

Anti Doping Disciplinary Panel

J.L.N Stadium, Gate No. 10 Hall No.103
1st Floor, Lodhi Road, New Delhi 110 003
Telefax : 011-24368274

To,

Date: 18th September, 2019

Mr. Sunil Lande,
S/o Mr. Subhash Lande
C/3, Plot No. 13,
Ramnagar House Society Gavhanevasti,
Pune, Maharashtra 411 039

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-39.ADDP.01.2019

NADA Vs. SUNIL LANDE

The order containing the decision of the Anti-Doping Disciplinary Panel dated 16/09/2019 in respect of final hearing of the above case held on 21/08/2019 is enclosed.

Please note 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.

Also please note that according of Article 10.6.1- (**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 10.6.1.1 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 2015 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)

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, Amateur Kabaddi Federation of India, 33 Bhriugu Nagar, 2nd Floor, Gehlot ka Bunglow, Ajmer Road, Rajasthan 302021.
4. International Kabaddi Federation of India, Rajasthan.
5. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi 110003.

Encl: 04 sheets.


(Yasir Arafat)

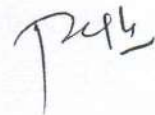
IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL
Jawaharlal Nehru Stadium, Hall No. (103-104) Ist Floor
Above Sports Library, New Delhi - 110 003
Telefax : 011-24368248

In the Matter of **Mr. Sunil Lande S/o Mr. Subhash R/o C/3, Plot-13, Ramnagar Housing Society Gavhanevasti, Pune Maharashtra 411039** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Kabaddi
2.	Name of Competition	2 nd Senior Federation Cup Kabaddi Championship 2017
3.	Date of Sample Collection	20/05/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	495151
6.	Name of Sample Witness	Mr. Nakal Gilorya
7.	Name of Dope Control Officer	Dr. Surbhi
8.	Date of result testing 'A' Sample	11/05/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: Mephentermine & its Metabolites Phentermine, Stimulant
10.	Date of Initial Review	15/06/2017
11.	Date of provisional suspension	19/06/2017
12.	Date of first notice	19/06/2017
13.	Date of testing 'B' sample	N.A
14.	Result of 'B' Sample	N.A.
15.	Date of second Notice	N.A.
16.	Date of Notification	28/03/2019
17.	Date of hearing	21/08/2019
19.	Date of decision	16/09/2019







NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Sunil Lande** (Sports discipline - **Kabaddi**).

Factual Background:

1. A urine sample (“**Sample**”) of the athlete, Mr. Sunil Lande (“**Athlete**”) was collected in 2nd Senior Federation Cup Kabaddi Championship 2017 at Indore by the Doping Control Officer of NADA on 20 May 2017. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B.
2. Sample A was tested at the National Dope Testing Laboratory, New Delhi and was returned with an Adverse Analytical Finding (“**AAF**”) for **Mephentermine & its Metabolites Phentermine, Stimulant**. Which are listed as stimulant under S6 of WADA Prohibited List 2017 as a non-specified substance.
3. Consequently, NADA issued a notice of charge dated 19.06.2017 (“**Notice of Charge**”) for violation of Rule 2.1 of the NADA Anti-Doping Rules (“**Rules**”). The notice of charge was also accompanied by a Mandatory provisional suspension, with effect from the date of notice.
4. Oral hearing was conducted on 21.08.2019 by the Hearing Panel constituted under Rule 8.3.2. The hearing was attended Mr. Yasir Arafat, Law Officer, NADA. The athlete appeared in person.

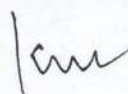
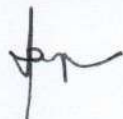
Submissions of the Athlete

5. Upon notice, the athlete appeared in person before the Hearing Panel and denied the intentional use of the substance. The Athlete stated that he has no idea as to how the Prohibited Substance entered into his body. He further state that he was having dental extraction in November, 2016 and the doctor prescribed Tab. Augmentin 625mg, Tab Zerodol, cap Ocid 20 to him for three days.

Submissions of NADA

6. It is submitted by NADA that under Article 2.1.1 of the Rules, it is the personal duty of each Athlete to ensure that no Prohibited Substance enters his/her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the part of the Athlete is to be demonstrated so as to establish a case of anti-doping rule violation under Article

2.1.



7. The Athlete has failed to adduce any evidence before the Panel to establish that there were no intention to violate the anti-doping rule.

Observations and Findings of the Panel

After considering the facts placed before the Panel, it is observed as under:

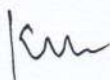
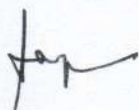
8. It is undisputed that the Athlete's Sample has tested positive for **Mephentermine & its Metabolites Phentermine, Stimulant. Mephentermine & its Metabolites Phentermine, Stimulant.** Which are listed as stimulant under S6 of WADA Prohibited List 2017 as a non-specified substance.
9. As per Article 2.1 of the Anti-Doping Rules 2015, 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.
10. 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.
11. The panel note that above said medicines which was taken by athlete was not contained with the prohibited substance.
12. Thus, it is difficult to hold that the anti-doping rule violation was not intentional on the part of athlete. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.

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.

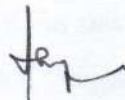
10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and NADA can establish that the anti-doping rule violation was intentional.



In the present case, admittedly, the anti-doping rule violation involves non specified substance category, therefore, 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. 19.06.2017.

Under Article 10.2.1, ineligibility of four (4) Years is imposed on Mr. Sunil Lande S/o Mr. Subhash R/o C/3, Plot-13, Ramnagar Housing Society Gavhanevasti, Pune Maharashtra 411039 for the violation of Anti-Doping Rules, NADA-2015. The period of ineligibility shall commence from the date of the provisional suspension dated 19.06.2017. 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: 16/09/2019



Col (Dr.) Sanjeev Kumar
Member



Kuldeep Singh
Chairperson



Jagbir Singh
Member