

# 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: 26.09.2023

Ms. Priya  
R/o Kheri, Kheri Maham,  
Rohtak,  
Haryana - 124112  
Email: - [priyasports00001@gmail.com](mailto:priyasports00001@gmail.com)

**Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-115.ADDP.2023**

**NADA Vs. Ms. Priya (ADAMS ID – PRPRFA00833)**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 25.09.2023 in respect of final hearing of the above case held on 28.07.2023 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**

In the matter of Ms. Priya for violation of Articles 2.1 and 2.2 of National Anti-Doping Agency Anti-Doping Rules, 2021

**Quorum:** Mr. Chaitanya Mahajan, Chairman, ADDP  
Dr. D.S. Arya, Medical Member, ADDP  
Mr. Jagbir Singh, Sports Member, ADDP

**Present:** Mr. Yasir Arafat, NADA  
Ms. Priya, Athlete

### **J U D G E M E N T**

**25.09.2023**

1. The present proceedings before this Anti-Doping Disciplinary Panel (**“this panel”**) emanate from the Adverse Analytical Finding (**“AAF”**) against Ms. Priya (**“the athlete”**). The athlete is a **“Sprinter”** and her date of birth as stated by her in the Dope Control Form (**“DCF”**), happens to be **04.11.2002**.

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

**2.1** On 21.03.2023, a NADA Doping Control Officer ("DCO") collected a urine Sample from the Athlete In-Competition test in Trivandrum, Kerala with samples split into two parts. The ‘A’ sample and the ‘B’ sample were marked with unique reference code of **6502275**. The said test was conducted in National Dope testing Laboratory, Delhi, India. NADA.

**2.2** The A samples 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.1.2 Other Anabolic Agents/SARMS enobosarm (ostarine) and its metabolites O-dephenylostarine, S.1.2. Other Anabolic Agents/SARMS LGD-4033 (ligandrol) metabolite Dihyoxo, LGD-4033 and S.4 Hormone and**

**Metabolic Modulators/GW1516 and its metabolites GW1516 Sulfone, GW1516 Sulfoxide.**

- 2.3** The said Substance is a Hormone and Metabolic Modulator and is listed under S1.2 and S4.4 of WADA' s 2023 Prohibited List which are non-specified substances.
- 2.4** The initial review of sample 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.
- 2.5** First notification with regards to the Adverse Analytical Finding was issued to the Athlete on 21.04.2023 whereby the Athlete was informed about the AAF and that she was being provisionally suspended in accordance with Article 7.4.1 of the NADA Anti-Doping Rule Violation (ADR) until the resolution of the case.
- 2.6** The Notice of Charge was issued to the Athlete on 12.05.2023 and final opportunity to submit explanation was granted to the Athlete up till 01.06.2023.
- 3.** As per NADA's records, the Athlete did not have a Therapeutic Use Exemption ("TUE") to justify the presence of above Hormone and Metabolic Modulator in her system.
- 4.** The Athlete through an email dated 26.05.2023 replied to the notice of charge dated 12.05.2023 and stated her reason for the presence of prohibited substances in her sample.
- 5.** Disciplinary proceedings were initiated against the athlete for the violation of Article 2.1 and 2.2 of ADR 2021 in terms of Article 8.3 of the International Standard for Result Management (ISRM) 2021.
- 6.** Submissions made by the Athlete are reproduced herein:
- 6.1** The athlete in her reply to the notice of charge sent an email dated 26.05.2023 stating the reason for the presence of prohibited substances in her sample. The

athlete's plea was that the only thing she consumed were supplements and that she was unaware of the fact that they contained drugs in it.

**6.2** That during the course of the disciplinary proceedings conducted on 28.07.2023 the athlete was present in person and was not represented by a counsel.

**6.3** The athlete in her submissions during the disciplinary proceedings reiterated the defense that she took earlier and restated that the only substance she consumed were supplements and that she was unaware of the presence of prohibited substances in those supplements.

**6.4** During the course of the disciplinary proceedings queries were raised by the panel to the athlete as to how she came to know about the said substances, to which the athlete stated that she did not consult any doctor or person but rather she herself looked up on the internet for some supplements and the ones she found contained the said prohibited substances which she was unaware of. The athlete further submitted that it was not in her knowledge that the supplements that she consumed contained prohibited substances.

## **7. Submissions by NADA:**

**7.1** The representative of NADA stated that the initial burden of proof has been established by the NADA since the dope test results have confirmed the presence of substance from the non-specified category which attracts the punishment under Article 10.2 of the ADR. It was also submitted that in the event the presence of non-specified substance is confirmed the standard ineligibility period is 4 years.

**7.2** The representative of NADA also submitted that the Athlete has failed to reveal the actual source from which the said prohibited substance entered her body. since the actual supplements that the athlete consumed were never revealed to NADA.

**7.3** Lastly the representative of NADA submitted that the Athlete has failed to establish that the Anti-Doping Rule Violation is unintentional, therefore the

commission of ADRV has been established and punishment under Article 10.2 is applicable.

### **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.

- 3 It has been observed that the athlete has not only failed to provide the real source from where the prohibited substance entered into her body but also has failed to prove unintentional consumption of the said substance. The panel would like to refer **CAS 2008/A/1668 World Anti-Doping Agency (WADA) v. National Olympic Committee & Sports Confederation of Denmark & Dansk Boldspil-Union (DBU) & Jesper Münsberg**, the panel observed the following:

*“in order to benefit from the elimination or reduction of the sanction, the Player must fulfil two cumulative conditions, i.e. establish how the specified substance (in this case salbutamol) entered his body and establish the absence of intent to enhance his sporting performance.*

*Each of the two foregoing conditions is subject to a different standard of proof.”*

8. It is also observed that the substances found in the athlete’s body is available in the regular open market and is often sold as dietary substances. Nevertheless, it is the athlete’s responsibility to be aware of the substances entering her body.
9. All these circumstances clearly reveal that the athlete has consumed doping substance and that consumption was with the intention.
10. In view of the Facts, Circumstances, Precedents and Rules mentioned above, it is held that the Athlete has violated Article 2.1 & 2.2 of the NADA ADR, 2021, **she is hereby sanctioned with an ineligibility of four (04) years as per Article 10.2.1 of the NADA ADR, 2021. The period of ineligibility shall commence from the date of provisional suspension i.e., 21.04.2023.** It shall be noted that the athlete has **failed to satisfy the panel that the ADRV was non-intentional as per Article 10.2.1.1 of the NADA ADR, 2021.**

11. The athlete is entitled for the credit period of provisional suspension already undergone under Article 10.13.2.1 **The panel hereby directs that the Athlete be given credit period of her provisional suspension** which she had already undergone for calculating his total period of ineligibility of four (04) years.

12. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 20.03.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

The matter is disposed of, accordingly.



**Mr. Chaitanya Mahajan**  
Chairperson



**Dr. D.S. Arya**  
Member



**Jagbir Singh**  
Member