

Anti-Doping Disciplinary Panel

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

To,

Date: 17.04.2023

Mr. Shivam Chaudhary
S/o Mr. Sanjeev Kumar
Village: Dabathwa, Meerut,
Uttar Pradesh - 250341
Email: - sc811405@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 256.ADDP.2022.

NADA Vs. MR. SHIVAM CHAUDHARY (ADAMS ID- CHSHMA65916)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 08.04.2023 in respect of final hearing of the above case held on 03.04.2023 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: 03 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. General Secretary, Amateur Kabaddi Federation of India E-386, Cabin B (Basement), Greater Kailash Part-1, New Delhi 110048.
3. International Kabaddi Federation, 2, Aakansha, Ajmer Road, Jaipur, Rajasthan.
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

J.L.N. Stadium, First Floor, Hall No. 103,

Lodhi Road, New Delhi -110 003

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

In the matter of Mr. Shivam Chaudhary (DOB 05.04.2002) S/o Mr. Sanjeev Kumar, Village: Dabathwa, Meerut, Uttar Pradesh - 250341 for violation Article 2.1 & 2.2 of National Anti-Doping Agency Anti-Doping Rules, 2021.

Quorum: Ms. Jyoti Zongluju, Chairperson
Dr. Manik Member, Medical Member
Ms. Jagbir Singh, Sports Member

Present: Mr. Yasir Arafat, Law Officer, NADA
Mr. Shivam Chaudhary, Athlete

1.	Event	Kabaddi
2.	Name of Competition	Vivo Pro Kabaddi League
3.	Date of Sample Collection	11/11/2022
4.	Nature of sample	Urine
5.	Urine sample Code Number	6491590
6.	Name of Sample Witness	Mr. Dattatray Atole
7.	Name of Dope Control Officer	Dr. Rajesh Mailogive
8.	Date of Result 'A' Sample testing	25.11.2022
9.	Result of 'A' sample	Adverse Analytical Finding for: S1.1 Anabolic Androgenic Steroids (AAS) Metandienone 17b Hydrozomethyl, 17Methyl-18-nor-androst-1,4,13, -trien-3-one (LTM)
10.	Date of Initial Review	29/11/2022
11.	Date of Notification	30/11/2022
11.	Date of provisional suspension	30/11/2022
12.	Date of Notice of Charge	20/12/2022
13.	Date of Result 'B' Sample testing	N/A
14.	Date of hearing	03.04.2023
18.	Plea of the athlete	Consumed medicines

Factual Background:

1. A urine sample (“Sample”) of the athlete, Mr. Shivam Chaudhary (“Athlete”) was collected during Vivo Pro Kabaddi League at Bengaluru, Karnataka by the Doping Control Officer of NADA on 11th November 2022. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique Code “**6491590**”.
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 **S1.1 Anabolic Androgenic Steroids (AAS)/Metandienone** The WADA’s 2022 Prohibited List Metandienone under the category S1 being a non-specified substance.
3. Subsequently, the Athlete was duly notified by a letter dated 30.11.2022 (“**the Notification**”) wherein he was notified that he has been charge for violation of Rule Article 2.1 & 2.2 of ADR. The Athlete was provisionally suspended on 30.11.2022 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.
4. In response to the notification, the Athlete waived of his right to ‘B’ sample analysis. The Notice of Charge under the National Anti-Doping Rules, 2021 was issued to the Athlete on 20.12.2022. In response to the notice the athlete has not files written submission on record for the consideration of this Panel.

Submissions of the Athlete

5. Submissions on behalf of the Athlete orally before the Hearing Panel. The Athlete has denied the intentional use of the substance. The Athlete unable to explain that how the prohibited substance enters his body.

Submissions of NADA

6. 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 so as 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.

7. 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 hearing the parties at length and having considered all documentary and having considered the written / oral submissions the Panel observes as under:

8. 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.
9. 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.
10. The Athlete has failed to establish as to how the prohibited substance entered her body. Without providing any material evidence for panel scrutiny we are unable to make any other finding.
11. The Panel hold that the Athlete has committed an anti-doping rule violation. 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.
12. **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., 30.11.2022.**

13. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 11.11.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

Dated 08.04.2023

The matter is disposed of, accordingly.



Ms. Jyoti Zongluju
(Chairman)



Dr. Manik
(Medical Member)



Mr. Jagbir Singh
(Sports Member)