

Anti-Doping Disciplinary Panel

Jawaharlal Nehru Stadium, 1st Floor, Hall No.104
Lodhi Road, New Delhi, 110003
Tele. 011-24368274

To,

Date: 09.01.2024

Mr. Ranjeet Bhati
R/o H. No. 658, Gali No. 4, Adarsh Nagar,
Ballabhgarh, Faridabad,
Haryana - 121004
Email: ranjeetbhati9758@gmail.com

Subject: Decision of the Anti-Doping Disciplinary Panel Case No.- 135.ADDP.2023

NADA VS Mr. Ranjeet Bhati (ADAMS ID:- BHRAMA90597)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 03.01.2024 in respect of final hearing of the above case held on 07.11.2023 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty-one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

Also please note that according of Article 10.7.1- (**Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**)- Any period of Ineligibility imposed may be partially suspended if you assist NADA in uncovering and/or establishing an ADRV by another Athlete or Athlete Support Personnel pursuant to Article 10.7.1 ADR. Further, the athlete is subjected to doping control test during the ineligibility period, therefore, athlete is required to update his residential address as and when changed.

Copy of the NADA Anti-Doping Rules 2021 may be downloaded from NADA website at the following link:-www.nadaindia.org/en/anti-doping-rule-of-nada

The receipt of this communication may be acknowledged.

Encl: 04 sheets



(Yasir Arafat)

Sr. Prog. Associate (Legal)

Copy forwarded together with the copy of the order containing the decision of the Anti Doping Disciplinary Panel for information and action deemed necessary:

1. World Anti Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada
2. Secretary General, Paralympic Committee of India, Jaisalmer House, 26, Mansingh Road, New Delhi 110011.
3. International Paralympic Committee, Adenauerallee, 212-214, 53113, Bonn, Germany.
4. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

In the matter of Mr. Ranjeet Bhati (Sports-Para-Athletics) for violation of Articles 2.1 and 2.2 of National Anti-Doping Rules, 2021.

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

Quorum: Ms. Charu Pragya, Chairperson, ADDP
Dr. R. K. Arya, Member, ADDP
Mr. Jagbir Singh, Member, ADDP

Present: Mr. Yasir Arafat, NADA
Mr. Ranjeet Singh, Athlete
Mr. Saurabh Mishra, Counsel for Athlete

J U D G E M E N T

03.01.2024

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from Anti-Doping Rule Violations (“**ADRV**”) by Mr. Ranjeet Bhati (“**the athlete**”) of Articles 2.1 and 2.2 of the National Anti-Doping Rules. The athlete is a National Level Para-Athletics Player and his date of birth as stated by him in the Dope Control Form (“**DCF**”), happens to be **17.01.1997**.
2. Brief Facts of the case are as follows:
 - 2.1 That Athlete namely “Mr. Ranjeet Bhati” was selected for the Doping Control Test during the 5th India Open Para Athletics Championship 2023 at Karnataka, Bangalore. The Sample Collection process was conducted on 07.05.2023 where the urine Sample of the Athlete was collected by NADA’s Dope Control Officer (DCO). The urine sample of the Athlete was separated into 2 parts A & B with the unique Code “6502844”.
 - 2.2 A Sample of the Athlete was tested at the National Dope Testing Laboratory (NDTL), Delhi in accordance with the procedures set out in WADA’s International Standard for Laboratories and was returned with an Adverse Analytical Finding (“**AAF**”) for *Sl. 1 Anabolic Androgenic Steroids (AAS)/Dehydrochloromethyltestosterone (DHCMT) metabolite-3 (4alpha-chloro-18- nor-17 beta-hydroxymethyl, 17 alpha-methyl-5alpha-androst-13-en-3alpha-ol)* being non specified substance under WADA Prohibited List of 2023.
 - 2.3 That under Article 7.2.1 of ADR, the initial review of sample A showed that the Athlete did not have Therapeutic Use Exemption (TUE); there was no apparent departure from the International Standard for Testing and Investigations (‘ISTI’) or

the International Standard for Laboratories ('ISL') that could undermine the validity of the AAF; and the AAF had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.

2.4 That the Notification was issued by NADA on 05.06.2023 wherein, he was notified that he has been charged for violation of Rule Articles 2.1 & 2.2 of ADR. The Athlete was provisionally suspended on 05.06.2023 in accordance with the mandatory provision under Article 7.9.1 of the Rules as the prohibited substance is non-specified. In the aforesaid letter, the Athlete was also informed of his right to have his B sample specimen tested and the right to an impartial hearing by the Independent Anti-Doping Disciplinary Panel.

2.5 The Notice of Charge was issued to the Athlete on 28.06.2023 and the final opportunity to submit an explanation was granted to the Athlete. The athlete through his counsel, submitted his Written Statements before the "ADDP" on 10.10.2023.

3. The final hearing was held on 07.11.2023.

4. The submissions made by the Athlete are reproduced herein:

The counsel for the Athlete has put forth that the Athlete did not intentionally consume any prohibited substance. The Athlete's consumption of medications including Turinabol was based on a doctor's prescription. A copy of the prescription dated 03.04.2023 & 17.04.2023 was placed for panel consideration. The counsel of the Athlete has also relied on CAS Judgment od CAS 218/A/5580 in support of his contentions.

Furthermore, it is said that the Athlete had absolutely no intention or motivation to cheat and has also truthfully disclosed the circumstances under which the prohibited substance had entered his body. It is further submitted that due to the lack of any mala-fide intention and no significant fault of the Athlete, the Ld. the panel must see the circumstances in totality and give him the benefit under Article 10.2.2 and the additional benefit under Article 10.5 and 10.6 of the NADA Rules and grant a reduced sanction. The Athlete had no awareness of the existence of anti-doping rules or prohibited substances.

Submissions by NADA

NADA during the ADDP proceedings submitted that under Article 2.1.1 of the Rules, it is the personal duty of each Athlete to ensure that no Prohibited Substance enters his/her body. Accordingly, it is not necessary that intent, fault, negligence, or knowing use on the part of the Athlete is to be demonstrated to establish a case of anti-doping rule violation under Article 2.1. In the said background, it is submitted by NADA that the Athlete has failed to furnish any explanation as to how the prohibited substance came to be found in the Sample.

The Athlete has not disclosed the said medicine on his doping control form nor did he obtain a TUE for the said medicine.

Furthermore, it is pointed out that various CAS Judgments hold that athletes cannot deflect their anti-doping duties upon third parties, including doctors. The Athlete admitted to consuming the tab Turinabol without obtaining TUE or without making any verification. The package of the medicine clearly stated that it contained Dehydrochloromethyltestosterone (DHCMT), the Athlete did not duly check the medicine which was simply revealed by an internet search. Here, the Athlete's conduct amounted to a manifest disregard for the risk that his conduct result in an ADRV with the ambit of 10.23 of the Rules. Therefore, he is liable for sanctions under Article 10.2.1 of the Rules.

Findings of the Panel

We have heard the arguments made by the Athlete and his Counsel, and arguments by NADA, and perused the available material on record shared with us.

5. It is undisputed that the Athlete's Sample has tested positive for Sl. 2 Anabolic Androgenic Steroids (AAS), *Anabolic Androgenic Steroids (AAS)/Dehydrochloromethyltestosterone (DHCMT) metabolite-3 (4alpha-chloro-18-nor-17 beta-hydroxymethyl, 17 alpha-methyl-5alpha-androst-13-en-3alpha-ol* non-specified substances of the WADA Prohibited List of 2023.
6. The athlete's defense is that the consumption of medications including Turinabol was based on a doctor's prescription.
7. The panel notes that the burden of proof with respect to intent lies with the Athlete, who shall discharge the burden on a balance of probabilities that he did not know that his conduct might result in anti-doping rule violation and did not manifestly disregard that risk. Therefore, it is difficult to hold that the anti-doping rule violation was not intentional on the part of the athlete. The Athlete has failed to establish any grounds for elimination or reduction of the period of ineligibility.
8. The Panel observed that the Athlete claimed that he had informed the doctor that he is a sportsperson and is subjected to anti-doping control is not corroborated by any evidence besides the Athlete's statement. It is not believable that after knowing the patient is a sportsperson then a doctor would prescribe any medicines that would cause Anti-Doping Rule Violation.
9. In view of the Facts, Circumstances, and Rules mentioned above, it is held that the Athlete has violated Articles 2.1 & 2.2 of the NADA ADR, 2021, **he is hereby sanctioned with an ineligibility of four (04) years from the date of provisional suspension i.e., 05.06.2023 under Article 10.2.1.1 of ADR, 2021.** It shall be noted

that the athlete has **failed to satisfy the panel that the ADRV was non-intentional as per Article 10.2.1.1 of the NADA ADR, 2021.**

10. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 07.05.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

The matter is disposed of, accordingly.



Ms. Charu Pragya
Chairperson



Dr. R. K. Arya
Member



Jagbir Singh
Member