

Anti Doping Disciplinary Panel  
Block-A, Pragati Vihar Hostel,  
Lodhi Road, New Delhi, 110003  
Telefax: 011-24368248

Date: 7<sup>th</sup> September 2017

To,

Mr. Sandeep Kumar  
S/o Late Shri Mahender Singh  
H. No. 148, Village – Kirari,  
Nangloi, New Delhi

Subject: Decision of the Anti-Doping Disciplinary Panel Case No.-18.ADDP.04.2017

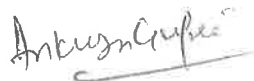
**NADA VS SANDEEP KUMAR**

The order containing the decision of the Anti Doping Disciplinary Panel dated 05/09/2017 in respect of final hearing of the above case held on 09/08/2017 and 16/08/2017 is enclosed.

It may please be noted that according to Article 13.7.2 of Anti Doping Rules of NADA 2015, **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.

The receipt of this communication may be acknowledged.

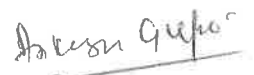
Encl: 05 sheets.

  
(Dr. Ankush Gupta)

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. Indian Olympic Association, Olympic Bhawan, B-29, Qutab Institutional Area, New Delhi- 110016.
2. World Anti Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
3. General Secretary, Indian Powerlifting Federation, 3/3, Meghmaller Apartment, 86 'M' Road, Bistupur, Jamshedpur 831 011.
4. International Powerlifting Federation, 1, Rue Pasteur, 4642, Differdange, Luxembourg.
- ✓ 5. National Anti Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi, 110003.

Encl: 05 sheets.

  
(Dr. Ankush Gupta)

**IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL**

A- Block, Pragati Vihar Hostel,  
Lodhi Road, New Delhi – 110003  
Telefax: 011-24368248

In the Matter of **Mr. Sandeep Kumar, S/o Late Shri Mahender Singh, H. No. 148, Village-Kirari, Nangloi, New Delhi** for the violation of Article 2.1 of Anti Doping Rules of NADA Code 2015.

- |     |                                |  |
|-----|--------------------------------|--|
| 1.  | Event                          | Powerlifting   |
| 2.  | Name of Competition            | North Zone National Powerlifting Championship  |
| 3.  | Date of Sample Collection      | 26/03/2017   |
| 4.  | Nature of sample               | Urine  |
| 5.  | Urine sample Code Number       | 494777   |
| 6.  | Name of Sample Witness         | Mr. Parvesh Sharma   |
| 7.  | Name of Dope Control Officer   | Ms. Nikita Sharma  |
| 8.  | Date of testing 'A' Sample     | 01/05/2017   |
| 9.  | Result of 'A' sample           | Adverse Analytical Finding for:<br><b>1) Boldenone and its metabolite (5b-Androst-1-en-17b-ol-3-one). Anabolic Steroid.</b><br><br><b>2) 19-norandrosterone (metabolite of nandrolone 19-nortestosterone) or its precursors (19-norandrostenedione or 19-norandrostenediol) at a concentration of 13.2 ng/ml which is greater than the Decision Limit (DL) of 2.5 ng/ml. The combined standard uncertainty estimated at the threshold is 0.15 ng/ml.</b> |
| 10. | Date of Initial Review         | 03/05/2017   |
| 11. | Date of provisional suspension | 04/05/2017   |
| 12. | Date of first notice           | 04/05/2017   |
| 13. | Date of testing 'B' sample     | Accepts 'A' sample adverse analytical finding.   |
| 14. | Result of 'B' Sample           | N.A.   |

*Amaball.*

*Parvesh*

*Amara*

- |     |                       |   |
|-----|-----------------------|---|
| 15. | Date of second Notice | N.A.  |
| 16. | Date of Notification  | 19/07/2017                                      |
| 17. | Date of hearing       | 09/08/2017 & 16/08/2017                         |
| 18. | Plea of the athlete   | Athlete didn't appear before the Hearing Panel. |
| 19. | Date of decision      | 05/09/2017                                      |

NADA notified its assertion relating to violation of Anti Doping Rule 2.1 by **Mr. Sandeep Kumar** (Sports discipline – **Powerlifting**).

Dr. Ankush Gupta, Project Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case. Hearing was conducted on 09/08/2017 and 16/08/2017 by the Hearing Panel constituted under Rule 8.

**Factual Background:**

The athlete participated in North Zone Powerlifting Championship 2017 held at Jammu on 26/03/2017. His urine sample was collected on 26/03/2017 by the Doping Control Officer of NADA. His sample was analyzed in the WADA Accredited Laboratory National Dope Testing Laboratory, New Delhi which returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance namely **1) Boldenone and its metabolite (5b-Androst-1-en-17b-ol-3-one). Anabolic Steroid. 2) 19-norandrosterone (metabolite of nandrolone 19-nortestosterone) or its precursors (19-norandrostenedione or 19-norandrostenediol) at a concentration of 13.2 ng/ml which is greater than the Decision Limit (DL) of 2.5 ng/ml. The combined standard uncertainty estimated at the threshold is 0.15 ng/ml**, which are non-specified substances as per NADA/WADA existing Prohibited List. Consequently, NADA issued a notice of charge dated 04/05/2017 to the athlete for the violation of Article 2.1 of the Anti-Doping Rules of NADA-2015 along with mandatory provisional suspension. In response to the notice, the athlete has submitted written reply dated 05/06/2017 wherein he has opted to waived of his right to 'B' sample analysis and further he submitted that on the advice of his senior and Gym friends he had taken the prohibited substance and had no knowledge of dope test.





**NADA's Submissions:**

NADA submitted that under Article 2.1.1 it is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

NADA further submitted that it is the athlete duty to ensure that no Prohibited Substance should entered in his body system. Further it has been submitted by NADA that mere admission of guilt of anti-doping rule violation by the athlete does not make him eligible for reduction in Ineligibility period, set out under Article 10.4 and 10.5.

Therefore, the athlete has failed to establish any grounds for elimination or reduction of period of ineligibility set out under Article 10.4 and 10.5. Hence, the maximum sanction of four (4) years may be imposed for the violation of anti-doping rules of NADA-2015.

**Panel View:**

The Panel has heard the NADA at length and had also carefully gone through the written/oral submissions made on behalf of the NADA.

In the present case, the prohibited substance are 1) **Boldenone and its metabolite (5b-Androst-1-en-17b-ol-3-one). Anabolic Steroid.** 2) **19-norandrosterone (metabolite of nandrolone 19-nortestosterone) or its precursors (19-norandrostenedione or 19-norandrostenediol) at a concentration of 13.2 ng/ml which is greater than the Decision Limit (DL) of 2.5 ng/ml. The combined standard uncertainty estimated at the threshold is 0.15 ng/ml,** was found in the urine sample of the athlete which falls under non-specified category. Under Article 2.1.1 clearly spells out that it is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault,

negligence or knowing use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

In the present case, admittedly the anti-doping rule violation relates to non specified substance. Therefore, the entire onus was on the athlete to establish that the anti-doping rule violation was not intentional. In the present case, the athlete has failed to discharge the said onus. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.

Despite the notice, neither the athlete nor any representative on behalf of the athlete appeared before the Panel. No written statement/reply has been filed by the athlete. We have already given ample opportunity to the athlete to appear or filing written reply in his defence. Hence, the only alternate left before the Panel is to proceed ex-parte in the present matter. Therefore, the athlete failed to establish any grounds for elimination or reduction of period of ineligibility. Therefore, the athlete is liable for sanction under Article 10.2.1.

No aggravating circumstances have been alleged for enhanced sanctions.

**As per the Anti Doping Rules of NADA 2015:**

**10.2.1** The period of *Ineligibility* shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and NADA can establish that the anti-doping rule violation was intentional.

In the present case, the Anti Doping Rule violation does not involves a specified substance and the athlete was not able to prove that the anti doping rule violation was not intentional.

The period of ineligibility under Article 10.2.1 for the first violation is 4 (four) years. Normally, the period of ineligibility starts from the date of the decision. The Athlete is entitled to the benefit of credit for the period of provisional suspension. In the present case, the athlete was provisionally suspended by NADA w.e.f. 04.05.2017.

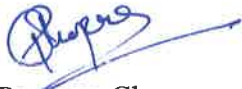
*Amakate*

*Deepak*

*Manoj*

Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Sandeep Kumar, S/o Late Shri Mahender Singh, H. No. 148, Village-Kirari, Nangloi, New Delhi for the violation of Article 2.1 of Anti Doping Rules, NADA-2015. The period of ineligibility shall commence from the date of the provisional suspension dated 04.05.2017. We also direct that under Rule 10.8 all other competitive results obtained by the athlete from the date of sample collection shall be disqualified with all resulting consequences including forfeiture of medals, points and prizes.

Dated: 5<sup>th</sup> September, 2017



Poonam Chopra  
Member



Dr. PSM Chandran  
Member



Sanjay Mani T.  
Chairman