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आयुक्त सीमाशुल्क (आयात- II) का कार्यालय ,
OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT-II),
नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1
NEW CUSTOM HOUSE, BALLARD ESTATE, MUMBAI - 1

फा.सं. आरटीआई/आयात-II-100/2018-19

आदेश की तिथि : 15/02/2019

जारी करने की तिथि : 15/02/2019

द्वारा पारित आदेश : श्री. अशोक एम. नाईक
केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)
सहायक आयुक्त सीमाशुल्क (आयात-II)
नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1

आदेश सं. ३१ / 2018-19

प्रस्तावना

1. यह प्रति जिसे यह जारी की गई है के उपयोग के लिए निःशुल्क है ।
2. इस निर्णय के विरुद्ध, प्रथम अपीलीय प्राधिकारी, अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001 के समक्ष अपील की जा सकती है।
3. सूचना का अधिकार अधिनियम, 2005, की धारा 19 के अनुसार इस निर्णय की प्राप्ति के 30 दिनों के अंदर अपील का दाखिला आवश्यक है।
4. अपील व्यक्तिगत रूप से अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन बेलार्ड इस्टेट, मुंबई- 400 001 या उनकी ओर से अधिकृत किसी अधिकारी के समक्ष रखी जाए।

विषय : सूचना का अधिकार अधिनियम, 2005 के तहत **Shri Kiran Patil**, द्वारा दायर **आवेदन**
दिनांक **05.02.2019** रहित - संदर्भित ।

1. An application dated 05.02.2019 filed by Shri Kiran Patil, M2/C6, Jhulelal Apeartment, Road No. 44, Pitampura, New Delhi 0 110 034. (Hereinafter referred to as Applicant) under Right to Information Act, 2005, received in this department on 07.02.2019.

2. Following information was sought by the Applicant under RTI Act, 2005

With reference to notification no. 56/2018- Customs Dated 4th December, 2018 which is issued by Ministry of Finance, Department of Revenue. (Copy attached).

I understand that the custom official of Group II Chennai, is holding few consignments under ITC Chapter code 48025690 and imposing the anti-dumping duty on account of wide differences in the FOB value given in the FTA and CFR value given in the third party invoice. The consignments are imported from Indonesia, manufactured by M/s. PT.RIAU ANDALAN KERTAS and Third country Invoicing issued by M/s. APRIL INTERNATIONAL ENTERPRISE PTE LTD, SINGAPORE.

Now, please let me know following information for my further understanding: -

- Whether your Board official has collected any Anti-Dumping duties on the

consignments under ITC Chapter Code 48025690 after issuing of notification no. 56/2018- Customs Dated 4th December, 2018.

- Please provide me details of consignments cleared under ITC Chapter Code 48025690 by your custom official after issuing of notification no. 56/2018- Customs Dated 4th December, 2018 with anti-dumping duty and without anti-dumping duty separately.

- Please let me know the details of consignments under ITC Chapter Code 48025690 which are held up by your custom official for clearance after issuing the notification no. 56/2018- Customs Dated 4th December, 2018 and reason for holding the consignments.

- I understand that your custom official are treating the issues differently whereas FOB, CFR value, shipper and manufacturer of the same product are same at different ports. Please let me know the reason of different treatment by different custom official for same issue.

3. RTI application is provided after due examination of the reply dated 13.02.2019 received from the concerned section, the reply of the RTI application is as follows :-

In this regard, it is to state that no import under CTH 48025690 has been observed from 01.12.2018 to 12.02.2019 in Import – II Commissionerate, New Custom House, Mumbai – I. Hence, the information sought in respect to Import – II Commissionerate may be treated as not held and thus not available.

4. An appeal against this order may be made under section 19(1) of the RTI Act 2005 to the First Appellate Authority (FAA):-

Name and address of the Appellate Authority:

Shri. Rajesh Kothari,
Joint Commissioner of Customs (Import-II)
New Custom House, Ballard Estate,
Mumbai - 400 001.

ORDER

5. The Application is disposed of accordingly.

(Handwritten signature)
15/02/2019

(अशोक एम. नाईक)

o/c

केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)

सहायक आयुक्त सीमाशुल्क (आयात-II)

Joint Commissioner of Customs (Import-II)

No.

18 FEB 2019

(Handwritten signature)
17/2/19

Copy to:-

1. Shri Kiran Patil,
M2/C6, Jhulelal Apartment,
Road No. 44, Pitampura,
New Delhi 0 110 034.

2. Joint Commissioner of Customs (Import-II)
New Custom House,
Ballard Estate, Mumbai – 400 001.

order issued
by speed post (Email)
V Gaunde / 18/02/2019
ST 23 1253 (Imp-II)
(Fm) 145166670 (Imp)

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	CCUM1/R/2019/80005	Date of Receipt (प्राप्ति की तारीख) :	05/02/2019
Transferred From (से स्थानांतरित):	Central Board of Excise and Customs - Customs on 05/02/2019 With Reference Number : CBECC/R/2019/50049		
Remarks (टिप्पणी) :	RTI pertains to all field formations under CBIC. RTI is also being forwarded to DG Systems & Data Management under section 6(3) of the RTI Act, 2005.		
Type of Receipt (रसीद का प्रकार) :	Electronically Transferred from Other Public Authority	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	KIRAN PATIL	Gender (लिंग) :	Male
Address (पता) :	M2/C6, Jhelekal Apartment, Road No. 44, Pitampura, New Delhi, Pin:110034		
State (राज्य) :	Delhi	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	Details not provided
Email-ID (ईमेल-आईडी) :	<u>india47nation@gmail.com</u>		
Status (स्थिति) (Rural/Urban) :	Urban	Education Status :	Graduate
Requester Letter Number (निवेदक पत्र संख्या) :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	0 (Received by Central Board of Excise and Customs - Customs) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Request Pertains to (अनुरोध निम्नलिखित	A.M. Naik (Imp-II)		

संबंधित है) :

With reference to notification no. 56/2018- Customs Dated 4th December, 2018 which is issued by Ministry of Finance, Department of Revenue. (Copy attached).

I understand that the custom official of Group II Chennai, is holding few consignments under ITC Chapter code 48025690 and imposing the anti-dumping duty on account of wide differences in the FOB value given in the FTA and CFR value given in the third party invoice. The consignments are imported from Indonesia, manufactured by M/s. PT. RIAU ANDALAN KERTAS and Third country Invoicing issued by M/s. APRIL INTERNATIONAL ENTERPRISE PTE LTD, SINGAPORE.

Now, please let me know following information for my further understanding

Information Sought
(जानकारी मांगी):

-Whether Board has collected any Anti Dumping duties on the consignments under ITC Chapter Code 48025690 after issuing of notification no. 56/2018-Customs Dated 4th December, 2018

-Please provide me details of consignments cleared under ITC Chapter Code 48025690 at various ports after issuing of notification no. 56/2018- Customs Dated 4th December, 2018 with anti-dumping duty and without anti-dumping duty separately.

-Please let me know the details of consignments under ITC Chapter Code 48025690 which are held at various ports for clearance after issuing the notification no. 56/2018- Customs Dated 4th December, 2018 and reason for holding the consignments.

-I understand that different custom official are treating the issues differently whereas FOB, CFR value, shipper and manufacturer of the same product are same at different ports. Please let me know the reason of different treatment by different custom official for same issue.

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Now, please let me know following information for my further understanding

RTI Details

Original RTI Text
(मूल आरटीआई पाठ):

-Whether Board has collected any Anti Dumping duties on the consignments under ITC Chapter Code 48025690 after issuing of notification no. 56/2018-Customs Dated 4th December,2018

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[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
Department of Revenue

Notification No. 56/2018-Customs (ADD)

New Delhi, the 4th December, 2018

G.S.R. (E). –Whereas, in the matter of ‘Uncoated Copier Paper’ (hereinafter referred to as the subject goods) falling under heading 4802 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from Indonesia, Thailand and Singapore (hereinafter referred to as subject countries), and imported into India, the Designated Authority in its final findings, published in the Gazette of India, Extraordinary, Part I, Section 1, *vide* F. No.6/32/2017-DGAD, dated the 30th October, 2018, has come to the conclusion that the subject goods has been exported to India from subject countries below their normal values and consequently, the domestic industry has suffered material injury and that the material injury has been caused by the dumped imports of subject goods from the subject countries during the Period of Investigation, and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in, or exported from the subject country and imported into India, in order to remove injury to the domestic industry for a period of three years from the date of issuance of this notification.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 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 final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under heading of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), country of origin as specified in column (4), originating or exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), exported by the exporters as specified in the corresponding entry in column (7) and imported into India, an anti-dumping duty at the rate equal to the difference between the landed value of the subject goods and the amount

indicated in the corresponding entry in column (8), provided the landed value is less than the value as indicated in column (8) of the said Table, namely:-

Table

S. No.	Heading	Description of Goods	Country of Origin	Country of Export	Producer	Exporter	Amount (US\$/MT)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	4802	Uncoated paper in rectangular sheet of following sizes, with permissible limits (a) 210mm x 297 mm also known as A4 size; (b) 297mm x 420mm also known as A3 size; (c) 215mm x 345mm also known as FS or legal size	Indonesia	Indonesia or Singapore	a) PT Riau Andalan Kertas b) PT Anugrah Kertas Utama c) PT Asia Pacific Rayon	a) April Fine Paper Trading Pte Ltd b) April International Enterprise Pte Ltd c) April Fine Paper Macao Commercial Offshore Limited	855.01
2.	4802	- do -	Indonesia	Indonesia or Singapore	Any combination other than S. No. 1		855.01
3.	4802	- do -	Indonesia	Any Country	Any	Any	855.01
4.	4802	- do -	Any country other than those subject to anti-dumping duty	Indonesia or Singapore	Any	Any	855.01

5.	4802	- do -	Thailand	Any country	Any	Any	855 01
6.	4802	- do -	Any country other than those subject to anti-dumping duty	Thailand	Any	Any	855 01

2. The anti-dumping duty imposed under this notification shall be effective for a period of three years (unless revoked, superseded or amended earlier) from the date of issuance of this notification and shall be paid in Indian currency.

3. Landed value of imports for the purpose of this notification shall be the assessable value as determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties under sections 3, 3A, 8B, 9 and 9A of the said Act.

Explanation.- For the purposes of this notification, rate of exchange applicable for the purpose of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No. 354/404/2018-TRU]

(Gunjan Kumar Verma)
Under Secretary to the Government of India