

## **Anti-Doping Disciplinary Panel**

J.L.N Stadium, Gate No. 10 Hall No.103  
1<sup>st</sup> Floor, Lodhi Road, New Delhi 110 003  
Telefax: 011-24368274

To,

Date: 03.04.2023

Mr. Vinit  
C/o Ashok Saroha  
R/o H.No. 188, Bayyanpur,  
Sonipat, Haryana – 131001  
Email: - hammerthrower001@gmail.com

**Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-253.ADDP.2022**

**NADA Vs. MR. VINIT (ADAMS ID – VIVIMA98717)**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 03.04.2023 in respect of final hearing of the above case held on 13.02.2023 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](http://www.nadaindia.org/en/anti-doping-rule-of-nada)

The receipt of this communication may be acknowledged.

Encl: 05 sheets.



(Yasir Arafat)  
Law Officer

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, Athletics Federation of India, A-90, Naraina Industrial Area, Phase-1, near PVR cinema, New Delhi- 110028.
3. International Association of Athletics Federations, 17, Rue Princesse Florestine BP 359, MC 98007, Monaco.
4. National Anti-Doping Agency, J.L.N Stadium, Gate No. 10 Hall No.103, Lodhi Road, New Delhi 110003.

# **BEFORE THE ANTI DOPING DISCIPLINARY PANEL**

J.L.N. Stadium, First Floor, Hall No. 103,  
Lodhi Road, New Delhi -110003

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

In the matter of **Mr. Vineet (DOB 20.03.2003) S/o R/o H. No. 188, Bayyanpur, Sonipat, Haryana 131001** for violation of **Article 2.1 & 2.2** of Anti-Doping Rules, 2021.

**Quorum:** Ms. Charu Pragya, ADDP  
Dr. R.K. Arya, Member, ADDP  
Ms. Abantika, Sports Member, ADDP

**Present:** Mr. Yasir Arafat, Law Officer, NADA  
Athlete with his counsel Mr. Abhijeet Kumar

- |     |                                   |   |
|-----|-----------------------------------|---|
| 1.  | Event                             | Athletics   |
| 2.  | Name of Competition               | 20 <sup>th</sup> National Federation Cup Junior (U20) Athletics Championship  |
| 3.  | Date of Sample Collection         | 04/06/2022  |
| 4.  | Nature of sample                  | Urine   |
| 5.  | Urine sample Code Number          | 6491746   |
| 6.  | Name of Sample Witness            | Dr. Shiv Kumar  |
| 7.  | Name of Dope Control Officer      | Mr. Om Prakash Sharma   |
| 8.  | Date of Result 'A' Sample testing | 01.07.2022  |
| 9.  | Result of 'A' sample              | Adverse Analytical Finding for:<br><b>S1.1 Anabolic Androgenic Steroids (AAS)/<br/>Metandienone metabolite 17 beta-hydroxymethyl, 17 alfa-methyl-18-nor-androst-1,4,13- trien-3-one</b> |
| 10. | Date of Initial Review            | 01/07/2022  |
| 11. | Date of Notification              | 07/07/2022  |
| 11. | Date of provisional suspension    | 07/07/2022  |
| 12. | Date of Notice of Charge          | 22/09/2022  |
| 13. | Date of Result 'B' Sample testing | N/A   |
| 14. | Date of hearing                   | 09.01.2023 & 13.02.2023   |
| 18. | Plea of the athlete               | Consumed Supplements  |
| 19. | Date of decision                  | 03.04.2023  |

### **Factual Background:**

1. A urine sample (“Sample”) of Mr. Vineet (“**Athlete**”) was collected during 20th National Federation Cup Junior (U20) Athletics Championship at Gujarat by the Doping Control Officer of NADA on 04 June, 2022. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique Code “**6491746**”.
2. A Sample of the Athlete was tested at the National Dope Testing Laboratory, Delhi in accordance with the procedures set out in WADA’s International Standard for Laboratories and was returned with an Adverse Analytical Finding **Anabolic Androgenic Steroids (AAS)/ Metandienone metabolite 17 beta-hydroxymethyl, 17 alfa-methyl-18-nor-androst-1,4,13- trien-3-one**. The WADA’s 2022 Prohibited List enlists metandienone, under the category S1, being a non-specified substance.
3. Subsequently, the Athlete was duly notified by a letter dated 07.07.2022 (“**the Notification**”) wherein he was notified that he has been charge for violation of Rule Article 2.1 & 2.2 of ADR. In the aforesaid letter, the Athlete was 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. The Athlete was provisionally suspended on 20.09.2022 in accordance with the mandatory provision under Article 7.9.1 of the Rules as the prohibited substance is non-specified.
4. In response to the notification, the Athlete waived of his right to ‘B’ sample analysis. Further, the Athlete has requested for supplements testing from NDTL.
5. The Notice of Charge under the National Anti-Doping Rules, 2021 was issued to the Athlete on 22.09.2022.
6. The athlete has filed the Written Submissions or Document on record for the consideration of this Panel.

### **Submissions of the Athlete**

7. The Athlete is a 19 years old athlete under the discipline of Hammer Throw. He has denied the intentional use of the prohibited substance and attempted to prove that a contaminated product was the source of prohibited substance.
8. The Athlete had requested for supplement testing by NDTL vide request letter dated 21.09.2022. The NDTL vide its report dated 10.10.2022 mentioned “No banned substance detected”.

9. The Athlete further request for unsealed supplements to be tested by NDTL, which were tested and found No banned substance detected” vide its report dated 07.02.2023.
10. The Athlete submits that DN Laboratory, Panchkula, Haryana issue a certificate dated 27.02.2023 confirming the presence /traces of steroid in the said supplements. The Athlete has doubt on the NDTL report and claim for his supplements to be tested in another WADA Accredited lab.

### **Submission of NADA**

11. It is submitted by NADA 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.
12. In the above background, it is submitted by NADA that the Athlete has failed to exercise due diligence and precaution expected from an athlete. In light of the same, it is submitted that a doping violation has occurred and the Athlete has been unable to discharge the onus cast on him to show that the violation was unintentional.

### **Observations and Findings of the Panel**

After considered all documentary evidence the Panel observes as under:

13. As per Article 2.1 of the Anti-Doping Rules 2022, it is the personal duty of every athlete to ensure that no prohibited substance, as defined, enters his or her body. Reference may also be made to Article 2.1.2 which provides that presence of a prohibited substance or its metabolites is sufficient proof of anti-doping rule violation.
14. Where a sample testing returns a positive finding, onus is on the athlete to explain how the substance entered his/her body. Fault, negligence or knowing use are not relevant considerations that are needed to be proved while making a case for anti-doping violation. The liability cast on the athlete is thus strict.
15. The defense of the athlete is that he has not use the prohibited substance intentionally, and attempted to prove that a contaminated product was the source of the prohibited substance, in support of his plea, he produced DN Laboratory supplement test Report (Exbt./A) which confirmed the presence of Steroid in the supplements. However, the NDTL supplement test report does not support the case of the Athlete.

16. The panel does not have any doubt on the NDTL report so we are not agreeing with submission of the Athlete for re-analysis of supplement test by any other WADA accredited laboratory
17. In the present case, the Athlete has admitted to having consumed nutritional/dietary supplements. It cannot be ignored that the said supplements have been consumed at his own risk without even bothering to consult consulting his Coach/Doctor (if any) or any other expert/officials in the federation to ascertain as to whether the supplements contain Prohibited Substance or not. It is not enough for the Athlete to blindly rely on the assurance of the dealer/shop keeper/senior player, as has been done by the Athlete in the present case. By doing so, the Athlete has not exercised due diligence that is expected of a player at this level. The conduct of the Athlete thus, as a result athlete engaged in a conduct, which constitutes an anti-doping rule violation. and manifestly disregarded that risk.
18. In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place.
19. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. The present case involves a non-specified substance, hence the Athlete is liable for sanctions under Article 10.2.1.1, an ineligibility for a period of 4 years.
20. **The Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 for an ineligibility for a period of 4 years. The period of his ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e., 07.07.2022.**
21. **We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 04.06.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.**

**Dated 03.04.2023**

The matter is disposed of, accordingly.

**Ms. Charu Pragya**  
(Chairman)

**Dr. R. K. Arya**  
(Medical Member)

**Abantika Member**  
(Sports Member)