

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: 03.02.2023

Mr. Nitin Pawar
R/o Near Puja Tent House, Singhu,
North West Delhi - 110046
Email:- nitinpanwar21@gmail.com

Subj: Decision of the Anti Doping Disciplinary Panel Case No.-233.ADDP.2022

NADA Vs. Mr. Nitin Panwar

The order containing the decision of the Anti-Doping Disciplinary Panel dated 01.02.2023 in respect of final hearing of the above case is held on 19.01.2023 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 at the abovementioned address.

Also please note that according of 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 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 2021 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 Arifat
Law Officer**

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. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. General Secretary, Hockey India, B1/E14, Ground Floor Mohan Co-operative Industrial Estate, Mathura Road New Delhi – 110044
3. International Hockey Federation Rue du Valentin 61. CH-1004 Lausanne Switzerland
4. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi, 110003

BEFORE THE ANTI DOPING DISCIPLINARY PANEL

J.L.N. Stadium, First Floor, Hall No. 103,

Lodhi Road, New Delhi -110 003

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

In the matter of Mr. Nitin Pawar (DOB 24.05.1997) S/o Mr. Kapoor Singh R/o Near Puja Tent House, Singhu, North West Delhi 110046 for violation of Article 2.1 & 2.2 of National Anti-Doping Agency Anti-Doping Rules, 2021.

Quorum: Mr. Vineet Dhanda, ADDP
Dr. D S Arya Medical Member, ADDP
Ms. Archana Survey, Sports Member, ADDP

Present: Mr. Yasir Arafat, Law Officer, NADA
Mr. Nitin Pawar, Athlete

1.	Event	Field Hockey
2.	Name of Competition	68 th Inter Service for Hockey Championship
3.	Date of Sample Collection	03/04/2022
4.	Nature of sample	Urine
5.	Urine sample Code Number	6491506
6.	Name of Sample Witness	Dharmendra Kumar
7.	Name of Dope Control Officer	Dharmendra Kumar
8.	Date of Result 'A' Sample testing	17.05.2022
9.	Result of 'A' sample	Adverse Analytical Finding for: S1.1 Anabolic Androgenic Steroids (AAS)/Metandienone metabolite 17 beta-hydroxymethyl, 17 alfa-methyl-18-nor-androst-1,4,13-trien-3-one (LTM)
10.	Date of Initial Review	27/05/2022
11.	Date of Notification	31/05/2022
11.	Date of provisional suspension	31/05/2022
12.	Date of Notice of Charge	22/09/2022

13.	Date of Result 'B' Sample testing	N/A
14.	Date of hearing	09.12.2022 and 19/01/2023
18.	Plea of the athlete	Consumed medicine
19.	Date of decision	01.02.2023

The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Nitin Pawar (“**the athlete**”). The athlete is a “Hockey” Player and his date of birth as stated by him in the Dope Control Form (“**DCF**”), happens to be **24.05.1997**.

Factual Background:

1. A urine sample (“**Sample**”) of the athlete, Nitin Pawar (“**Athlete**”) was collected during 68th Inter Service for Hockey Championship at Punjab by the Doping Control Officer of NADA on 03 April 2022. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique Code “**6491506**”.
2. A Sample of the Athlete was tested at the National Dope Testing Laboratory, Delhi in accordance with the procedures set out in WADA’s International Standard for Laboratories and was returned with an Adverse Analytical Finding **Anabolic Androgenic Steroids (AAS)/Metandienone metabolite 17 beta-hydroxymethyl, 17 alfa-methyl-18-nor-androst-1,4,13-trien-3-one (LTM)**. The WADA’s 2022 Prohibited List enlists Metandienone, under the category S1, being a non-specified substance.
3. Subsequently, the Athlete was dully notified by a letter dated 31.05.2022 (“**the Notification**”) wherein he was notified that he has been charge for violation of Rule Article 2.1 & 2.2 of ADR. In the aforesaid letter, the Athlete was informed of his right to have his B sample specimen tested and the right to an impartial hearing by the Independent Anti-Doping Disciplinary Panel.
4. In response to the notification, the Athlete waived of his right to ‘B’ sample analysis.

5. The Notice of Charge under the National Anti-Doping Rules, 2021 was issued to the Athlete on 22.09.2022.
6. The athlete has filed Written Submissions or Document on record for the consideration of this Panel.

Submissions of the Athlete

7. It is the case of the Athlete that he was suffering from kidney stone for which he had consumed certain medications. The Athlete has placed on record the CT scan and Ultra Sound in support of his contention.
8. The Athlete submits that he had inadvertently consumed the prohibited substance due to pre-existing medical conditions and the same was not intentional or deliberate so as to gain any undue advantage during the competition.
9. The Athlete request the panel not to ban for longer period.

Submissions of NADA

10. 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 to establish a case of anti-doping rule violation under Article 2.1.
11. It is further submitted by NADA that the Athlete has not obtain Therapeutic Use Exemption (TUE) nor he disclosed the said medicine on his doping control form.

Observations and Findings of the Panel

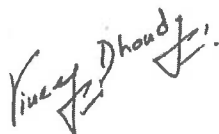
After hearing the parties at length and having considered all documentary and having considered the written / oral submissions the Panel observes as under:

12. As per Article 2.1 of the Anti-Doping Rules 2022, 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.
13. 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.

14. The defense of the Athlete is that the consumption of the prohibited substance was innocent and bonafide and not done with the intent to enhancing her performance.
15. In view of the above discussion, the Panel is of the view that the Athlete has failed to exercise the minimum due diligence required before consuming any substance and not getting the same verified or checked through the most basic channels, namely his doctor or a simple internet search, which would have revealed that the substance was prohibited by WADA. Further, in any event, an injury is not an excuse for the Athlete to take the prohibited substance like the one taken in the present case.
16. In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place.
17. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. The present case involves a non-specified substance, hence the Athlete is liable for sanctions under Article 10.2.1.1, an ineligibility for a period of 4 years.
18. **The Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 for an ineligibility for a period of 4 years. The period of his ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e., 31.05.2022.**
19. **We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 03.04.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.**

The matter is disposed of, accordingly

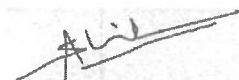
Dated 01.02.2023



Mr. Vineet Dhanda
(Chairman)



Dr. D S Arya
(Medical Member)



Archana Survey
(Sports Member)