



\$~68

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(C) 17186/2022&CM Nos.54631-32/2022**

ASAHI INDIA GLASS LIMITED

..... Petitioner

Through: Mr Ankit Jain, Mr Jitendra Singh, Mr
Anshumaan Sahni and Mr Akshay
Soni, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr Ravi Prakash, CGSC with
Mr Farman Ali, Ms Bani Dixit,
Mr Manas Tripathi and Ms Usha,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

%

19.12.2022

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

CM No.54632/2022

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) 17186/2022&CM No.54631/2022*[Application filed on behalf of the petitioner seeking interim relief]*

2. The petitioner before us is a representative of the domestic industry.

3. It is not in dispute that the Government of India has not issued any notification pursuant to the recommendation made by the Designated Authority [in short "DA"]. In other words, there is no Office Memorandum

W.P.(C) 17186/2022

Page 1 of 2



issued, which takes a position expressly contrary to the recommendation made by the DA.

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 Anti-Dumping Duty [in short, “ADD”] would arise only if the petitioner were to succeed in the instant writ petition:

(i) The 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 No.54631/2022 is disposed of in the aforesaid terms.

6. List the matter on 02.03.2023.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

DECEMBER 19, 2022

aj

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