

**ड. सार्वजनिक फाइल का निरीक्षण**

45. पंजीकृत हितबद्ध पक्षकारों की एक सूची उन सभी से इस अनुरोध के साथ डी जी टी आर की वैबसाइट पर अपलोड की जाएगी कि वे ई-मेल के माध्यम से सभी अन्य हितबद्ध पक्षकारों को अपने अनुरोधों का अगोपनीय अंश ई मेल कर दें। अनुरोधों के अगोपनीय अंश का परिचालन नहीं करने पर किसी हितबद्ध पक्षकार को असहयोगी माना जा सकता है।

**ढ. असहयोग**

46. यदि कोई हितबद्ध पक्षकार तर्कसंगत अवधि के भीतर आवश्यक सूचना देने से मना करता है या अन्यथा उसे उपलब्ध नहीं कराता है या जांच में अत्यधिक बाधा डालता है तो प्राधिकारी ऐसे हितबद्ध पक्षकार को असहयोगी घोषित कर सकते हैं और उपलब्ध तथ्यों के आधार पर अपने जांच परिणाम दर्ज कर सकते हैं तथा केन्द्र सरकार को यथोचित सिफारिशें कर सकते हैं।

दर्पण जैन, निर्दिष्ट प्राधिकारी

**MINISTRY OF COMMERCE AND INDUSTRY  
(Department of Commerce)**

(Directorate General of Trade Remedies)

New Delhi, the 30 th September, 2024

**INITIATION NOTIFICATION**

**Case No. AD (OI)-24/2024**

**Subject: Initiation of anti-dumping investigation concerning imports of Solar Cells whether or not assembled in Modules or made up into Panels originating in or exported from China PR.**

**F. No. 6/26/2024-DGTR** – An application has been filed by FS India Solar Ventures Private Limited, Jupiter International Limited, RenewSys India Private Limited, Tata Power Solar Systems Limited and TP Solar Limited (hereinafter referred to as the ‘applicants’) before the Designated Authority (hereinafter referred to as the ‘Authority’), in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred as the ‘Act’) and the Customs Tariff (Identification, Assessment, and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the ‘Rules’), for initiation of an anti-dumping investigation and imposition of anti-dumping duty on imports of Solar Cells whether or not assembled in Modules or made up into Panels

(hereinafter referred to as ‘Solar Cells and Modules’ or ‘subject goods’ or ‘product under consideration’), originating in or exported from China PR (hereinafter referred to as the ‘subject country’).

2. The applicants have alleged that injury is being caused to the domestic industry due to the alleged dumped imports. Accordingly, the applicants have requested for the imposition of anti-dumping duty on imports of the subject goods from the subject country.

**A. PRODUCT UNDER CONSIDERATION**

3. The product under consideration is ‘solar cells or photovoltaic cells whether or not assembled in modules or made up into panels, produced using c-Si or thin film technology. Solar modules or panels made up of solar cells are within the scope of the product under consideration. Further, solar cells may be ‘Monocrystalline’ or ‘Multi-crystalline’, both of which are included within the scope of the product under consideration.
4. The product under consideration is majorly manufactured using two production technologies, namely, crystalline silicon based solar cell technology (c-Si) and thin film technology. Solar cells and modules or panels produced through c-Si based technology and thin film technology are both included within the scope of the product under consideration.
5. Solar cell, also known as photovoltaic cell, is a solid-state electrical device that converts sunlight directly into electricity by the photovoltaic effect. In order to achieve a particular amount of wattage or current, a number of solar cells are connected together to form a solar module or panel. For large-scale generation of solar electricity, several solar panels are connected together into a solar array. The modules using thin film technology are also connected in a similar manner, to form an array.
6. The subject goods are classified under Chapter 85 of Schedule I to the Customs Tariff Act, under tariff items 8541 4200 and 8541 4300. The customs classification is only indicative and is not binding on the scope of the product under consideration.
7. The applicants have proposed the following product control numbers (PCNs) for the purpose of the present investigation, considering the difference in terms of cost and price.

S.N.	Type of product under consideration	Code Description	Abbreviation
1.	Solar Cells	Monocrystalline cells	Mono-cells
		Multi-crystalline cells	Multi-cells
2.	Solar Modules		Modules

8. The parties to the present investigation may provide their comments, duly substantiated with evidence, on the PUC and proposed PCNs, if any, within 30 days of initiation of this investigation.

**B. LIKE ARTICLE**

9. The applicants have stated the subject goods can be produced using c-Si or thin film technologies. However, the applicants have claimed that the products produced from either of the production process are comparable in all material aspects, including the physical and chemical properties, applications and end uses, prices, etc. The Authority notes that the domestic industry has produced solar cells using c-Si technology and solar modules using thin film technology. However, solar modules using c-Si technology have not been produced by the domestic industry. It is noted that while c-Si modules are being imported into the country, thin film modules are being produced and supplied by the domestic industry. In the absence of an identical or alike article in all respect, solar modules or panels produced using thin film technology are considered as like article to solar modules or panels producing using c-Si cells, having closely resembling characteristics with the imported article.
10. Accordingly, it is noted that there are no known material significant differences in the article produced by the domestic industry and the product under consideration exported from the subject country. The article produced by the domestic industry and the product under consideration imported from the subject country are comparable in terms of physical and chemical characteristics, manufacturing process and technology, functions and uses, product specifications, pricing, distribution and marketing and tariff classification of the goods. The article manufactured by the domestic industry are technically and commercially substitutable with the product under consideration imported from the subject country. Therefore, for the purpose of initiation of the present investigation, the article produced by the domestic industry has been considered as “like article” to the product under consideration being imported from the subject country.

**C. DOMESTIC INDUSTRY AND STANDING**

11. The application has been filed by FS India Solar Ventures Private Limited, Jupiter International Limited, RenewSys India Private Limited, Tata Power Solar Systems Limited, and TP Solar Limited. Apart from the applicants, there are around 130 other domestic producers engaged in the manufacturing of the like article in India.
12. The applicants have claimed that there are only 6 known producers of solar cells in India, including 3 of the applicants. Out of these 6 cell producers, except Jupiter International Limited and Websol Energy System Limited, all other cell producers have imported cells from the subject country in significant volumes and are therefore ineligible. Websol Energy System Limited is located in an SEZ area and is therefore ineligible. FS India Solar Ventures Private Limited has produced solar modules using thin film technology. Other than the aforesaid cell producers and FS India Solar Ventures Private Limited, all other domestic producers manufacture solar modules, by buying solar cells from the Indian producers or by importing cells from China and other countries. The applicants have claimed that other than Jupiter International Limited and FS India Solar Ventures Private Limited, none of the other domestic producers are eligible to constitute domestic industry under Rule 2(b) since such producers are either importers of the product under consideration or are not undertaking

significant production process in conversion of solar cells to solar modules to be classified as domestic producers, or are in SEZ.

13. It is seen from the customs data that other than Jupiter International Limited and Websol Energy System Limited, all other cell producers in India have imported significant volumes of cells from the subject country during the period of investigation, which in some cases exceeds their production capacities. Thus, it is evident that the focus of these producers is not limited to manufacturing goods in India. Accordingly, based on the previous established practice of the Authority, these cell manufacturers that are importing significant volume of the product under consideration from the subject country are not eligible to be treated as domestic industry under Rule 2(b) of the Rules.
14. It is further seen that Websol Energy System Limited is an SEZ unit, established with the intention of exporting their manufactured products. Accordingly, based on the previous established practice of the Authority, Websol Energy System Limited is not eligible to constitute domestic industry under Rule 2(b) of the Rules.
15. With respect to the producers of solar modules in India, FS India Solar Ventures Private Limited produces solar modules using thin film technology. The producer has not imported the product under consideration from the subject country during the period of investigation. While the producer is related to exporters of the like product from third countries, it is not related to an exporter or importer of the alleged dumped article from the subject country. The company is eligible domestic industry under the Rules.
16. The Authority notes that other than FS India Solar Ventures Private Limited, all other Indian producers of solar modules have produced modules by either using solar cells produced domestically or imported solar cells. It is determined that those domestic producers who are importing solar cells are not eligible to constitute domestic industry, being importers of solar cells. With respect to those producers that have produced solar modules after purchasing solar cells from the domestic market or imports, it is noted that such producers cannot be considered as domestic industry since both solar cells and solar modules are part of the scope of the product under consideration and the major manufacturing activities are undertaken at the stage of making solar cells, while only incremental production and low value addition is undertaken for making a solar module from solar cells. If the production of such producers is considered, it would lead to double counting of the Indian production, as the same production would be counted both at the stage of solar cells, and at the stage of solar modules. This has also been the consistent practice of the Authority in cases where a product and its further processed product have been considered as part of the product under consideration.
17. In view of the above, the Authority *prima facie* considers the production of FS India Solar Ventures Private Limited and Jupiter International Limited as a part of the total eligible domestic production. FS India Solar Ventures Private Limited and Jupiter International Limited thereby constitute a major proportion in the total Indian production of the subject goods, excluding those producers that are related to the exporters or importers of the alleged

dumped article or are themselves importers thereof. FS India Solar Ventures Private Limited and Jupiter International Limited have not imported the product under consideration into India, and are not related to an exporter or importer of the alleged dumped article. Accordingly, Jupiter International Limited and FS India Solar Ventures Private Limited constitute the 'domestic industry' within the meaning of Rule 2(b) of the Rules and the application satisfies the criteria of standing in terms of Rule 5(3) of the Rules.

**D. SUBJECT COUNTRY**

18. The subject country for the present anti-dumping investigation is China PR.

**E. PERIOD OF INVESTIGATION**

19. The period of investigation for the purpose of the present investigation is 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 (12 months). The injury investigation period will cover the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021, 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022, 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023, and the period of investigation.

**F. BASIS FOR ALLEGED DUMPING**

**Normal value**

20. The applicants have submitted that China PR should be treated as a non-market economy and that producers from China PR should be directed to demonstrate that market economy conditions prevail in the industry with regard to the production and sales of the subject goods. Unless the producers from China PR show that such market economy conditions prevail, their normal value should be determined in accordance with Para 7 of Annexure-I to the Anti-Dumping Rules, 1995. The applicants have claimed normal value on the basis of price of imports of the subject goods when imported from third country into India. In this regard, the applicants have considered the price of imports from Malaysia into India. The price of such imports has been adjusted to arrive at the ex-factory normal value. Further, the domestic industry has also claimed normal value based on the price payable in India, which is based on its cost of production, duly adjusted. The Authority has considered the normal value based on price payable in India, based on the domestic industry's cost of production as appropriate after adjusting selling, general and administrative expenses with a reasonable profit margin.

**Export price**

21. The applicants have claimed the export price based on available information. However, the Authority has considered the export of the subject goods based on the CIF price of subject goods, as reported in the DG Systems transaction-wise data. Adjustments have been made on account of ocean freight, marine insurance, port expenses, bank charges, inland freight and commission to arrive at the net export price.

**Dumping margin**

22. The normal value and the export price of the subject goods have been compared at the ex-factory level, which prima facie shows that dumping margin is above the de-minimis level and is significant in respect of product under consideration from the subject country. Thus, there is sufficient prima facie evidence that the product under consideration from the subject country is being dumped in the Indian market by the exporters from the subject country.

**G. INJURY AND CAUSAL LINK**

23. The applicants have provided prima facie evidence establishing that the subject imports have caused injury to the domestic industry. The volume of imports has increased significantly over the injury period, both in absolute terms and in relation to production and consumption in India. The price of the imports from the subject country has declined significantly. The subject imports are undercutting the prices of the domestic industry. Further, the subject imports are priced below the cost of the domestic industry and have depressed the prices of the domestic industry. Despite increased production capacities and demand in the market, the domestic industry is faced with significantly unutilized capacities and negligible share in the market. This has resulted in significant piling up of inventories. The domestic industry has claimed that the presence of imports has resulted in significant financial losses, cash losses and almost no return on investment. The domestic industry has also claimed that there are three market segments for the subject goods, namely imports for re-export, projects with Domestic Content Requirements (DCR) and the open market. Since the DCR market requires projects to compulsorily procure goods domestically, such market is insulated from the ill effects of dumped imports. However, in the open market where there is free competition, the domestic industry is unable to sell its goods and has practically no sales as it cannot compete with the dumped import.
24. Further, the domestic industry has also claimed that the imports have caused material retardation to FS India Solar Ventures Private Limited, which has been unable to achieve its projected sales and projected selling price, and has faced significant losses as against projected profitability. Furthermore, the domestic industry has also claimed that subject imports are threatening to cause further injury to the domestic industry, in view of the significant rate of increase in imports, significant idle capacities in the subject country, measures imposed by third countries, imports at prices that are likely to have further depressing effect on the prices of the domestic industry. Finally, the domestic industry has also highlighted that significant capacity additions are being made in the Country, which are under severe threat, if the dumped imports are not kept under a check.
25. The Authority notes that there is sufficient *prima facie* evidence that injury is being caused to the domestic industry by the dumped imports from the subject country.

**H. INITIATION OF ANTI-DUMPING INVESTIGATION**

26. On the basis of the duly substantiated application filed by or on behalf of the domestic industry, and having satisfied itself, on the basis of the prima facie evidence submitted, substantiating dumping of the product under consideration from the subject country, injury to the domestic industry and a causal link between such dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree, and effect of the dumping with respect of the product under consideration originating in or exported from the subject country and to recommend the appropriate amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

**I. PROCEDURE**

27. The principles as given in Rule 6 of the Rules shall be followed in the present investigation.

**J. SUBMISSION OF INFORMATION**

28. All communication should be sent to the Authority via email at email addresses [jd12-dgtr@gov.in](mailto:jd12-dgtr@gov.in) and [dd19-dgtr@gov.in](mailto:dd19-dgtr@gov.in), with a copy to [adv11-dgtr@gov.in](mailto:adv11-dgtr@gov.in) and [consultant-dgtr@govcontractor.in](mailto:consultant-dgtr@govcontractor.in). It should be ensured that the narrative part of the submission is in searchable PDF/MS-Word format and data files are in MS-Excel format.
29. The known producers/exporters in the subject country, the government of the subject country through its embassy in India, and the importers and users in India who are known to be associated with the subject goods are being informed separately to enable them to file all the relevant information within the time limits set out below. All such information must be filed in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority.
30. Any other interested party may also make a submission relevant to the present investigation in the form and manner as prescribed by this initiation notification, the Rules, and the applicable trade notices issued by the Authority within the time limits mentioned in this initiation notification.
31. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other interested parties.
32. Interested parties are further advised to regularly visit the official website of the Directorate General of Trade Remedies (<https://www.dgtr.gov.in>) for any updated information as well as further processes related to the investigation.

**K. TIME LIMIT**

33. Any information/submission relating to the present investigation should be sent to the Authority via email at email addresses [jd12-dgtr@gov.in](mailto:jd12-dgtr@gov.in) and [dd19-dgtr@gov.in](mailto:dd19-dgtr@gov.in), with a copy to [adv11-dgtr@gov.in](mailto:adv11-dgtr@gov.in) and [consultant-dgtr@govcontractor.in](mailto:consultant-dgtr@govcontractor.in) within 30 days from the date of receipt of this notice as per Rule 6(4) of the Rules. It may, however, be noted that in terms of explanation of the said Rule, the notice calling for information and other documents shall be deemed to have been received within one week from the date on which it was sent by the Designated Authority or transmitted to the appropriate diplomatic representative of the subject country. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings based on the facts available on record and in accordance with the Rules.
34. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.
35. Where an interested party seeks additional time for filing of submissions, it must demonstrate sufficient cause for such extension in terms of Rule 6(4) of the Rules and such request must come within the time stipulated in this notification.

**L. SUBMISSION OF INFORMATION ON CONFIDENTIAL BASIS**

36. Where any party makes any confidential submissions or provides information on a confidential basis before the Authority, such party is required to simultaneously submit a non-confidential version of such information in terms of Rule 7(2) of the Rules and in accordance with the relevant trade notices issued by the Authority in this regard. Failure to adhere to the same may lead to rejection of the response / submissions.
37. Such submissions must be clearly marked as “confidential” or “non-confidential” at the top of each page. Any submission that has been made to the Authority without such markings shall be treated as “non-confidential” information by the Authority, and the Authority shall be at liberty to allow other interested parties to inspect such submissions.
38. The confidential version shall contain all information which is, by nature, confidential, and/or other information, which the supplier of such information claims as confidential. For the information which is claimed to be confidential by nature, or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
39. The non-confidential version of the information filed by the interested parties should be a replica of the confidential version with the confidential information preferably indexed or blanked out (where indexation is not possible) and such information must be appropriately summarized depending upon the information on which confidentiality is claimed.



40. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on a confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons as to why such summarization is not possible, must be provided to the satisfaction of the Authority.
41. The interested parties can offer their comments on the issues of confidentiality claimed by the other interested parties within 7 days from the date of circulation of the non-confidential version of the submission concerned.
42. Any submission made without a meaningful non-confidential version thereof or a sufficient and adequate cause statement in terms of Rule 7 of the Rules, and appropriate trade notices issued by the Authority, on the confidentiality claim shall not be taken on record by the Authority.
43. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
44. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorisation of the party providing such information.

**M. INSPECTION OF PUBLIC FILE**

45. A list of registered interested parties will be uploaded on the DGTRs website along with the request therein to all of them to email the non-confidential version of their submissions to all other interested parties. Failure to circulate non-confidential version of submissions might lead to consideration of an interested part as non-cooperative.

**N. NON-COOPERATION**

46. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative, record its findings based on the facts available and make such recommendations to the Central Government as it deems fit.

DARPAN JAIN, Designated Authority