

Ottawa, Tuesday, March 1, 1994

Appeal No. AP-92-372

IN THE MATTER OF an appeal heard on October 13, 1993,
under section 61 of the *Special Import Measures Act*,
R.S.C. 1985, c. S-15;

AND IN THE MATTER OF a decision of the Deputy Minister
of National Revenue for Customs and Excise dated February
26, 1993, with respect to a request for re-determination under
section 58 of the *Special Import Measures Act*.

BETWEEN

**ROLA STEEL PRODUCTS, A DIVISION OF PRM-GIDVANI
INTERNATIONAL INC.**

Appellant

AND

**THE DEPUTY MINISTER OF NATIONAL REVENUE
FOR CUSTOMS AND EXCISE**

Respondent

DECISION OF THE TRIBUNAL

The appeal is allowed.

Anthony T. Eyton
Anthony T. Eyton
Presiding Member

Michèle Blouin
Michèle Blouin
Member

Lise Bergeron
Lise Bergeron
Member

Michel P. Granger
Michel P. Granger
Secretary

UNOFFICIAL SUMMARY

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**ROLA STEEL PRODUCTS, A DIVISION OF PRM-GIDVANI
INTERNATIONAL INC.**

Appellant

and

**THE DEPUTY MINISTER OF NATIONAL REVENUE
FOR CUSTOMS AND EXCISE**

Respondent

The goods in issue are goods that come within the description of goods covered by the Tribunal's finding in Inquiry No. NQ-90-005, dated July 26, 1991. After the hearing was originally postponed, the appeal proceeded on the basis of written submissions under rule 25 of the Canadian International Trade Tribunal Rules. The agreed statement of facts filed by the parties in this regard included a joint request that the Tribunal refer the matter back to the respondent so that he may determine the normal value of the goods in issue on the basis of the information that had been overlooked and in accordance with the manner in which he determined normal values for the other goods imported by the appellant.

HELD: *The appeal is allowed. The Tribunal refers the matter back to the Deputy Minister of National Revenue for Customs and Excise so that he may determine the normal value of the goods in issue on the basis of the information that had been overlooked and in accordance with the manner in which he determined normal values for the other goods imported by the appellant.*

*Place of Hearing: Ottawa, Ontario
Date of Hearing: October 13, 1993
Date of Decision: March 1, 1994*

*Tribunal Members: Anthony T. Eyton, Presiding Member
Michèle Blouin, Member
Lise Bergeron, Member*

Counsel for the Tribunal: Hugh J. Cheetham

Clerk of the Tribunal: Anne Jamieson

*Appearances: Richard S. Gottlieb, for the appellant
Anick Pelletier, for the respondent*

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**ROLA STEEL PRODUCTS, A DIVISION OF PRM-GIDVANI
INTERNATIONAL INC.**

Appellant

and

**THE DEPUTY MINISTER OF NATIONAL REVENUE
FOR CUSTOMS AND EXCISE**

Respondent

TRIBUNAL: ANTHONY T. EYTON, Presiding Member
MICHÈLE BLOUIN, Member
LISE BERGERON, Member

REASONS FOR DECISION

This is an appeal under section 61 of the *Special Import Measures Act*¹ (SIMA) of a decision of the Deputy Minister of National Revenue for Customs and Excise (the Deputy Minister) dated February 26, 1993, confirming the re-assessment and application of anti-dumping duties in respect of certain 2-1/2 in. ASTM A53 sch 40 GPE carbon steel welded pipe originating in India and imported by the appellant on March 30 and May 25, 1992. The goods in issue are goods that come within the description of goods covered by the Tribunal's finding in Inquiry No. NQ-90-005, dated July 26, 1991. This finding was against carbon steel welded pipe originating in or exported from India and other countries, in the nominal size range of 1/2 in. to 16 in. inclusive, in various forms and finishes, meeting one or more of the following specifications: ASTM A53, ASTM A120, ASTM A795, ASTM A252, ASTM A589, or AWWA C200-80, or equivalent specifications, including water well casing, piling pipe, sprinkler pipe and fencing pipe.

The appeal was originally scheduled to be heard on October 13, 1993. At the hearing, the parties indicated that the Deputy Minister had overlooked certain information in the departmental file that would have enabled the respondent to calculate normal values at the time of importation. The hearing of the appeal was, therefore, postponed to allow this information to be considered. Prior to the rescheduled date, the parties jointly requested that the appeal proceed on the basis of written submissions under rule 25 of the *Canadian International Trade Tribunal Rules*.² The Tribunal accepted to proceed in this manner and, in this regard, the parties submitted an agreed statement of facts from which the facts herein are partially taken. The agreed statement of facts included a joint request that the Tribunal refer the matter back to the respondent so that he may determine the normal value of the goods in issue on the basis of the information that had been overlooked and in accordance with the manner in which he determined normal values for the other goods imported by the appellant.

1. R.S.C. 1985, c. S-15.

2. SOR/91-499, August 14, 1991, *Canada Gazette* Part II, Vol. 125, No. 18. at 2912.

In light of the facts set out in the agreed statement of facts and the joint request by the parties that the Tribunal refer the matter back to the Deputy Minister, the Tribunal allows the appeal and refers the matter back to the Deputy Minister so that he may determine the normal value of the goods in issue on the basis of the information that had been overlooked and in accordance with the manner in which he determined normal values for the other goods imported by the appellant.

Anthony T. Eyton

Anthony T. Eyton
Presiding Member

Michèle Blouin

Michèle Blouin
Member

Lise Bergeron

Lise Bergeron
Member