

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 17/2023-Customs (ADD)

New Delhi, the 27th December, 2023

G.S.R. --- (E).- Whereas in the matter of 'Wheel Loaders' (hereinafter referred to as the subject goods) falling under tariff item 84295900 and 84295100 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from China PR (hereinafter referred to as the subject country), and imported into India, the designated authority in its final findings *vide* notification F No. 6/4/2022-DGTR, dated the 29th September, 2023, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 29th September, 2023, has come to the conclusion that—

- (i) the subject goods have been exported to India from the subject country at dumped prices;
- (ii) the domestic industry has suffered material injury on account of subject imports from subject country;
- (iii) the material injury has been caused by the dumped imports of subject goods from the subject country,

and has recommended imposition of an anti-dumping duty on the imports of subject goods, originating in, or exported from the subject country and imported into India, in order to remove injury to the domestic industry.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under tariff heading of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), and imported into India, an anti-dumping duty calculated at the rate as specified in the corresponding entry in column (7), of the said Table, namely:-

TABLE

S. No.	Customs Tariff Line	Description of Goods	Country of Origin	Country of Export	Producer	Duty (% of CIF value in US\$)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	84295900 and 84295100	Wheel Loaders*	China PR	Any including China PR	Guangxi LiuGong Machinery Co. Ltd.	55.18%

2.	-do-	-do-	China PR	Any including China PR	Caterpillar (Qingzhou) Co., Ltd.	18.84%
3.	-do-	-do-	China PR	Any including China PR	Caterpillar (Suzhou) Co., Ltd.	18.84%
4.	-do-	-do-	China PR	Any including China PR	Liebherr Machinery (Dalian) Co. Ltd	NIL
5.	-do-	-do-	China PR	Any including China PR	Shandong Lingong Construction Machinery Co., Ltd. ("SDLG")	34.74%
6.	-do-	-do-	China PR	Any including China PR	XCMG Construction Machinery Co., Ltd.	77.68%
7.	-do-	-do-	China PR	Any including China PR	Any other Producer	82.71%

**"Wheel loader" is a self-propelled wheel-mounted equipment with an articulation joint, having front end loading mechanism.*

Wheel loader imported in the form of completely built unit (CBU) or semi-knocked down (SKD) are included within the scope of the investigation. However, imports of wheel loader in completely knocked down (CKD) or component form are excluded from the scope of the investigation.

A wheel loader in semi-knocked down (SKD) form consists of the machine body/chassis fitted with an engine, transmission, or axle in a single unit, which may or may not be fitted with one or more other components.

Explanation: If chassis/machine body is imported without an engine, transmission or axle fitted into it, no anti-dumping duties shall be payable.

The following products are excluded from the scope of the investigation:

The wheel loaders of the following specifications are to be excluded from the scope of the investigation:

- a) Rated payload capacity of more than 7,000 KG; and*
- b) Gross engine power above 180 kW; and*
- c) Measured distance at the center between right and left wheel (wheel tread/track) above 2,280 mm; and*
- d) Measured distance between the front and back wheel axles (wheelbase) above 3,350 mm.*

All the above parameters are 'and' conditions. In other words, a product is excluded from the scope of the PUC only if it satisfies all of the above conditions concurrently.

- e) Wheel Loader in Completely Knocked Down (CKD) or component form are excluded from the scope of the investigation.*
- f) Battery-operated wheel loaders are also excluded from the scope of the investigation.*

2. The anti-dumping duty imposed under this notification shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette, and shall be payable in Indian currency.

Explanation. – For the purposes of this notification,

- (a) rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Act.
- (b) “CIF value” means the assessable value as determined under section 14 of the Customs Act, 1962 (52 of 1962).

[F.No. CBIC- 190354/232/2023-TO(TRU-I)-CBEC]

(Rajeev Ranjan)

Under Secretary