

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  
S/o Shri Ranjit Pal,  
House No. 234, Street No. 1  
Mohalla Satnampura, Bhanoki,  
Phagwara, Punjab 144 402

**Subject: Decision of the Anti-Doping Disciplinary Panel Case No.-17.ADDP.04.2017**

**NADA VS SANDEEP**

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 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: 06 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 Body Builders Federation, Pathare Gymco 280A/, Javalkar Manison, Dr. B.A. Road, Parel, Mumbai.
4. World Body Building and Physique Sports Federation, Jumerah House, # 68, P.O 2185, DXB, Dubai, UAE.
5. National Anti Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi, 110003.

Encl: 06 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, S/o Shri Ranjit Pal, House No. 234, Street No. 1, Mohalla Satnampura, Bhanoki, Phagwara, Punjab 144 402** for the violation of Article 2.1 of Anti Doping Rules of NADA Code 2015.

1.	Event	Body Building
2.	Name of Competition	Sr. National Body Building Championship
3.	Date of Sample Collection	13/04/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	494127
6.	Name of Sample Witness	Mr. Ajay Yenkar
7.	Name of Dope Control Officer	Ms. Sayali Rode
8.	Date of testing 'A' Sample	12/05/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: <b>Trenbolone and its metabolite (Eptrenbolone), Anabolic Steroid.</b>
10.	Date of Initial Review	19/05/2017
11.	Date of provisional suspension	22/05/2017
12.	Date of first notice	22/05/2017
13.	Date of testing 'B' sample	Accepts 'A' sample adverse analytical finding.
14.	Result of 'B' Sample	N.A.
15.	Date of second Notice	N.A.
16.	Date of Notification	19/07/2017
17.	Date of hearing	09/08/2017
18.	Plea of the athlete	Took medicines as prescribed by the B.A.M.S Doctor.







19. Date of decision

05/09/2017

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

The athlete presented himself along with his father Mr. Ranjit Pal. 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 by the Hearing Panel constituted under Rule 8.

#### **Factual Background:**

The athlete participated in Senior National Body Building Championship-2017 held at Margoa, Goa on 13/04/2016. His urine sample was collected on 13/04/2017 by the Doping Control Officer of NADA. On testing, it returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance namely **Trenbolone and its metabolite (Epi trenbolone), Anabolic Steroid**, which is a non-specified substance as per NADA/WADA existing Prohibited List. As a result, NADA issued a notice of charge dated 22/05/2017 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 sent a letter dated 30/05/2017, wherein he stated that as part of his routine daily diet he took supplement and few days prior to the competition, during the exercise he suffered back pain due to strain in vein and to counter that he took medicines as prescribed by the Doctor. Upon enquiry from the Doctor it has been told by the Doctor to athlete that he had prescribed him certain pain killers and Decca Injection for fast recovery. He further also opted to waive of his right to 'B' sample analysis. The athlete further filed a reply dated 17/07/2017 and reiterated the submissions made earlier.

#### **Athlete's Submissions:**

Upon notice received from the Anti-Doping Disciplinary Panel, the athlete appeared in person along with his father Mr. Ranjit Pal before the Hearing Panel and argued in support of his case. The athlete also filed his written submissions dated 17/07/2017 wherein he has submitted that he (athlete) took supplement, as part of his routine daily diet and further submitted that few days prior to the competition, during the exercise, he suffered back pain due to strain in vein and upon



enquiry from the Doctor, he came to know that Doctor had prescribed him certain pain killers and Decca Injection for fast recovery. In support of his contention he has submitted medical prescription issued by Dr. Pankaj Sood of Sood Clinic, Satnampura, Phagwara, Punjab.

It is further submitted by the athlete that he is pursuing B.E.P (Bachelor of Physical Education) and if any ineligibility is imposed on him it could ruin his career. Thus, keeping in view of above he may be absolved from the doping charges.

#### **NADA's Submissions:**

NADA opposed the pleas taken by the athlete and stated that the facts and medical prescription presented by the athlete before the Panel are false and concocted and hence, are liable to be dismissed *in limine*. Further NADA submitted that the present case falls under the category of non specified substance and hence, four (4) years Ineligibility period under Article 10.2.1 may be imposed on the athlete unless the athlete establishes that despite his exercise of utmost caution and diligence the prohibited substance entered his body.

It has been submitted by the NADA that the athlete in the present case, cannot be granted any benefit merely by placing reliance upon the plea that the athlete took certain medicines and Injection 'Decca' allegedly on the advice of the Doctor and submits that it is athlete's attempt to escape liability by taking false defence stating that he used certain medicines and injection 'Decca'. As a result the athlete completely failed to establish his defence and has failed to adduce any evidence to substantiate his claim.

Further, 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 personal duty to ensure that no Prohibited Substance should enter 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 any relief or reduction in the 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.

**Observation of the Panel:**

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

In the present case, the prohibited substance is **Trenbolone and its metabolites (Epitrenbolone), Anabolic Steroid**, 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 cast on the athlete to establish that the anti-doping rule violation was not intentional.

So far the plea taken by the athlete that he took certain medicines and Injection for the treatment for lower back pain is concerned, we have carefully examined the medical prescription submitted by the athlete along with his written reply dated 17/07/2017 and found out that treating doctor Dr. Pankaj Sood is Bachelor of Ayurvedic Medicine and Surgery (B.A.M.S) doctor and in our opinion B.A.M.S. Doctor is not supposed to practice allopathic medicine. Therefore, the Panel is unable to give any credence to such medical prescription. Under the above facts and circumstances of the case, the Panel cannot itself to exonerate the athlete and eliminate or reduce the ineligibility period.

Article 4.4 Stipulates that an athlete with documented medical condition requiring use of Prohibited Substance or Prohibited Method must first obtain Therapeutic Use Exemption (TUE) certificate from NADA.



Further, the athlete did not disclose the said medicines in the doping control form at the time of sample collection. Such disclosure would have established his bona fide and suppression of these facts leads to his culpability. Under the aforesaid facts and circumstances, it is difficult to hold that the anti-doping rule violation was not intentional on the part of athlete.

In the present case, the athlete has absolutely failed to discharge the said onus cast on him. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.

No aggravating circumstances have been alleged for enhanced sanctions.

### **Relevant Rules**

#### **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. 22.05.2017.

**Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Sandeep, S/o Shri Ranjit Pal, R/o House No. 234, Street No. 1, Bhanoki Road, Satnampura, District Phagwara, Punjab 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**

**22.05.2017. 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