

## Anti Doping Appeal Panel

A-Block, Pragati Vihar Hostel,  
Lodhi Road, New Delhi, 110003  
Telefax 011-24368274

Date: 2<sup>nd</sup> November, 2018

To,

Mr. Balinder Singh  
S/o Shri Deep Chand  
VPO – Nara,  
District – Panipat,  
Haryana 132 113

**Subject: Decision of the Anti Doping Appeal Panel-Case No.-10.ADAP.2016**

**NADA VS BALINDER SINGH**

The order containing the decision of the Anti-Doping Appeal Panel dated 27.08.2018 in respect of hearings of the above case held on 27.08.2018 is enclosed.

The receipt of this communication may be acknowledged.

Encl: 03 Sheets.

(Yasir Arafat)

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

1. Indian Olympic Association, Olympic Bhawan, B-29, Qutab Institutional Area, New Delhi- 110016.
2. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
3. General Secretary, Indian Powerlifting Federation, Midhun Palace, Allapuzza, Kerala 688 011.
4. Joint Secretary, Railway Sports Promotion Board, Room No. 214, Rail Bhawan, Raisina Road, New Delh.
5. International Powerlifting Federation, 3, Route d'Arlon L-8009 Strassen, Luxembourg.
6. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi.

Encl: 03 Sheets.

(Yasir Arafat)

**BEFORE THE ANTI DOPING APPEAL PANEL**  
**Conference Room, Pragati Vihar Hostel**  
**Lodhi Road, New Delhi -110 003**

Appeal No.-10.ADAP.2016

IN THE MATTER OF

Mr. Balinder Singh ..... APPELLANT  
Powerlifting

Vs

National Anti-Doping Agency ..... RESPONDENT  
New Delhi

Quorum: Ms. Vibha Datta Makhija, Chairman  
Dr. Harsh Mahajan, Member  
Mr. Vinay Lamba, Member

Present: Athlete Mr. Balinder Singh in person.  
Mr. Yasir Arafat, Law Officer, NADA

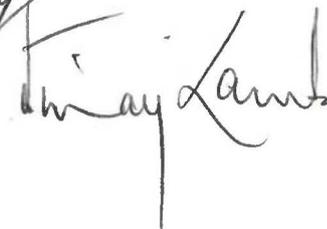
**27.08.2018**

**ORDER**

Mr. Balinder Singh, the Athlete, has filed the present appeal against the order of the Anti Doping Disciplinary Panel dated 05/05/2017. The facts of the case are that the athlete had participated in the Powerlifting event of the All India Railway Powerlifting Championship – 2017. His urine sample was collected on 04/08/2016 under the sample code no. 6176119. The said sample was sent for testing on 19/09/2016 and an adverse analytical finding for presence of 5a-Adiol and 5b-Adiol was concluded.

He was thus provisionally suspended on 20/09/2016 after holding an initial review. Since, the athlete had accepted 'A' sample, 'B' sample was not sent for further testing.



The Athlete is present in person during the hearing, and has raised the defence of the presence of Prohibited Substance being due to contamination of the beta-ECDYSTERONE Weider capsule and Try-Complex Tribulus Weider capsule. He has stated that he had no knowledge of presence of the Prohibited Substance in the above said capsules.

The Athlete had also raised the defence of the product consumed by him not capturing the prohibited substance by producing a test report of Apex Testing and Research Laboratory, New Delhi. The said report was opined to be unreliable by the Anti Doping Disciplinary Panel, since the report did not mention the product brand name, testing method, identification number, reference number, or any other details of the sample which was tested for that report.

On behalf of NADA it has been submitted that the athlete has intentionally consumed the prohibited substance, and has also failed to make an honest disclosure of the consumption of Prohibited Substance in the Doping Control Form, which has been duly filled and submitted by the athlete on 04/08/2016. The only declaration in the column of medication use and blood transfusion including supplements taken over the past seven days has been disclosed as Disprin and Revital.

Upon examination of the records and the submissions of the parties, it is clear that the athlete had consumed the prohibited substance prior to the competition/sample test. The plea of the athlete that he had consumed the same unknowing cannot be accepted since, a strict liability is placed under the NADA Anti-Doping Rules on the athlete towards prohibition of the consumption of Prohibited Substances. The Prohibited List is published under Article 4.1. Prohibited Substances and methods are identified under Article 4.2, which also set out specified substances. Article 4.2.1 places the onus on the athlete to be bound by the Prohibited List, and also fixes the responsibilities on the athletes to familiarize themselves with the most updated prohibited list.

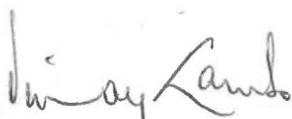
It is also clear that the present athlete doesn't fall under TUE under Article 4.4.

In view of the above, the Appellant Tribunal confirms the finding of the Anti Doping Disciplinary Panel, and also confirms the ineligibility period imposed on the athlete.

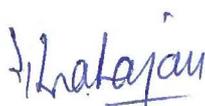
*Handwritten signatures:*  
1. *Shahajan*  
2. *Libheroy...*  
3. *May Lamb*

However, the ineligibility of the athlete imposed for the violation of Article 2.1 of the Anti Doping Rules of NADA will not commence from date of provisional suspension, but the same will commence from the date of the urine sample collection i.e. 04/08/2016.

We also confirm the disqualification imposed under Rule 10.8 from all other competitive results obtained by the athlete from the date of sample collection with all resulting consequences including forfeiture of medals, points and prizes.



Vinay Lamba  
Member



Dr. Harsh Mahajan  
Member



Vibha D. Makhija  
Chairperson