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C.A.No. 1024-1026 OF 2000
ITEM No.3

Court No. 3

SECTION III
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal.No.1024-1026/2000

M/S. STEEL AUTHORITY OF INDIA LTD.

Appellant (s)

VERSUS

C.E.G.A.T. & ORS.

Respondent (s)

(With Appln(s). for stay and office report)

With

C.A.Nos.2108-2110/2000 (The Designated Authority vs. M/s. Jai Corp.
Ltd. & Ors.) (with appln.(s) for stay and office report) and
C.A.Nos.1502-1504/2000 (M/s. Essar Steel Ltd. vs. CEGAT, New Delhi &
Ors.) (with appln.(s) for stay and office report).

Date : 31/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Appellant (s)

in CAs 1024-26/00
& CAs 1502-04/00

Mr. Sunil Dogra, Adv.
Ms. P S Shroff, Mr. Manu Nair and
Ms. Sayali Phatak, Advs. for
M/s Suresh A. Shroff & Co.,Advs.

in CAs 2108-2110/00

Mr. Harish N Salve, SG
Mr. Krishna Venugopal, Mr.K C Kaushik,
Mr. B K Prasad and Mr. S N Terdol, Advs.

For Respondent (s)

in all appeals

Mr. V Lakshmikumaran, Adv.
Mr. M P Devnath, Mr. R Parthasarathy,
and Mr. V. Balachandran,Advs.

in CAs 1024-26/00
& 1502-04/00

Mr. Harish N Salve, SG
Mr. Krishna Venugopal, Mr. K C Kaushik,
Mr. B K Prasad and Mr. S N Terdol, Advs.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.R

The impugned judgment dated 19th January, 2000 is set
aside, the appeals are restored and the Tribunal is directed
to hear the said appeals on merits & dispose them of as
expeditiously as possible and preferably within three months
from today. These appeals are disposed of.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1024-1026 OF 2000@@
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M/s. Steel Authority of India Ltd. ..Appellant

vs.

C.E.G.A.T. & Ors. ..Respondents

WITH

CIVIL APPEAL NOS. 2108-2110 OF 2000@@
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The Designated Authority ..Appellant

vs.

M/s. Jai Corp. Ltd. & Ors. ..Respondents

WITH

CIVIL APPEAL NOS. 1502-1504 OF 2000@@
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M/s. Essar Steel Ltd. ..Appellant

vs.

C.E.G.A.T., New Delhi & Ors. ..Respondents

O R D E R@@
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The question involved in these cases pertains to the levy of anti-dumping duty on the import of rolled coil sheets, strips, plates, etc., falling under Heading 7208 of the Customs Tariff Act, 1975.

Against the decision of the Designated Authority imposing anti-dumping duty, appeals were filed by the persons aggrieved before the Tribunal. The Tribunal by the impugned judgment dated 19th January, 2000 set aside the determination by the Designated Authority. In arriving at this conclusion, ...2/-

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the Tribunal referred to and relied upon a decision given in the case of Haldor Topsoe A/S by its order dated 13th December, 1999, in which it had inter alia been held that@@

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anti-dumping duty was exporters specific and exporting countries specific. The Tribunal also referred to the said decision in Haldor Topsoe's case while observing that the anti-dumping duty being exporters specific or manufacturers specific, price of similar articles manufactured by other exporters/manufacturers cannot be the basis for finding out the normal value. Amongst the other reasons given by the

Tribunal, the approach of the Tribunal in dealing with the case was in the light of its findings in Haldor Topsoe's case.

On appeal having been filed, the aforesaid decision of the Tribunal in Haldor Topsoe A/S has since been reversed by this Court by judgment reported as Designated Authority@@
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(Anti-Dumping Directorate), Ministry of Commerce vs. Haldor@@
CC
Topsoe A/S, 2000 (120) ELT 11 = 2000 (6) SCC 626.@@
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Even though we have heard counsel on both sides at length, we are of the opinion that it would be more appropriate that the Tribunal considers the matter afresh in the light of decision of this Court in Designated Authority@@
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(Anti-Dumping Directorate), Ministry of Commerce vs. Haldor@@
CC
Topsoe A/S, 2000 (120) ELT 11 = 2000 (6) SCC 626. We,@@
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therefore, set aside the impugned judgment dated 19th January, 2000, restore the appeals and direct the Tribunal to hear the ...3/-

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said appeals on merits & dispose them of as expeditiously as possible and preferably within three months from today.

These appeals are disposed of.

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.....J.
(B.N. KIRPAL)

.....J.
(N. SANTOSH HEGDE)

New Delhi;
July 31, 2001.