



# National Anti-Doping Agency

(An Autonomous Body Under Ministry of Youth Affairs & Sports, Government of India)

Play fair

F. No. E/10/2022-SPO

Dated: 29/12/2022

To,

The Concerned Athlete or Support Personnel  
(Through the Concerned National Sports Federation to be served on the Athlete/Support Personnel in Confidential Cover)

Mr. Sumit  
Email: sumitmalik125kg@gmail.com

## Formal notice pursuant to the Anti-Doping Rules (“the ADR”) of the National Anti-Doping Agency Anti-Doping Rules 2021.

**Dear Mr. Sumit Malik,**

I am writing to give you formal notice to notify you of your apparent Failure to Comply with the whereabouts requirements of the ADR, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully, as it may have serious *Consequences* for you.

### **Whereabouts requirements**

By email dated **04<sup>th</sup> March 2022**, we advised you that you have been included in our *Registered Testing Pool*, and therefore that under the ADR(a copy of which can be found on the following Website: nadaindia.org, you are required to make a Whereabouts Filing at the beginning of each quarter, providing certain specified information about your whereabouts each day in the forthcoming quarter, and are further required to be available for *Testing* at those declared whereabouts, in accordance with the International Standard for Testing and Investigations(ISTI) Article 4.8.6.2(consult the ISTI document on *WADA*’s Web site, [www.wada-ama.org](http://www.wada-ama.org)).

### **Apparent Missed Test**

In your most recent Whereabouts Filing, you declared that you would be available for *Testing* on the following day at the following time and place:

Date : 20<sup>th</sup> December, 2022  
Time : 06:00 – 07:00 Hrs.  
Location : Room No: 5, Chattarsal Stadium, Model Town, New Delhi-110009.

We sent Doping Control Officers (“DCOs”) to test you on that day at that time and place. However, the DCO was unable to locate you for testing as you were not available at the given

location. [A copy of the DCO's Unsuccessful Attempt Report is enclosed, providing details of the attempt.]

From our review of the file, it appears that all of the elements of a Missed Test (set out in ISRM B.2.4) are present in this case. It, therefore, appears that you have committed a Whereabouts Failure under the ADR.

### **Action Required**

Please respond to this letter within 14 days, specifying if you accept that you have committed a Whereabouts Failure or alternatively if you believe you have not committed a Whereabouts Failure. In the latter case, please explain, in as much detail as possible, the reasons for your belief.

For example, if you claim you were present at the location specified for the specified 60-minute time slot for the day in question, please provide any corroborating evidence and comment on why the DCO was unable to find you for *Testing*. If you were not present, but claim that your absence (and your failure to update your Whereabouts Filing to reflect that absence) was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation.

We will then release, in light of your comments, whether each element of a Missed Test specified in ISRM B.2.4 is present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final determination is made.

### **Consequences if a Whereabouts Failure is recorded against you**

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation ("ADRV") under the ADR. Instead, there must be 3 Whereabouts Failures (whether Filing Failures or Missed Tests) within a 12-month period. **According to your file, 1 Whereabouts Failure have been recorded against you in the last 12 months. Therefore, if a further Whereabouts Failure (failure to fill the whereabouts or missed tests or both) is declared against you as a result of this current process, you will have 2 Whereabouts Failure recorded against you.**

Where 3 Whereabouts Failures are recorded against you in any 12-month period, you may be charged with an ADRV under the ADR. The burden will be on the NADA India to prove to the satisfaction of the hearing panel that you have committed the 3 alleged Whereabouts Failures. If it does so, the hearing panel will have discrete on to impose a period of *Ineligibility* on you of 12 to 24 months (more, if this is not your 1<sup>st</sup> offence). You will have the right to dispute any or all of the alleged Whereabouts Failures at the hearing. However, your defense may be undermined if it depends upon alleged facts that you raise for the first time at the hearing, i.e., that you have not

raised in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant **now**, in response to this letter.

Please consider the contents of this letter very carefully, and make sure we receive your full written response within **14 days** of the receipt of this letter.

If you have any questions about the content of this letter, you can contact this office at Telefax: 011-24368274 or Email address [nadaregisteredpool@gmail.com](mailto:nadaregisteredpool@gmail.com)

Yours sincerely,

  
(Director General, NADA/Authorized Signatory) 29/12/22

Cc:

- 1) Wrestling Federation of India,
- 2) United World Wrestling and
- 3) World Anti-Doping Agency (WADA).

[Enclosure: Unsuccessful Attempt Report]



**राष्ट्रीय डोप रोधी एजेंसी**  
**NATIONAL ANTI DOPING AGENCY**  
**असफल प्रयास रिपोर्ट फार्म**  
**UNSUCCESSFUL ATTEMPT REPORT FORM**

परीक्षण प्राधिकारी / TESTING AUTHORITY

परिणाम प्रबंध प्राधिकारी / RESULTS MANAGEMENT AUTHORITY

NADA - IND

NADA - IND

नमूना एकत्रण प्राधिकारी / SAMPLE COLLECTION AUTHORITY

डोपिंग नियंत्रण समन्वयक / DOPING CONTROL COORDINATOR

NADA - IND

NADA - IND

**1. खिलाड़ी सूचना • ATHLETE INFORMATION**

कुल नाम FAMILY NAME: — दिया गया नाम GIVEN NAME: SUMIT लिंग GENDER:  M  F  
 राष्ट्रीयता NATIONALITY: INDIAN खेल SPORT: WRESTLING विद्या DISCIPLINE: WRESTLING

**2. मिशन सूचना • MISSION INFORMATION**

परीक्षण क्रम कोड • TESTING ORDER CODE: 2128396355 पिछली बार की एथलीट की जाँच की जानकारी ATHLETE WHEREABOUTS LAST CHECKED: दिनांक DATE: 19/12/2022 समय TIME: 18:42  
 दिन/ DD माह/ MM वर्ष/ YYYY

कृपया इस मिशन के प्रयास में प्रयुक्त जानकारी की प्रति प्रदान करें • PLEASE PROVIDE A COPY OF THE WHEREABOUTS USED TO ATTEMPT THIS MISSION

**3. प्रयास सूचना • ATTEMPT INFORMATION**

स्थान LOCATION: ROOM NO. 5, CHATTARJAL STADIUM MODEL TOWN, NEW DELHI, INDIA संख्या/गली - NUMBER/STREE शहर - CITY/TOWN राज्य - STATE देश - COUNTRY  
 स्थान का विवरण DESCRIPTION OF LOCATION: प्रशिक्षण स्थल TRAINING VENUE: एथलीट गृह ATHLETE'S HOME: अन्य (उल्लेख करें) OTHER (SPECIFY):  
 प्रयास की दिनांक: 20/12/2022 पहुंचने का समय ARRIVAL TIME: 06:40 जाने का समय DEPARTURE TIME: 07:40  
 दिन/ DD माह/ MM वर्ष/ YYYY

एथलीट का विवरण: निर्धारित 60 मिनट समय स्लॉट के भीतर एथलीट का पता लगाने के लिए किए गए प्रयास का विवरण दे। इसमें स्थान का वास्तविक विवरण, कैसे सम्पर्क किया गया। संबंधी सार (डोरेबल, तृतीय पक्ष सम्पर्क इत्यादि) और किए गए प्रयास को बारंबरता तथा समय शामिल होने चाहिए परंतु वे उन तक ही सीमित नहीं होंगे। कृपया यह विवरण भी प्रदान करें कि क्या इस स्थान पर अथवा किसी अन्य स्थान पर (यदि लागू हो) एथलीट को 60 मिनट के समय स्लॉट के पश्चात ढूँढने का कोई प्रयास किया गया था। किए गए सभी प्रयासों के लिए कृपया प्रत्येक प्रयास के दौरान प्राप्त अतिरिक्त सूचना प्रदान करें।

DESCRIPTION OF ATTEMPT: DESCRIBE ALL ATTEMPTS MADE TO LOCATE THE ATHLETE DURING THEIR SPECIFIED 60-MINUTE TIME SLOT. THIS SHOULD INCLUDE BUT NOT BE LIMITED TO A PHYSICAL DESCRIPTION OF THE LOCATION, A SUMMARY OF HOW CONTACT WAS ATTEMPTED (DOORBELL, 3RD PARTY CONTACT, ETC.) AND THE FREQUENCY AND TIMING OF ATTEMPTS MADE. PLEASE ALSO DESCRIBE ANY ATTEMPTS MADE TO LOCATE THE ATHLETE OUTSIDE OF THEIR 60-MINUTE TIME SLOT AT THIS OR ANY OTHER LOCATIONS (IF APPLICABLE). FOR ALL ATTEMPTS MADE, PLEASE PROVIDE ANY ADDITIONAL INFORMATION RECEIVED DURING EACH ATTEMPT (FOR E.G. THE ACTUAL LOCATION OF THE ATHLETE).

As per mission order 2128396355, when our team reached at the location of athlete as per whereabouts data at 0640 hrs on 20 DEC 2022, the athlete was not available at their said address in whereabouts detail.

After that when we made calls to his number, he was not picking up his phone. (9968919686). After that we tried his second number which was on his whereabouts detail but that number of his phone - the person - Mr. Munesh Kumar. After the details collected from him the athlete was went to Vizag for Senior National Game by flight on same day (20 DEC 22) at 0530hrs. Due to not availability of athlete at their said whereabouts data, RTP not performed of above said athlete.

Signature Pathania 20/12/22

**4. पुष्टि • CONFIRMATION**

नीचे हस्ताक्षर करके मैं इस बात की पुष्टि करता हूँ कि यहाँ दी गई सूचना मेरी सर्वोत्तम जानकारी के अनुसार सही है और यह सूचना डोपिंग रोधी नियम उल्लंघन का पता लगाने के लिए प्रयोग की जा सकती है।  
 BY SIGNING BELOW I CONFIRM THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT THIS INFORMATION MAY BE USED IN ASSERTING AN ANTI-DOPING RULE VIOLATION.

डीसीओ का नाम DCO NAME: ANJUM PATHANIA दिनांक DATE: 20/12/2022  
 डीसीओ हस्ताक्षर DCO SIGNATURE: [Signature] दिन/ DD माह/ MM वर्ष/ YYYY





**राष्ट्रीय डोप रोधी एजेंसी**  
**NATIONAL ANTI DOPING AGENCY**  
**अनुपूरक रिपोर्ट फार्म • SUPPLEMENTARY REPORT FORM**

एसआरएफ संख्या/SRF NUMBER

परीक्षण क्रम कोड/TESTING ORDER CODE

2128396355

**1. द्वारा एकत्रित • COMPLETED BY**

डोपिंग नियंत्रण अधिकारी  एथलीट  एथलीट प्रतिनिधि  अन्य (उल्लेख करें)

**2. रिपोर्ट का उद्देश्य • PURPOSE OF REPORT**

अनुपालन में एथलीट की विफलता  औषधि की घोषणा (डोपिंग नियंत्रण फार्म)  टिप्पणी (डोपिंग नियंत्रण फार्म)  सूचना/सतर्कता रिपोर्ट   
 ATHLETE FAILURE TO COMPLY DECLARATION OF MEDICATION (DOPING CONTROL FORM) COMMENTS (DOPING CONTROL FORM) INFORMATION/INTELLIGENCE REPORT  
 अनुपूरक रिपोर्ट  अन्य (उल्लेख करें)

**3. अनुपूरक रिपोर्ट • SUPPLEMENTARY REPORT**

ऊपर दिए मिशन के अनुसार जब हम खिलाड़ी सुमित सुरती (125 किलो) को 9 आर-टी.पी. टेस्ट करने उनके द्वारा दिए गए पते पर पहुंचे समय 06:40 तो खिलाड़ी सुमित अपने दिए हुए पते पर नहीं मिले। हमने जब उनके फोन नं. पर काल की तो उन्होंने फोन नहीं उठाया (9968919686) इसके बाद हमने उनके दूसरे फोन नं. 9716726565 पर काल की जोकि उनके फिशियोथेरापिस्ट का श्री मुनेश कुमार जी का नं. था उनसे बात हुई, श्री मुनेश कुमार ने हमें यह बताया कि खिलाड़ी सुमित सिमर मैंगल खेल प्रतियोगिता में भाग लेने हेतु विशाखापट्टनम निकल चुके हैं। इस प्रकार खिलाड़ी अपने दिए हुए पते पर न मिलने कि वजह से उसकी आर.टी.पी. टेस्ट ही वे पाई।

Munish Kumar

मुनेश कुमार

खिलाड़ी के फिशियोथेरापिस्ट  
 फोन नं. 9716726565

Ansom Pathania  
 ANSOM PATHANIA  
 DCO (Retiree)

**4. प्रक्रिया का अनुपालन • CONFIRMATION OF PROCEDURE**

नाम ANSOM PATHANIA हस्ताक्षर [Signature]  
 NEME SINGATURE  
 दिनांक 20/12/2022 डीसीओ का नाम ANSOM PATHANIA हस्ताक्षर [Signature]  
 DATE DCO NAME SINGATURE