

National Anti Doping Agency
J.L.N Stadium, Hall No. 103-104, First Floor,
Lodhi Road, New Delhi 110 003
Telefax: 011-24368274

To,

Date: 15.05.2024

Mr. Vishav Chaudhary
(Sports- Kabaddi)
S/o Shri Kamendra Singh
Village- Bagarpur, District Bijnor,
State- Uttar Pradesh
Email id:vishvchaudhary26@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 190.ADDP.2023

NADA VS. MR. VISHAV CHAUDHARY (ADAMS ID – CHVIMA69627)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 09.05.2024 in respect of the final hearing of the above case held on 05.04.2024 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **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 by email at antidoping-panel@gov.in or may be filed directly at the office of the Anti- Doping Panel at J.L.N. Stadium, Ground Floor, Staircase No. 5, Near AICS Office, Lodi Road, New Delhi- 110003.

WADA and the International Federation have a right to appeal against the decision in accordance with Anti-Doping Rules.

Also please note that according to Article 10.7.1- **(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 10.7.1 ADR. Further, the athlete is subjected to a doping control test during the ineligibility period, therefore, the athlete is required to update his residential address as and when changed.

Copy of the NADA Anti-Doping Rules 2021 may be downloaded from NADA website at the following link: - <https://nadaindia.yas.gov.in>

The receipt of this communication may be acknowledged.

Encl: 05 Sheets.



(Yasir Arafat)

Sr. Programme Associate (Legal)

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. The World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. The Administrator, Amateur Kabaddi Federation of India, E-386 Cabin-B (Basement), Greater Kailash Part 1, New Delhi – 110 048.
3. The All India Police Sports Control Board, Akbar Road, Delhi
4. International Kabaddi Federation, 2, Akanksha, Ajmer Road, Jaipur, Rajasthan - India 302021

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

In the matter of Mr. Vishav Chaudhary (Sports-Kabaddi) for violation of Articles 2.1 & 2.2 of the National Anti-Doping Rules, 2021.

(PROCEEDING CONDUCTED THROUGH VIDEO CONFERENCING)

Quorum: Ms. Charu Pragya, Chairperson
Dr. Sanjogita Soodan, Member
Mr. Jagbir Singh, Member

Present: Mr. Yasir Arafat for NADA
Mr. Vishav Chaudhary (the Athlete)

J U D G E M E N T

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Vishav Chaudhary (“**the athlete**”).
2. The National Anti-Doping Agency of India is responsible for promoting, coordinating, and monitoring the doping control program in sports in India.
3. The Athlete is a “Kabaddi Player” and his date of birth as stated by him in the Dope Control Form (“**DCF**”) is 01.07.1997.
4. **That the brief facts of the case are as follows:**
 - i. The athlete was selected for the Dope Test during the 72nd All India Police Wrestling Cluster 2023 in Karnal, Haryana. The sample was collected on **07.10.2023** and was split into two separate bottles A and B with a unique code. “**6551547**”.

- ii. Sample A of 6551547 of the Athlete was tested at the National Dope Testing Laboratory, Delhi (NDTL) in accordance with the procedures set out in WADA's International Standards for Laboratories (ISL) and was returned with an Adverse Analytical Finding ("AAF") for **S.1 Anabolic Androgenic Steroids (AAS)/Stanozolol metabolites 3-hydroxy stanozolol, 16 beta-hydroxy stanozolol, Stanozolol-1N-glucuronide and Mephentermine and its metabolite Phentermine-Stimulant**. The said Substances are listed under the S1 & S6 category of WADA's 2023 Prohibited List being a non-specified substance and Stimulant.
- iii. Pursuant to Article 7.2.1 of ADR, the initial review of sample A showed that the Athlete did not have Therapeutic Use Exemption (TUE); there was no apparent departure from the International Standard for Testing and Investigations ('ISTI') or the International Standard for Laboratories ('ISL') that could undermine the validity of the AAF; and the AAF had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.
- iv. Notification was issued to the Athlete on 01.11.2023 informing him about the AAF. The two ADRVs were framed as follows:

Article 2.1: Presence of Stanozolol metabolites 3-hydroxy stanozolol, 16 beta-hydroxy stanozolol, Stanozolol-1N-glucuronide.

Mephentermine and its metabolite Phentermine-Stimulant a non-specified substance and Stimulant in his urine sample provided on 07.10.2023.

Article 2.2: Used Prohibited Substances namely Stanozolol & Mephentermine on or before 07.10.2023.
- v. By this Notification, the Athlete was provisionally suspended from participating in any further sporting events till the conclusion of disciplinary proceedings pending against him. Furthermore, the athlete was informed about his rights and

that in case the athlete is unwilling to accept the result of Sample A, he has the right to request the opening of Sample B at his own cost. The Athlete did not opt for B sample analysis.

- vi. The Notice of Charge was issued to the Athlete on 11.12.2023 and the final opportunity to submit an explanation was granted to the Athlete.
- vii. The hearing was held through video conferencing on 05.04.2024 by the Hearing Panel constituted under ADR. Mr. Yasir Arafat Law officer presented the case on behalf of NADA. The Athlete has represented himself.

5. Submissions of the Athlete

- i. The Athlete admitted the violation, accepted the test results and denied the intentional use of the substance. He assumed that contamination had caused the positive test results and further said that he had consumed certain medication for his knee surgery.

6. Submissions of the NADA

- i. It is submitted that under Article 2.1.1 of the Rules, each Athlete must ensure that no prohibited Substance enters his/her body. The liability cast on the Athlete under the rules is strict and considerations of intent, knowledge, fault or negligence are not required to be proved for establishing an Anti-Doping rule violation.
- ii. NADA has further submitted that the Athlete failed to disclose the consumption of supplements in his dope control which may contain the prohibited substance.
- iii. The Athlete failed to establish how the prohibited substance entered his system. Hence, the maximum sanction of four (4) years may be imposed for the violation of ADR, 2021.

7. Observation and findings of Panel: -

We have carefully considered the arguments put forth by the Athlete, as well as the

arguments made by NADA. We have also reviewed the available material on record that was shared with us.

8. As per the anti-doping rules, the burden of proof in establishing that the anti-doping rule violation was not committed intentionally lies with the Athlete. To rebut this presumption of intentionality, the Athlete must establish on a balance of probabilities that he does not meet the threshold of either direct or intent within the meaning of Article 10.2.3 of the Rules.

Article 10.2.3 reproduces here as “the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk”.

9. As per the Panel's decision, the Athlete's statement was not accepted as he failed to disclose the product name that caused the contamination, nor did he provide any information/document on undergoing medical treatment. Consequently, it is difficult to conclude that the Anti-Doping Rule violation was unintentional on the Athlete's part.

10. As per the Anti-Doping Rule Violation, the period of ineligibility shall be four years in cases where the violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional. In the present case, Stanozolol has been classified as a Non-Specified Substance, and the Athlete has been unable to demonstrate that the Anti-Doping Rule Violation was not intentional. Therefore, the Athlete is subject to sanctions under Article 10.2.1.1, resulting in a period of ineligibility for four years.

11. **In view of the facts and circumstances stated above, the Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 and liable for ineligibility for 4 years. In the present case, since the Athlete had been provisionally suspended, the Panel accordingly holds that the Athlete’s period of his ineligibility 4 years shall commence**

from the date on which the notification was sent, i.e., 01.11.2023.

12. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 07.10.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

Dated:09.05.2024



Charu Pragya
(Chairperson)



Dr. Sanjogita Soodan
(Member)



Jagbir Singh
(Member)