

## Anti Doping Appeal Panel

A-Block, Pragati Vihar Hostel,  
Lodhi Road, New Delhi, 110003  
Telefax 011-24368274

Date: 14<sup>th</sup> September, 2017

To,

Ms. Harkirat Kaur  
D/o Shri Avatar Singh  
VPO - Paintpur  
Mullanpur, SAS Nagar,  
Punjab 140 901

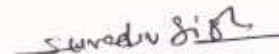
**Subject: Decision of the Anti Doping Appeal Panel-Case No.-17.ADAP.2016**

**HARKIRAT KAUR VS NADA**

The order containing the decision of the Anti Doping Appeal Panel dated 08.09.2017 in respect of hearing of the above case held on 08.09.2017 is enclosed.

The receipt of this communication may be acknowledged.

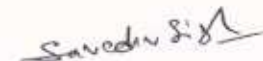
Encl: 03 Sheets.

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(Dr. Ankush Gupta)

Copy forwarded together with the copy of the order containing the decision of the Anti Doping Appeal 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 Weightlifting Federation, WZ-78, 1<sup>st</sup> Floor, Todapur Main Road, Dev Prakash Shastri Marg, New Delhi – 110 012.
4. International Weightlifting Federations, H-1146, Budapest, Istvanmezeiut 1-3, Hungary.
5. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi-01.

Encl: 03 Sheets.

f.   
(Dr. Ankush Gupta)

o/c

BEFORE THE ANTI DOPING APPEAL PANEL  
Conference Room, Pragati Vihar Hostel  
Lodhi Road, New Delhi -110 003

Appeal No.17.ADAP.2016

IN THE MATTER OF

Ms. Harkirat Kaur  
Weightlifting

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APPELLANT

Vs

National Anti Doping Agency  
New Delhi

.....

RESPONDENT

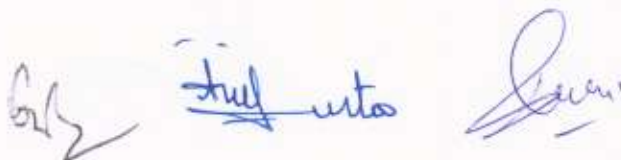
Quorum: Mr. Justice G.C. Bharuka, Chairman  
Dr. Anil Gurtoo, Member  
Ms. Indu Puri, Member

Present: Athlete Ms. Manpreet Kaur present in person with Ms. Rupali Kapoor,  
Counsel for the Athlete.  
Dr. Ankush Gupta, Project Officer, NADA

08.09.2017

ORDER

The weightlifting athlete has preferred this appeal. She is aggrieved by the order dated 22/03/2016 passed by the Anti Doping Disciplinary Panel imposing four years ineligibility against her under Article 10.2.1.1 of the Anti Doping Rules of NADA 2015 framed by NADA. The athlete's urine sample was collected on 04/06/2015 by the Doping Control Officer of NADA, while she was under training at Netaji Subhash National Institute of Sports, Patiala. On testing of 'A' sample by the WADA accredited Laboratory "National Dope Testing Laboratory, New Delhi. It resulted in Adverse Analytical Finding (AAF) for non specified substance. NADA communicated the adverse analytical finding to the appellant giving an option to her for testing of 'B' sample. By a





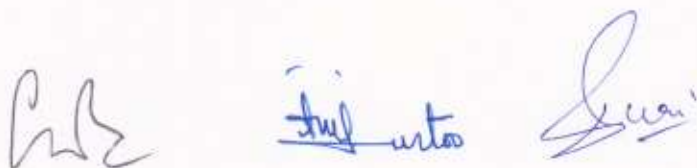
written communication the appellant accepted 'A' sample adverse finding on 03/07/2015, after hearing the explanation of the provisional hearing, NADA passed an order for provisional suspension on 23/06/2015.

Thereafter, NADA initiated the proceedings before the Anti Doping Disciplinary Panel. Panel issued notice to the Appellant for filing her reply and thereafter further notice for her appearance and hearing before the Panel.

The Appellant appeared before the Panel in person. She had stated before the Panel both orally and as well as in writing that apart from supplements supplied during the training by the Indian Weightlifting Federation she had purchased and consumed supplements from the market namely 'Test Freak'. It is a matter of record that this was done by the Appellant, despite specific direction from her coach that the trainee should not purchase any supplement from the market and even if for one or the other reason they intend to do so, they must take permission from the Coach. The supplement in question was purchased by the Appellant in violation of the said instructions and consumed the same without even informing the coach. Obviously, it was all done for enhancement of the performance. These circumstances lead to a reasonable conclusion that the Prohibited Substance was consumed intentionally.

Today during hearing the Appellant along with her counsel Ms. Rupali Kapoor is present before us. For our satisfaction in order to find out under what circumstances the Prohibited Substance was purchased and consumed by the Appellant. This enquiry was found necessary for us because the Appellant is a National level athlete and had undergone dope test on many earlier occasions. She is well acquainted with the Anti doping rules of NADA and the consequences of the violation.

The defence of the appellant is that she did not know that the supplement 'Test Freak' which is manufactured by Pharma Freak contains any Prohibited Substance. In support of her defence, she had produced before us a bottle of the said supplement. On reading of the label, we find that it is clearly printed that it contains 'hybrid testosterone support/testosterone support compounds', which falls under the category of non specified substance. When this was brought to the notice of the Appellant, she said that these typically technical medical jargons, she could not understand their implications. It



is difficult to accept the explanation for the simple reason that if she did not know about the implication of the supplement she ought to have consulted her coach before consuming the same.


For the above reasons, we do not find any cogent reason for interfering with the finding and order passed by the Ld. Anti Doping Disciplinary Panel.

Before leaving, we intend to record that a plea of limitation in filing the appeal has been raised on behalf of NADA. We did not find any substance in the said plea because NADA has no records to show the exact date on which the impugned order was received by the Appellant, which is starting point of calculating the period of limitation under Article 13.7.2 of the Anti doping Rules of NADA.

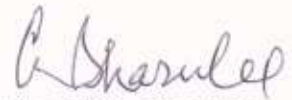
For the above reasons, we are constrained to dismiss this appeal. It is clarified that the Appellant will be entitled to benefit of the period of provisional suspension in calculating the period of ineligibility. In the facts and circumstances of the case, there will be no order as to costs.



Ms. Indu Puri  
Member



Dr. Anil Gurtoo  
Member



Justice G.C. Bharuka  
Chairman