

Anti-Doping Disciplinary Panel

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

Date: 11 July, 2023

To,

Mr. Ajay Kumar
S/o Mr. Ramesh Kumar
R/o 405, Big Tample, Village: Pabnawa
Teshil: Pundri, Dist: - Kaithal,
Haryana – 136020
Email: tamakajay2@gmail.com

Subject: Decision of the Anti-Doping Disciplinary Panel Case No.-05. ADDP.2023

NADA VS MR. AJAY KUMAR (ADAMS ID: - KUAJMA13521)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 05/07/2023 in respect of final hearing of the above case held on 02/06/2023 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.2

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: 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. General Secretary, Volleyball Federation of India, Room No. 72, Jawaharlal Nehru Stadium, Chennai – 600003.
3. International Volleyball Federations Ch. Edouard-Sandoz 2-4, 1006, Lausanne, Switzerland.
4. National Anti-Doping Agency, Jawaharlal Nehru Stadium, 1st Floor, Hall No.103, Lodhi Road, New Delhi 110003.

BEFORE THE ANTI DOPING DISCIPLINARY PANEL

In the matter of **Mr. Ajay Kumar** for violation of Articles 2.1 of National Anti-Doping Agency
Anti-Doping Rules, 2021

Quorum: Mr. Chaitanya Mahajan, Chairman, ADDP
Dr. Manik S. Ghadlinghe, Medical Member, ADDP
Ms. K.M Beenamole, Sports Member, ADDP

Present: Mr. Yasir Arafat, NADA
Mr. Ajay Kumar, Athlete

J U D G E M E N T

05.07.2023

1. The present proceedings before this Anti-Doping Disciplinary Panel ("**this panel**") emanate from the Adverse Analytical Finding ("**AAF**") against Mr. Ajay Kumar ("**the athlete**"). The athlete is a "Volleyball Player" and his date of birth as stated by him in the Dope Control Form ("**DCF**"), happens to be **16.12.2004**.

2. **That the brief facts of the case are as follows:**

2.1 The athlete was selected for the Dope Test during Khelo India Youth Games 2022 held in Bhopal during a sample collection process was conducted on 02.02.2023 where the urine samples of the athlete were conducted by the NADA's Dope Control Officer ("**DCO**").

2.2 The said collected sample was split into two parts A and B with a unique code assigned to them being "**6502742**".

2.3 The A sample of 6502742 of the Athlete was tested at the National Dope Testing Laboratory, Delhi (NDTL) in accordance with the procedures set out in WADA's International Standards for Laboratories and was returned with an Adverse Analytical Finding ("**AAF**") for **S.1 Anabolic Androgen Steroids (AAS)/dehydrochloromethyl-testosterone and its metabolites DHCMT-M3**.

- 2.4 The said Substance is a Hormone and Metabolic Modulator and is listed under S 1 of WADA' s 2023 Prohibited List being a non-specified substance.
- 2.5 The initial review of samples A showed that 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.
- 2.6 Notification was issued to the Athlete on 22.02.2023 informing him about the AAF and that he was provisionally suspended from participating any further sporting events till the conclusion of disciplinary proceeding pending against him. Through the said notification the athlete was informed about his rights and that in case the athlete is unwilling to accept the result of Sample A, he has the right to request for the opening of Sample B at his own cost.
- 2.7 The athlete on 09.03.2023 sent a reply to the said notification which was issued and stated that the reason for the presence of prohibited substance in his test reports. The athlete in his reply cited unintentional ingestion of the prohibited substance. The athlete stated that during the period of 27.10.2022 to 31.10.2022 he was admitted in the B.S. Heartcare hospital, Kurukshera for being diagnosed with dengue.
- 2.8 It was further stated by the athlete that post his selection in the Khelo India Youth Games he was again admitted to Guru Brahmanand Hospital Pundri in between 07.01.2023 and 10.01.2023 for being ill and the athlete was later at the Khelo India team Camp Panchkula during the period of 14.01.2023 to 21.01.2023. The athlete lastly stated on the day he returned from the camp i.e., on 21.01.2023 he again felt feverish and went to the hospital for diagnosis where he was prescribed certain medications such as Dolo 650 and one other medicine whose name he does not remember but was consuming for his treatment.
- 2.9 Along with the said reply the athlete had also enclosed certain lab reports, prescriptions and a discharge summary to back the claims he had made.

- 2.10 On 23.03.2022 the athlete waived off his right for the analysis of Sample B and Lab Documentation package and also was not willing to challenge the AAF.
- 2.11 The Notice of Charge was issued to the Athlete on 06.04.2023 and final opportunity to submit explanation was granted to the Athlete.
3. As per NADA's records, the Athlete did not have a Therapeutic Use Exemption ("TUE") to justify the presence of above prohibited substance, metabolites and markers in his system.
4. On 22.04.2023 the athlete sent a letter and reiterated the reasons he stated earlier for the presence of prohibited substance in his sample report and also pleaded that he is just 18 years of age and that due to lack of knowledge and information the ADRV occurred and that he is apologetic for the said occurrence and would follow the rules of NADA here onwards.
- 5. Submissions made by the Athlete are reproduced herein:**
- 5.1. During the disciplinary proceedings conducted before the Anti-Doping Disciplinary Panel the athlete submitted similar averments which he had submitted qua correspondences dated 09.03.2023 and 22.04.2023.
- 5.2 The athlete was consistent with his stance and that the reason for the ADRV was only attributed to the medications that he took during the treatment of his ailments.
- 5.3. The athlete lastly stated that he was not aware that the medication that he was taking contained substances from the WADA prohibition list.
- 6. Submissions by NADA:**
- 6.1. 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. Further it was stated the substance found is of non-specified category and whether the consumption was knowingly or unknowingly, the responsibility lies on the athlete and that he is guilty of ADRV.

- 6.2. The representative of NADA also submitted that since the substance found in-competition the Athlete ought to have taken a Therapeutic Use Exemption ('TUE') which he failed to do.
- 6.3 The representative of NADA further submitted that the medical documents furnished by the athlete does not satisfy the presence of prohibited substance in the athlete's sample. It was also brought forward by the NADA's Representative that the athlete had failed to inform the Doctor he was consulting that he was a sportsman.
- 6.4. It is submitted by NADA that the Athlete has admittedly consumed a prohibited substance and has not exercised any, much less the basic degree of caution expected of an athlete at this level. In light of the same, it is submitted that a doping violation has occurred and the Athlete is liable for sanctions under applicable rules.

7. Observations and Findings of the Panel


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

- 7.1 It is observed that the athlete's prescription does not contain any medication which can justify the presence of Methandienone which is an Anabolic steroid in the athlete's test sample.
- 7.2 It is also observed that the athlete indeed had not taken the TUE for the consumption for any medication which contains steroids since the test was conducted in-competition and if the athlete was consuming any such medication he had to take TUE from the NADA.
- 7.3 Finally it was observed that the athlete was not able to establish the true source from which the prohibited substance entered his body.

- 8.** In view of the above discussion, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place inasmuch as the Athlete's sample has returned an adverse finding.

9. In view of the above facts and circumstances and keeping in mind the conduct of the Athlete in not being able to disclose the source of the said substance the Panel is of the opinion that the consumption of the prohibited substance by the Athlete was intentional.
10. 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 would be liable for sanctions under Article 10.2.1, unless there are factors shown warranting elimination or reduction of period of ineligibility as specified in Article 10.5 and Article 10.6 respectively.
11. **In view of the facts and circumstances stated above, the Panel holds that the Athlete is liable for sanctions under Article 10.2.1 and liable for ineligibility for a period of 4 years. In the present case, since the Athlete had been provisionally suspended, the Panel accordingly holds that the Athlete's period of his ineligibility for the period of 4 years shall commence from the date on which the notification was sent, i.e. 22.02.2023.**

The matter is disposed of, accordingly.



Mr. Chaitanya Mahajan
(Chairman)



Dr. Manik S. Ghadlinghe
(Medical Member)



Ms. K.M Beenamole
(Sports Member)