

MESSAGE NO: 1075301 MESSAGE DATE: 03/16/2011
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE MESSAGE # (s): 0236311, 0244301, 1068302

CASE #(s): A-533-840

EFFECTIVE DATE: 03/16/2011 COURT CASE #: 10-00237

PERIOD OF REVIEW: 02/01/2008 TO 01/31/2009

PERIOD COVERED: 02/01/2008 TO 01/31/2009

Notice of Lifting of Suspension Date: 03/16/2011

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED FOR PERIOD 02/01/2008 THROUGH 01/31/2009 (A-533-840-001)

NOTE: NOTICE OF LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE LISTED IN THESE INSTRUCTIONS. SEE PARAGRAPH 5 BELOW.

1. ON 03/01/2011, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION IN THE CASE OF LIBERTY FROZEN FOODS PVT. LTD., ET AL., COURT NO. 10-00231, SEVERING AND DISMISSING THE CONSOLIDATED CASE AD HOC SHRIMP TRADE ACTION COMMITTEE V. UNITED STATES, COURT NO. 10-00237. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 0244301 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA FOR PERIOD 02/01/2008 THROUGH 01/31/2009 PRODUCED AND/OR EXPORTED BY DEVI SEA FOODS LIMITED DISSOLVED ON 03/01/2011.

2. FOR ALL SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED, IMPORTED BY DEVI SEA FOODS LIMITED OR DEVI SEAFOODS INC., AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009, LIQUIDATE WITHOUT REGARD TO ANTIDUMPING LIABILITIES.

3. FOR ALL SHIPMENTS OF MERCHANDISE PRODUCED BY DEVI SEA FOODS LIMITED AND EXPORTED BY ONE OF THE COMPANIES LISTED IN MESSAGE NUMBER 1068302, ASSESS ANTIDUMPING DUTIES OF 2.67 PERCENT OF THE ENTERED VALUE, UNLESS PARAGRAPH TWO APPLIES.

4. AS A RESULT OF COMMERCE'S CLARIFICATION OF ITS ASSESSMENT REGULATION ON MAY 6, 2003 (68 FR 23954), FOR ALL SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA PRODUCED BY DEVI SEA FOODS LIMITED, ENTERED, OR WITHDRAWN FROM WAREHOUSE, ENTERED UNDER CASE NUMBER A-533-840-001, FOR

CONSUMPTION DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009, AND NOT COVERED BY PARAGRAPHS TWO, THREE, OR SIX ASSESS ANTIDUMPING DUTIES AT THE ALL-OTHERS RATE IN EFFECT ON THE DATE OF ENTRY. THE ALL-OTHERS RATE FOR CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA IS 10.17 PERCENT.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009. ACCORDINGLY, NOTICE OF LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE LISTED IN THESE INSTRUCTIONS. FOR ALL OTHER SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM INDIA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE INJUNCTION WITH COURT NUMBER 10-00231, IN MESSAGE 0236311, DATED 08/24/2010 IS APPLICABLE TO THE ENTRIES PRODUCED AND/OR EXPORTED BY THE LIBERTY GROUP COMPANIES, AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009. ACCORDINGLY, UNTIL FURTHER NOTICE, CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE PROVIDED.

THE LIBERTY GROUP INCLUDES THE FOLLOWING COMPANIES: DEVI MARINE FOOD EXPORTS PRIVATE LIMITED, KADER EXPORTS PRIVATE LIMITED, KADER INVESTMENT AND TRADING COMPANY PRIVATE LIMITED, LIBERTY FROZEN FOODS PRIVATE LIMITED, LIBERTY OIL MILLS LIMITED, PREMIER MARINE PRODUCTS, AND UNIVERSAL COLD STORAGE PRIVATE LIMITED.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2:HA).

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party