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

+ **W.P.(C) 16640/2022**

CARBORUNDUM UNIVERSAL LIMITEDPetitioner

Through: Mr Vinay Kumar Garg, Sr. Advocate with
Mr Jitendra Singh, Mr Anshumaan Sahni
and Mr Akshay Soni, Advocates.

versus

UNION OF INDIA & ANR. Respondents

Through: Ms Pratima N. Lakra, CGSC for UOI.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MS JUSTICE TARA VITASTA GANJU

ORDER

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06.12.2022

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 52410/2022

1. Allowed, subject to the petitioner filing legible copies of the annexures, at least three days before the next date of hearing.

W.P.(C) 16640/2022 and CM APPL. 52409/2022 [*Application filed on behalf of the petitioner seeking interim relief*]

2. The petitioner before us is the domestic industry.

2.1 It is not in dispute, that the Designated Authority [in short "DA"] via notification dated 05.08.2022 has recommended the imposition of anti-dumping duty [in short "ADD"].

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3. It is also not in dispute, that the Government of India has disagreed with the recommendation made by the DA.

3.1 This decision forms part of the Office Memorandum (OM) dated 04.11.2022.

4. Given this position, we are of the view that as an ad-interim measure, the following direction would suffice, as the need to impose ADD would arise only if the petitioner were to succeed in the instant writ petition.

(i) Provisional assessment of imports concerning the product in issue will be made for the time being. The importers would, thus, be put to notice of the possibility of ADD being imposed, *albeit* as per law, if, as noticed above, the petitioner was to succeed in the instant writ petition.

(ii) It is, however, made clear that the aforesaid direction will not create any equities in favour of the petitioner.

(iii) Furthermore, this direction will not have an impact on the merits of the writ petition.

5. CM Appl. 52409/2022 is disposed of in the aforesaid terms.

6. List the matter on 02.03.2023.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

DECEMBER 6, 2022 / tr

[Click here to check corrigendum, if any](#)