer	Exporter	Amount (in USD)	UOM
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	8708 91 00*	Aluminium Radiators**	Any	China PR	China PR	Any	Any	22.89	number
2.	8708 91 00*	-do-	Any	China PR	Any	Any	Any	22.89	number
3.	8708 91 00*	-do-	Any	Any	China PR	Any	Any	22.89	number

*Custom classification is only indicative and the determination of the duty shall be made as per the description of PUC.

**The description of the product is as specified in para 19 of this finding.

[Full text available at worldtradesScanner.com]

Guangxi Quinzhou Capital Lose in New Shipper Review in Phosphoric Acid Case – Duty in 2013 Notification to Apply with Retrospective Effect

[Customs Notification No. 08 (ADD) dated 15th March 2017]

Whereas, in the matter of import of Phosphoric Acid-Technical Grade and Food Grade (including Industrial Grade) [hereinafter referred to as the subject goods], falling under the sub-heading 2809 20 of the

First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from People's Republic of China (hereinafter referred to as the subject country), the designated authority, vide its final findings in notification No.15/1010/2012-DGAD, dated the 8th November, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 8th November, 2013, had come to the conclusion that –

- the subject goods were entering the Indian market at dumped and injurious prices;
- the imports of the subject goods from the subject country continued to be at dumped prices in spite of existing anti-dumping duties;
- in the event of cessation of the existing anti-dumping duty, there was likelihood that the subject country would divert the subject goods to India at dumped and injurious prices

and had recommended continued imposition of definitive anti-dumping duty on modified rates on imports of the subject goods originating in, or exported from, the subject country.

And Whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on the subject goods, vide, notification of the Government of India in the Ministry of Finance (Department of Revenue), No.33/2013-Customs (ADD), dated the 31st December, 2013, published vide G.S.R. 811(E) in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i), dated the 31st December, 2013;

And Whereas, M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) have requested for review in terms of rule 22 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, in respect of exports of the subject goods made by them, and the designated authority, vide new shipper review notification No.15/5/2016-DGAD, dated 9th February, 2017, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 9th February, 2017, has recommended provisional assessment of all exports of the subject goods made by the above stated party till the completion of the review by it;

Now therefore, in exercise of the powers conferred by sub-rule (2) of rule 22 of the Customs

Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid recommendation of the designated authority, hereby orders that pending the outcome of the said review by the designated authority, the subject goods, when originating in or exported from the subject country by M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) and imported into India, shall be subjected to provisional assessment till the review is completed.

2. The provisional assessment may be subject to such security or guarantee as the proper officer of customs deems fit for payment of the deficiency, if any, in case a definitive antidumping duty is imposed retrospectively, on completion of investigation by the designated authority.

3. In case of recommendation of anti-dumping duty after completion of the said review by the designated authority, the importer shall be liable to pay the amount of such anti-dumping duty recommended on review and imposed on all imports of subject goods when originating in or exported from the subject country by M/s. Guangxi Quinzhou Capital Success Chemical Co. Ltd. (producer or exporter) and imported into India, from the date of initiation of the said review.

[F.No.354/87/2007-TRU (Pt.-II)]

RoSL on Export of Made-up Articles under Ch. 63

[CBEC Circular No. 08 dated 20th March 2017]

Subject: Rebate of State Levies (RoSL) on Export of made-up articles – Implementation by CBEC.

The Government of India has decided to extend the RoSL on garment exports to exports of made-up articles covered under Chapter 63 of the AIR Drawback schedule. It is provided based on a budgetary allocation of the Ministry of Textiles under a scheme in which the Department of Revenue/Central Board of Excise and Customs (CBEC) handles disbursement along with the extant Duty Drawback. This is exactly on lines of ROSL for garments, details of which are available in Circular no. 43/2016-Cus dated 31.08.2016

2. In pursuance of this decision, the Central Government (Ministry of Textiles) has issued Notification No. 12015/47/2016-IT dated 03.01.2017 for the Scheme for ROSL on export of made-up articles. Further, based on the recommendations of the Drawback Committee constituted by the Central Government (Ministry of Finance, Department of Revenue, CBEC), the Central Government (Ministry of Textiles) has issued Notification No.12015/47/2016-IT dated 15.03.2017 notifying the rates of rebate in Schedule 3. These notifications should be downloaded from egazette.gov.in and perused. This Circular provides the guideline framework for implementation of this scheme.

3. The ROSL scheme is meant for exports of made-up articles that are defined in the scheme as goods falling under Chapters 63 of the Schedule of All Industry Rates of Drawback excluding tariff items 6308, 6309 and 6310 and goods in tariff item 9404 that are excluded from drawback tariff item 6304. It is applicable to exports with Let Export Order dates from 23.03.2017 onwards. Though applicability is for three years, nonetheless based on changes in underlying conditions, the Central

Government can adjust the rates of rebate.

4. The rates of rebate notified are accompanied by rebate caps in Rupees/Unit. These rates are on an average basis and determined in a like manner as AIRs of Drawback. The rate of rebate is not divisible into any component tax or input. The rates of rebate are provided as the general rates of rebate (Schedule 3). This schedule is based on the extant Schedule of All Industry Rates of Drawback for Chapters 63. The rebate is not applicable on exports made under Advance Authorization Scheme with claim of duty drawback under Rule 6 of the Drawback Rules. The definition of export in ROSL scheme does not cover movement of goods from DTA to SEZ units.

5. The claim cum declaration of eligibility has to be made by exporter on drawback exports at item-level. The drawback exports (shipping bill or bill of export) may be standalone or in combination with other schemes. The scheme codes 60- Drawback & ROSL and 61- EPCG, Drawback & ROSL are applicable for ROSL for madeups also and the exporter is to declare the same at item level to make claim cum declaration for the rebate. For EDI shipping bill, selection of the scheme-code involving ROSL scheme at the time of export shall itself amount to making claim cum declaration of eligibility. For EDI shipping bill this shall be the only means to make the claim. If need for manual shipping bill arises, only then the exporter printing the claim cum declaration on the shipping bill shall be accepted. No claim for rebate shall lie except in this manner.

6. The amount of rebate is calculated using

Board Instructions to Exporters to Provide Correct Bank Details Including IFSC Code for Smooth Disbursal of Duty Drawback and RoSL Amount

[CBEC Instruction No. 03 dated 16th March 2017]

Subject: Errors in the Bank account No., IFSC Code, etc. given by exporters for processing claims of Duty Drawback and Rebate of State Levies (RoSL) Scheme.

It has been brought to the notice of the Board by Systems Directorate that at times errors exist in the Bank account number, IFSC code, etc. given by exporters, which leads to rejection of claim for payment of Duty Drawback by the local bank authorities. Similarly, even a single such error leads to rejection of entire scroll in the Public Financial Management System (PFMS) during the processing of claims for Rebate of State Levies (RoSL).

2. The exporters had earlier been advised by the Systems Directorate to ensure correct account details vide their advisory/ ticker on the ICEGATE website. However, it is found that these details in respect of numerous exporters are still not rectified, leading to rejection of claims of Duty Drawback and scrolls of RoSL amount.

3. Accordingly, it is desired that exporters may immediately be advised to provide correct Bank account details, IFSC code, etc. in respect of IECs pointed out by Systems Directorate for smooth disbursal of Duty Drawback and RoSL amount. Field formations are also requested to actively follow up with exporters so that the correct account details are updated on priority on a regular basis.

4. Chief Commissioners are requested to suitably guide and instruct field formations for ensuring quick necessary action. An action taken report may be forwarded to Board by 24th March, 2017.

F.No. 609/29/2017-DBK

the FOB value and the rates and caps of rebate specified in ROSL scheme. The rate and cap of rebate for a tariff item as shown in columns (4) and (5), of said Schedule 3 is used for calculation when shipping bill item has claim for AIR drawback or when the shipping bill item involves export under Rule 7 of Drawback Rules 1995 under claim for Brand Rate of drawback with identifier 9807 followed by tariff item number and suffix "B" of the AIR Drawback Schedule where provisional Drawback of Customs portion is to be paid.

7. All the guidelines for ROSL for garments as enumerated in Circular No. 43/2016-Cus dated 31.08.2016 and the arrangements made by Directorate of Systems and Pr. CCA CBEC in respect of RoSL for garments shall apply mutatis mutandis to RoSL for made ups.

8. Based on this guideline framework the individual Commissioners are required to provide adequate guidance to officers and exporters and to facilitate the smooth functioning of the RoSL scheme.

F.No. 609/106/2016-DBK

GST Scanner

July 1 Rollout Looks Real as Cabinet Clears GST Bills

The Union Cabinet on Monday approved four crucial GST Bills that will pave the way for the country to usher in its biggest-ever indirect tax reform.

The four Bills that got the Cabinet nod are the Central Goods and Services Tax (CGST) Bill, 2017 (CGST Bill), Integrated Goods and Services Tax Bill, 2017 (iGST Bill), Union Territory Goods and Services Tax Bill, 2017 (UTGST Bill), and Goods and Services Tax (compensation to the States) Bill, 2017 (The Compensation Bill).

They are expected to be tabled in Parliament this week as Money Bills. The government hopes to get them passed in the ongoing session to ensure the tax is implemented from the targeted date of July 1, 2017.

The State GST Bill will be taken up by State Cabinets and introduced in each State Assembly.

Key Laws

The CGST Bill provides for levy and collection of tax on intra-State supply of goods or services or both by the Central government.

On the other hand, the iGST Bill makes provisions for levy and collection of tax on inter-State supply of goods or services or both by the Central government.

The UTGST Bill makes provisions for levy on collection of tax on intra-UT supply of goods and services in Union Territories without a legislature. The UTGST is akin to the States Goods and Services Tax (SGST), which will be levied and collected by the States/Union Territories on intra-State supply of goods or services or both.

The ABC of the GST Registration Process

The Union Government has shown strong determination in implementing a Goods and Services Tax (GST) that will subsume a majority of the present indirect tax levies in India. This paradigm shift in indirect tax is currently underway and the final GST law is expected to be implemented starting July 1, 2017. As part of this change, every taxpayer or assessee registered under the present indirect tax levies and who meets the criteria laid down in the Model GST Law, is required to register under GST.

The registration process involves migration to the GST portal in a phased manner. The process of GST migration for state value added tax (VAT) assessee began in November 2016 and was extended to cover excise and service tax assessee starting January 2017.

Furthermore, the Central Board of Excise and Customs (CBEC) has recently, via a notice on its website, requested assessee to whom a provisional identification has been issued for migration to GST, to complete the migration process by March 31, 2017.

In this FAQ (Frequently Asked Questions), business and tax consulting firm SKP has summarised some of the relevant aspects for assessee under the GST migration process.

The Compensation Bill provides for compensation to the States for loss of revenue arising on account of implementation of GST, for five years, as per Section 18 of the Constitution (101st amendment) Act, 2016. With the Cabinet approving these four Bills, the GST regime in India is in the final stages of culmination and the GST law will most likely be implemented from July 1, 2017.

The four Bills had earlier been approved by the GST council after clause-by-clause discussions over 12 meetings of the Council held in the last six months.

Amalgamating a large number of Central and State taxes into a single tax will mitigate cascading or double taxation in a major way and pave the way for a common national market, an official release said.

The GST will thus help in the realisation of the 'One Nation, One Tax' objective and improve the ease of doing business in the country.

It will also indirectly benefit the common man by reducing the tax burden, especially on daily consumption items, the release said.

Impact on growth

Introduction of GST will also make Indian products competitive in the domestic and international markets. Studies show that this would have a major impact on economic growth.

It is expected that the implementation of the GST laws will drive the gross domestic product (GDP) of the country up by 1-2 per cent. This, in turn, will lead to the creation of more employment and increase productivity, the release said.



tax regime to validate their data as displayed on the GST portal and upload supporting information. *What is last date for enrolment for existing assessee?*

As per a notification on the CBEC website, existing assessee have been urged to enrol using the GST website on or before March 31, 2017.

How are existing assessee enrolling on the GST portal?

Assessee have to obtain a provisional identification and password from the state VAT website or ACES website (as the case may be) and use them to access the GST portal. Having accessed or logged into the GST portal the assessee will be required to create a new user ID and password. The assessee can obtain a provisional GST registration number once the new user ID has been created. Subsequently, the assessee is required to upload prescribed information such as proof of constitution of business, director details, etc. on the portal to generate an Application Reference Number (ARN) to complete the application for migration.

What is the provisional ID and provisional GST number?

The provisional ID is a temporary ID provided by current indirect tax authorities to enable existing assessee to access the GST portal for the first time. The provisional GST number is the GST number allotted to the assessee, which will be finalised once the application is processed by the department.

How many provisional IDs shall be granted in case of multiple central excise/service tax registrations on the same PAN in a state?

According to guidance issued by the CBEC, only one provisional ID shall be issued by the central indirect tax authority to assessee holding a valid PAN and not having a provisional ID issued by any state VAT authority.

How many provisional IDs shall be granted in case of centralised service tax registration on the same PAN in multiple states?

As per documents issued by CBEC in relation to GST registration, one provisional ID shall be issued per state (which will cover all premises in that particular state). However, various centralised service tax assessee are facing issues where only one provisional ID is being issued for all premises under the centralised service tax registration. In such a case, given that GST registration is statewise, assessee are contacting the jurisdictional service tax office for a provisional ID and password for premises in different states.

Is it mandatory that the Digital Signature Certificate (DSC) of an authorised signatory should be PAN-based while authenticating the application?

In case the primary authorised signatory is a citizen of India, PAN is mandatory. However, if the primary authorised signatory is not a citizen of India, then PAN is not mandatory but a passport number is. Accordingly, the DSC of the authorised signatory may or may not be PAN-based.

When will the provisional GST number be finalised?

The date of finalisation of a provisional GST number has not been prescribed by the tax authorities as of now. However, as per the Model GST law, the provisional GST number shall be valid for a period of six months from the date of issue, that

is, implementation date of GST. Given this, it is likely that the finalisation of applications filed will be concluded within six months from the date of implementation of GST.

Will the provisional GST number change after finalisation?

It is likely that the provisional GST number will not change after finalisation of application.

What is CBEC Mitra?

CBEC Mitra is a new CBEC GST helpdesk which has been launched to provide assistance to assessee who face any difficulty or if they have any query relating to GST registration. This helpdesk is an Interactive Voice Response (IVR) based service and will be operational 24/7. The assessee can email their difficulties/queries to cbecmitra.helpdesk@icegate.gov.in or call the helpdesk numbers - CBEC: 1800-1200-232 and GSTN: 0124-4688999

Has the GST registration process been prescribed for assessee who are not registered under the present indirect tax levies regime?

No, the procedure for registration of assessee who are not registered under the present IDT regime has not yet been prescribed.

What do I do if the legal name of the entity as per PAN and service tax or VAT registration is different?

In case of such a mismatch the GST portal will

not be able to generate an ARN. The GST helpdesk suggests that the relevant authority should be contacted to correct such error in name on respective records as well as request the VAT or CBEC authorities for a new provisional ID and password for access to the GST portal. In case of proprietors, the GSTN portal will allow for the name, as per PAN, editable in the application form. *What should I do if I do not want registration under GST?*

Some state VAT authorities are accepting an undertaking from assessee who do not want to register under GST regime along with the reason for not migrating or registering. However, presently, no procedure has been prescribed for the same and most of the state VAT authorities as well as CBEC are mandating assessee to register and migrate to the GST portal and opt for cancellation of registration under the GST regime in case they do not want a GST registration.

The above FAQ has been prepared based on the Model GST law (issued in November 2016), Draft GST Registration Rules published in September 2016 combined with a reading of 'the User Manual for Web portal' and 'FAQ on using GST portal', and other information available on the Central Board of Excise and Customs (CBEC), state VAT and Goods and Services Tax Network (GSTN) web portal.

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The safeguard duty will be 20 per cent minus any existing dumping duty till September 2016, following which it will be reduced to 18 per cent till March 2017, then brought down to 15 per cent till September 2017 and eventually to 10 per cent by March 2018.

Japan has alleged that the investigation carried out by the Directorate General of Safeguards in India was not according to procedures laid down by the WTO and the injury determination, which is a measure of disruption suffered by local players, was also faulty.

The Japanese government has estimated that the tariffs could cost Japanese steel companies about \$220 million through March 2018, as per reports in the Japanese media.

India is a world leader now in steel production following the protection measures to its industry through a manifold protective action.

India imposed minimum import price and safeguard duties on steel imports last year to protect the domestic industry. This action was replaced by anti dumping and safeguard duties.

Japan Drags India to WTO on Steel Safeguard Duties, India tries to Block

India will block Japan's request for a dispute settlement panel at the World Trade Organisation (WTO) against penal duties on steel imports imposed by New Delhi. Tokyo's request will be taken up for consideration by the Dispute Settlement Body of the World Trade Organisation in its meeting on Tuesday.

"We are definitely going to block the request. Our argument is that India has not flouted any norms while imposing safeguard duties on certain categories of steel," the official said.

Japan, however, is expected to make a second

request in the next DSB meeting which cannot be blocked as per rules.

In March last year, India had extended safeguard duties – penal duties imposed over and above the regular customs duties to check import surges of identified items – on certain hot-rolled steel items till March 2018. The move was aimed at protecting domestic steel producers suffering from the double blow of low demand and cheap imports.

As per the Finance Ministry's notification, safeguard duty will apply on hot-rolled flat products of non-alloy and other alloy steel in coils of 600

Customs Exchange Rates		
[As on 22 March 2017]		
Currency	Imports	Exports
1 FC = IC		
US Dollar	66.20	64.50
EURO	71.30	68.85
Pound Sterling	81.55	78.85
Australian Dollar	51.10	49.35
Bahrain Dinar	179.50	167.40
Canadian Dollar	49.85	48.30
Chinese Yuan	9.65	9.30
Danish Kroner	9.60	9.25
Hong Kong Dollar	8.55	8.30
Kuwait Dinar	221.10	206.80
Newzeland Dollar	46.50	44.85
Norwegian Kroner	7.80	7.55
Qatari Riyal	18.55	17.55
Saudi Arabian Riyal	18.00	16.85
Singapore Dollar	47.20	45.75
South African Rand	5.25	4.90
Swedish Kroner	7.50	7.25
Swiss Franc	66.50	64.20
UAE Dirham	18.40	17.20
100 FC = IC		
Japanese Yen	58.55	56.65
Kenya Shilling	65.75	61.45
[F.No.468/01/2017-Cus.V]		
[Ref: 22-Cus (NT) dated 16 March 2017]		

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Crude Steadies at \$50

Crude Oil (Indian Basket) from 15 - 21 March 2017

	15 Mar	16 Mar	17 Mar	20 Mar	21 Mar
(\$/bbl)	50.25	50.76	50.44	50.39	50.53
(Rs/bbl)	3292.37	3318.91	3305.67	3294.95	3300.30
(Rs/\$)	65.51	65.38	65.54	65.38	65.31

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas