



**Order of Termination of
Proceedings Regarding Imposition of Anti-Dumping Duty on Imports of
Polyester Staple Fibre into Pakistan Originating in and/or Exported from the
People's Republic of China**

National Tariff Commission (the "Commission") initiated anti-dumping investigation on July 29, 2008 upon application made by the ICI Pakistan Limited, Ibrahim Fibres Limited and Dewan Salman Fibre Limited (the "Applicants") manufacturing Polyester Staple Fibre ("PSF") against dumping of PSF from People's Republic of China.

2. The Commission made preliminary determination, in this investigation, on February 6, 2009 under Section 37 of the Ordinance and final determination on June 5, 2009 under Section 39 of the Ordinance.

3. The initiation of investigation, preliminary determination and the final determination were challenged in the Lahore High Court through Writ Petition No. 24852 of 2009. The Honorable High Court through its order dated May 11, 2010 remanded back the matter back to the Commission.

4. The Commission initiated the proceedings in pursuance of the Lahore High Court's afore-mentioned order on September 27, 2010. The investigation was challenged again, vide Writ Petition No. 4589 of 2010 and the Islamabad High Court granted stay in the matter on October 26, 2010.

5. The Applicants filed an application on February 13, 2012 under Section 40 of the Ordinance for the withdrawal of the anti-dumping application wherein the Applicants stated that due to excessive dumping in the last couple of years, they wanted to submit a new anti-dumping application with a more recent period of investigation for dumping. Section 40 of the Ordinance states that:

*40. **Withdrawal of an application.** – An application submitted pursuant to section 20 may be withdrawn at any time after an investigation has been initiated, in which case the Commission shall terminate the investigation without imposition of any measures provided for in this Ordinance:*

Provided that the Commission may, if it considers it fit to do so, continue an investigation notwithstanding the withdrawal of an application as provided for in this section in which event, the Commission may, subject to the provisions of this Ordinance, impose such measures as are provided for in this Ordinance.

6. The Commission could not consider this withdrawal application due to stay granted by Islamabad High Court. Subsequently, the Applicants filed Civil Miscellaneous application No. 652 of 2010 in Writ Petition No. 4589 of 2010, requesting to dispose of the Writ Petition so the Commission could entertain the withdrawal application. The said Civil Miscellaneous application was disposed of on April 17, 2012 with the direction to the Commission to proceed in accordance with the law.

6. In view of the order of the Islamabad High Court, and in exercise of the powers conferred under Section 40 of the Ordinance, the Commission has decided to terminate these proceedings.

7. Secretary of the Commission is accordingly advised to issue the notice placed below on behalf of the Commission.

(Mr. Zamir Ahmed)
Member
April 30, 2012

(Naimatullah Khan)
Member
April 30, 2012

(Prince Abbass Khan)
Chairman
April 30, 2012

Secretary NTC