

Anti Doping Disciplinary Panel

Jawaharlal Nehru Stadium, 1st Floor, Hall No. 103 & 104
Lodhi Road, New Delhi, 110003
Tele. 011-24368274

To,

Date: 19th September, 2023

Mr. Nirmal Kumar Shetter
S/o Maharudra
R/o H. No. 3529/16, Unkal House Rd.
Rambhapuri, Kalyan, Dharwad,
Karnataka - 580032
Email: - nirmalkumar@gmail.com

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-127.ADDP.2023

NADA VS Mr. Nirmal Kumar Shetter (ADAMS ID: SHNIMA64111)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 12.09.2023 in respect of final hearing of the above case held on 12.09.2023 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. General Secretary, Indian Body Builders Federation, Pathare Gymco, 280/A, Javalkar Mansion, Dr. B.A. Road, Parel, Mumbai-12.
3. World Bodybuilding and Physique Sports Federation, # 32D, Jalan Tani, Singapore 455876.
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

In the matter of **Mr. Nirmal Kumar Shetter (Sports- Bodybuilding)** for violation of
Article 2.1 & 2.2 of the National Anti-Doping Rules, 2021

(PROCEEDING CONDUCTED THROUGH VIDEO CONFERENCING)

Quorum: **Mr. Vineet Dhanda, Chairperson, ADDP**
 Dr. Manik S. Ghadlinge, Member, ADDP
 Ms. K M Beenamole, Member, ADDP

Present: Mr. Yasir Arafat for NADA
 Athlete in person

JUDGEMENT

1. The National Anti-Doping Agency is India's national organization responsible for promoting, coordinating, and monitoring the doping control program in sports in India.
2. The Athlete is a “Bodybuilding Player” and his date of birth as stated by him in the Dope Control Form (“DCF”), happens to be **26.06.2002**.
3. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Nirmal Kumar Shetter (“**the athlete**”).
4. **That the brief facts of the case are as follows:**
 - a) A urine sample (“Sample”) of the athlete, Mr. Nirmal Kumar Shetter (“**Athlete**”) was collected during 13th Men Jr./Master /Sr. Women Bodybuilding Championship 2022 held in Ratlam, Madhya Pradesh by Doping Control Office (“**DCO**”) of NADA on 05 March 2023. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with a unique codeno “**6502335**”.
 - b) The A sample of 6502335 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.1.1 Anabolic Androgen Steroids (AAS)/Stanozolol Metabolites 3-hydroxy stanozolol, 16 beta-hydroxy Stanozolol; S.1.1 Anabolic Androgen Steroids (AAS)/Drostanolone metabolite 3alpha-hydroxy-2alpha-methyl-5alpha-androstan 17-one: S5. Diuretics and Masking Agents/Canrenone: S6. Stimulant/Mephentermine and its metabolite Phentermine.** The said Substances is listed under S1, S5 & S6 category of WADA's 2023 Prohibited List being both specified and non-specified substances.

- c) Pursuant to Article 7.2.1 of ADR, the initial review of samples A showed that the Athlete did not have Therapeutic Use Exemption (TUE); 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; and the AAF had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.
- d) Notification was issued to the Athlete on 12.04.2023 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.
- e) The Notice of Charge was issued to the Athlete on 01.07.2023 and final opportunity to submit explanation was granted to the Athlete.
- f) Oral hearing was conducted on 12.09.2023 by the Hearing Panel constituted under Article 8 of ADR. The hearing was attended Mr. Yasir Arafat, Law Officer, NADA and the Athlete was present in person.

Observation and findings of Panel: -

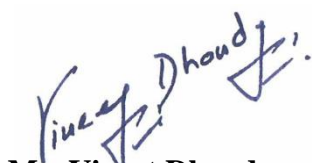
After hearing the parties at length and having considered all documentary and having considered the written / oral submissions the Panel observes as under:

5. As per Article 2.1 of the Anti-Doping Rules 2021, 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 where the Sample A returns an adverse finding.
6. It is undisputed that the Athlete's Sample has tested positive for **S.1.1 Anabolic Androgen Steroids (AAS)/Stanozolol Metabolites 3-hydroxy stanozolol,16 beta-hydroxy Stanozolol; S.1.1 Anabolic Androgen Steroids (AAS)/Drostanolone metabolite 3alpha-hydroxy-2alpha-methyl-5alpha-androstan 17-one: S5. Diuretics and Masking Agents/Canrenone: S6. Stimulant/Mephentermine and its metabolite Phentermine.**
7. 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.
8. The Athlete has failed to establish that the use of the prohibited substance was unintentional.
9. In view of the above facts taken as a whole, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place. 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.
10. **In view of the facts and circumstances stated above, the Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 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 provisional suspension, i.e., 12.04.2023.

11. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 05.03.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

Dated: 12.09.2023



Mr. Vineet Dhanda

(Chairperson)



Dr. Manik S. Ghadlinge

(Member)



Ms. K M Beenamole

(Member)