

**BEFORE THE ANTI-DOPING DISCIPLINARY PANEL**

In the matter of Mr. Akash Kumar Patel (Sports-Athletics) for violation of Article 2.4 of ADR, 2021.

**(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)**

Case No. 165\_/ADDP/2023

**Quorum:**     **Ms. Charu Pragya, Chairperson**  
                  **Dr. Sanjogita Soodan, Member**  
                  **Ms. Abantika Deka, Member**

**Present:**     Mr. Akash Kumar Patel in person  
                  Mr. Yasir Arafat Law Officer for NADA

**ORDER**

1. The present proceedings before this Anti-Doping Disciplinary Panel (“this Panel”) emanate from the violation of Article 2.4 against Mr. Akash Kumar Patel (“the athlete”) who is a national-level player.
2. The facts of the case are as follows:
  - i. To facilitate Out-of-Competition Testing, National Anti-Doping Agency (NADA) is required to maintain a Registered Testing Pool (RTP). Athletes in NADA RTP have an obligation to make quarterly whereabouts submissions which outline their regular activities and provide a 60-minute period each day when the Athlete will be available for Testing. If an RTP athlete fails to file their whereabouts information, fails to keep the information up to date, or fails to be available during their identified 60-minute period, they are at risk of receiving a Whereabouts Failure. Any combination of three (3) Whereabouts Failures within twelve (12) months by an RTP athlete may result in an anti-doping rule violation (ADRV).
  - ii. The Athlete Mr. Akash Kumar Patel was included in NADA Registered Testing Pool (RTP) via an email dated 27.12. 2022. During the period between January to September 2023, NADA recorded three (3) Whereabouts Failure/Missed Tests against the Athlete, which can be summarized as follows:

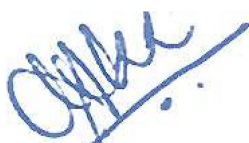
*1<sup>st</sup> Whereabouts Failure (Q-1 January to March 2023) recorded on 17.03.2023*

*2<sup>nd</sup> Whereabouts Failure (Q-2 April to June 2023) recorded on 09.06.2023*

*3rd Whereabouts Failure /Missed Test (July to September 2023) recorded on 09.08.2023.*

- iii. A notification was issued to the Athlete on 10.08.2023 informing him of the ADRV and that he was provisionally suspended from participating in any further sporting events till the conclusion of disciplinary proceedings pending against him. Through the said notification the athlete was informed about his rights to a fair hearing before the anti-doping disciplinary panel.
  - iv. On 06.09.2023, NADA issued a notice of charge for violating Rule 2.4 of the National Anti-Doping Rules, 2021 (“ADR”).
  - v. A virtual hearing was conducted on 06.02.2024 by the Hearing Panel constituted under Article 8 of ADR, 2021. The hearing was attended by Mr Yasir Arafat, Law Officer, NADA. The Athlete appeared before the Panel in person.
3. We have heard both the parties at length. The athlete has failed to provide any valid explanation with regard to their whereabouts failures. The athlete has taken responsibility for his mistake and has mentioned that he was not aware of how to fill the whereabouts information. They have expressed remorse and have promised to fill in all the necessary information.
  4. The Panel notes that the Athlete had three (3) Whereabouts Failures/missed tests within 12 months, he committed a whereabouts failure in contravention of Article 2.4 of ADR.
  5. According to Article 10.3.2 of ADR for violation 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available when the Athlete failed to establish no significant fault of negligence.
  6. We hereby hold that the Athlete has violated Article 2.4 of the ADR, 2021 and **he is hereby sanctioned with an ineligibility period of two (2) years from the date of provisional suspension i.e., 10.08.2023.**

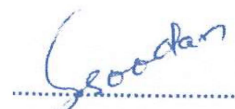
**Dated: 15.03.2024**



Abantika Deka  
Member



Ms. Charu Pargya  
Chairman



Dr. Sanjogita Soodan  
Member