

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL  
NEW DELHI**

PRINCIPAL BENCH

**ANTI DUMPING APPEAL No. 51130 OF 2022**

(Arising out of Customs Notification No. 68/2021 dated 06.12.2021 issued by the Ministry of Finance and Final Findings No. 06/27/2020-DGTR dated 07.09.2021)

**M/s Shyam Sel and Power Limited**

**...Appellant**

Versus

**1. The Union of India**

Through the Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi-110001

**2. Designated Authority, Directorate  
General of Trade Remedies,**

Department of Commerce,  
Ministry of Commerce & Industry,  
4<sup>th</sup> Floor, Jeevan Tara Building,  
Parliament Street, New Delhi-110001

**3. Hindalco Industries Limited**

**...Respondents**

With

**AD/51127/2022 AD/51128/2022 and AD/51131/2022**

**APPEARANCE:**

Shri Alok Yadav and Ms. Kamakshi, Advocates, for the Appellant

Shri S. Seetharaman and Shri Darpan Bhuyan, Advocates for the Respondent – 3

Ms. Reena Asthana Khair and Ms. Shreya Dahiya, Advocates for the respondent

Shri Ameet Singh and Ms. Bhawna, Advocates for Designated Authority

Shri Nagendra Yadav, Authorised Representative for the Central Government

**CORAM:**

**HON'BLE MR. JUSTICE DILIP GUPTA, PRESIDENT  
HON'BLE MR. P.V. SUBBA RAO, MEMBER (TECHNICAL)  
HON'BLE MS. RACHNA GUPTA, MEMBER (JUDICIAL)**

**Date of Hearing: 09.11.2022**

**Date of Decision: 13.04.2023**

**FINAL ODER NO'S 50473-50476/2023**

**JUSTICE DILIP GUPTA:**

All these four anti-dumping appeals seek the quashing of the final finding dated 07.09.2021 issued by designated authority and consequential customs notification dated 06.12.2021 issued by Central Government imposing anti-dumping duty on flat rolled products of aluminium.

2. The necessary interested parties had not been impleaded as respondents in these four appeals. In view of the request made by learned counsel for the appellants time was granted to move appropriate applications for impleading the remaining interested parties as respondents in the four appeals.

3. On 02.11.2022, when the matter was taken up by the Tribunal, the following order was passed:

“Though on the earlier occasions the four appellants had stated that appropriate applications will be moved for impleading the remaining interested parties as respondents in the appeals but when the matter has taken up, today, it is noticed that applications have not been filed. Shri. Rohan Shah, learned counsel appearing for the appellant assisted by Shri Alok Yadav, states that appropriate applications will now be filed and all the respondent shall be served with copies of the applications and the appeals, if not already served upon them within two days. In case such applications are received in the Registry, the matter shall be listed before the Bench on November 07, 2022. It is also made clear that in case applications are filed and the parties are impleaded, hearing of the appeals would take place on November 09, 2022. The notices sent to the respondents by the appellants shall also mention this fact.”

4. Thereafter, when the matter was taken up by the Tribunal on 07.11.2022, the following order was passed:

"This appeal was filed in the office on March 03, 2022 and it was taken up for hearing on September 14, 2022. It was adjourned on account of a request made by learned counsel for the respondent. Such a request was made for the reason that necessary interested parties were required to be impleaded as respondents. On October 31, 2022, the matter could not be taken up and was adjourned to November 01, 2022 on which date again the learned counsel for the respondent sought an adjournment for moving an appropriate application. On November 02, 2022, a detailed order was passed since the application had not been filed. The said order is reproduced below:-

"Though on the earlier occasions the four appellants had stated that appropriate applications will be moved for impleading the remaining interested parties as respondents in the appeals but when the matter has taken up, today, it is noticed that applications have not been filed. Shri. Rohan Shah, learned counsel appearing for the appellant assisted by Shri Alok Yadav, states that appropriate applications will now be filed and all the respondent shall be served with copies of the applications and the appeals, if not already served upon them within two days. In case such applications are received in the Registry, the matter shall be listed before the Bench on November 07, 2022. It is also made clear that in case applications are filed and 2 the parties are impleaded, hearing of the appeals would take place on November 09, 2022. The notices sent to the respondents by the appellants shall also mention this fact."

2. Thereafter an application was filed in the office on November 04, 2022. Paragraph 6 of the application is reproduced below:

"Inadvertently, the Applicant earlier could not service the copy of the appeal to the other interested and necessary parties before the DGTR. Therefore, the present application is being filed for making the other interested

parties as proper and necessary parties to the present appeal. The copy of the Applicant's appeal has been served to all the interested and necessary parties. Proof of service of the appeal is enclosed."

3. A perusal of the said paragraph indicates that only a general and vague statement has been made that "present application is being filed for making the other interested parties as proper and necessary parties to the present appeal." Neither the names of "other" parties have been mentioned in the application nor it has been stated whether they have to be impleaded as appellants or respondents.

4. Learned counsel for the appellant has stated that some time may be given to move a better application.

5. As noted above, the matter had been repeatedly adjourned from September 14, 2022 till date and in spite of a specific order having been passed, the appellant has not filed a proper application.

6. Though the prayer for adjournment has been strongly opposed by Shri S. Seetharaman, learned counsel for respondent No. 3, in the interest of justice, we adjourn the matter to November 09, 2022. List on November 09, 2022."

5. Though, time was sought by learned counsel for the appellants to move a better application, but such application, was not filed in these four appeals and Shri Alok Yadav, learned counsel for the appellant only placed reliance upon the earlier applications that were filed on 04.11.2022.

6. When the matter was heard on 09.11.2022, another objection was raised by the learned counsel for the respondents that the

appeals would not be maintainable since the appellants had not appeared before the designated authority.

7. It was imperative for the appellants to have impleaded all the necessary interested parties as respondents but that has not been done. The appeals, therefore, would have to be dismissed on this ground alone.

8. It also transpires that the appellants had not appeared before the designated authority. In such circumstances, the appellants would not qualify to be interested parties, in view of the decision of the Tribunal in **Marino Panel Products Ltd. vs. Designated Authority<sup>1</sup>**.

9. The four appeals are therefore, liable to be dismissed and are dismissed.

(Order Pronounced on **13.04.2023**)

**(JUSTICE DILIP GUPTA)**  
**PRESIDENT**

**(P.V. SUBBA RAO)**  
**MEMBER (TECHNICAL)**

**(RACHNA GUPTA)**  
**MEMBER (JUDICIAL)**

Shreya

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1. **2016 (334) E.L.T. 552 (Tri.- Delhi)**