

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. Ritesh Arjun Ethape
S/o Mr. Arjun Ethape
VPO: - Pimpal Gaon
Teshil: Daund Disst: Pune,
Maharashtra - 412214
Email: - ritesh.ithape.3@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-260.ADDP.2022

NADA VS. MR. RITESH ARJUN ETHAPE (ADAMS ID: - ARRIMA29433)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 16.04.2023 in respect of final hearing of the above case held on 06.04.2023 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: 04 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.

ANTI DOPING DISCIPLINARY PANEL
Jawaharlal Nehru Stadium, 1st Floor, Hall No. 103
Lodhi Road, New Delhi – 110003
Telefax: 011-24368274

In the Matter of **Mr. Ritesh Arjun Ethape R/o VPO Pimpal Gaon, Tehsil Daund District Pune, Maharashtra 412214** for the violation of Article 2.3 of Anti-Doping Rules of NADA, 2021.

1.	Event	Athletics
2.	Name of Competition	CISF Selection Trials
3.	Date of incident	28.06.2022
4.	Urine sample Code Number	Article 2.3
5.	Name of Dope Control Officer	Anand Gaur
6.	Date of Result 'A' Sample testing	NA
7.	Result of 'A' sample	Article 2.3
8.	Date of Initial Review	22.11.2022
9.	Date of Notice of Charge	23.11.2022
10.	Date of hearing	06.04.2023
11.	Plea of the athlete	Medical Emergency
12.	Date of decision	16.04.2022

NADA notified its assertion relating to violation of Anti-Doping Rule 2.3 by of **Mr. Ritesh Arjun Ethape (Sports- Athletics)**

Factual Background:

1. That during CISF Selection Trials at New Delhi, the urine sample of the athlete was attempted to be collected on 28.06.2022.
2. It is alleged by the Doping Control Officer that as per test distribution plan he has notify Mr. Ritesh Arjun Ethape on 28.06.2022 at 19:05 hrs. who has secure gold medal in 400 mtrs.
3. The Athlete has refused to signed the notification form by saying that he will sign the form after cooldown. DCO has also informed that failure to do so may constitute an anti-doping rule violation.

4. After making reasonable efforts, the athlete has refused to signed the notification form and run away from the spot. Phone calls were made by DCO to his mobile number but he did not respond. Thereafter, it is immediately informed to the manager, coach and organizers of the event and various announcement were made but the Athlete did not report the doping control station.
5. The DCO has submitted the supplementary report dated 28.06.2022 to the testing authority. Subsequently, an initial review was completed on 22.11.2022 with remark that the Athlete refused/evaded to provide the urine sample.
6. Consequently, the Athlete was dully notified by a letter dated 23.11.2022, (**“the Notice of Charge”**) wherein he was notified that he has been charge for violation of Article 2.3 of ADR. (**“the Rules”**). The notice of charge was also accompanied with the information that the athlete has been provisionally suspended with effect from the date of notice. In the aforesaid letter, the Athlete was informed the right to impartial hearing by Independent Anti-Doping Disciplinary Panel (**“the ADDP”**).
7. The athlete has not filed the written submissions or document on record for the consideration of this Panel.
8. The hearing was held through video conferencing on 06.04.2023 by the Hearing Panel constituted under ADR. Mr. Yasir Arafat Law officer presented the case on behalf of NADA. The athlete attended the hearing virtually.

Submissions of the Athlete

9. The Athlete has explained to the hearing panel that he has given his ADHAR card to the Doping Control Officer to show his bonafide intention to give his dope sample. But suddenly, he had received a phone call that his mother had a stroke/heart attack.
10. The Athlete further submitted that he has left the venue due the medical emergency. He has not intentionally evaded the dope sample and requested not to take any disciplinary action against him.

Submissions of NADA

NADA through its Law Officer contented that the Athlete under Article 22.1 had the following responsibilities;

- (a) To be knowledgeable of and comply with the anti- doping rules;
- (b) To be available for Sample collection always. In addition, the Athlete was also under duty to uphold the spirit of sport as embodied in the preface to the Anti-Doping Rules.

In the facts and circumstances of this case and based on the supplementary reports of the DCO, the Athlete intentionally evade the sample collection process. In addition, it

is also pertinent to note that the Athlete has miserably failed to produce any substantial and reliable evidence before this Ld. Panel to corroborate his defence.

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:

- (i) It is the duty of every Athlete to provide his/her urine sample when notified either in competition or out of competition by the Anti-Doping Agency for examination, Evading, refusing, or failing to submit to sample collection is a violation of Article 2.3 of the Anti-Doping Rules 2021. This evasion or refusal can be based on either intentional or negligent conduct of the Athlete.
 - (ii) The Athlete has failed to discharge her responsibilities under rules 20.1 and 20.2 of ADR. Stating that the Athlete left the venue only for dope test by the DCO. The Athlete was under a continuous duty and was at all times obligated by the ADR, to undergo testing when required to do so (*“evasion of sample-giving, constitutes an anti-doping rule violation”*) further “the athlete has had a long and expansive career in athletics, and it is evident that she has secured 1st Position (Gold Medal) in the said competition. The Athlete had also participated various competitions in past and who also knows that he is subject to doping controls because of his participation and medal in the national competitions.
 - (iii) The defense of the Athlete is suspicious and unreliable in absence of any credible and reliable evidence.
11. In the facts and circumstances of this case, it is established that the violation under Article 2.3 of the Anti-Doping Rules has taken place.
 12. Once a violation of Anti-Doping Rules has been established, sanctions of individuals s provided under Article 10 of the Anti-doping Rules, 2021 must ensue. For violations of Article 2.3 the period of Ineligibility shall be four (4) years except:
 - (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years;
 - (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person’s degree of Fault; or
 - (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand, and no period of Ineligibility, depending on the Protected Person or Recreational Athlete’s degree of Fault.

13. The hearing Panel holds that since the Athlete has intentionally evaded dope testing, he is liable for sanctions under Article 10.3.1 for ineligibility for a period of 4 years.
14. **In the present case, since the Athlete was provisionally suspended as evident from the Charge of Notice dated 23.11.2022, the period of his ineligibility for the period of 4 years shall commence from the date of the provisional suspension i.e., 23.11.2022.**
15. **We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 28.06.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes**

Dated: 16.04.2023



(Dr. R K Arya)
Member



(Charu Pragya)
Chairperson



(K M Beenamole)
Member