

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

In the matter of **Mr. Akash Sharma (Sports –Powerlifting)** for violation of Articles 2.1 & 2.2 of Anti-Doping Rules, 2021

(PROCEEDING CONDUCTED THROUGH VIDEO CONFERENCING)

Quorum: Mr. Vineet Dhanda, Chairman
Dr. Manik S. Ghadlinge, Member
Ms. K M Beenamole, Member

Present: Mr. Yasir Arafat Law Officer, NADA
Mr. Prateek Dhanda Legal Aid counsel for the Athlete and athlete in person

J U D G E M E N T

1. The National Anti-Doping Agency of India is responsible for promoting, coordinating, and monitoring the doping control program in sports in India.
2. The Athlete is a National Level “Powerlifting Player” and his date of birth as stated by him in the Dope Control Form (“DCF”), happens to be **20.06.1999**
3. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Akash Sharma (“**the athlete**”).
4. **That the brief facts of the case are as follows:**
 - a) The athlete was selected for the Dope Test during the National Senior Powerlifting Championship held in Kashipur, Uttarakhand. The urine sample of the athlete was collected by the Doping Control Officer of NADA on 11.08.2023. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique code no.

6503503”.

- b) The A sample of 6503503 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 and was returned with an Adverse Analytical Finding (“AAF”) for **S.1 Anabolic Androgen Steroids (AAS)/, Metandienone and its metabolites (17beta-methyl-5beta-androst-1-ene-3alpha-17alpha-diol), (6beta, 17beta)-6,17dihydroxy-17methyl-androst-1,4-dien-3-one, (17beta-hydroxymethyl, 17alpha-methyl-18-nor-androst-1,4,13-trien-3-one), (17alpha-methyl-5beta-androstane-3alpha, 17beta-diol) & Anabolic Androgen Steroids (AAS) Trenbolone metabolites Epi Trenbolone (17 alpha-hydroxyestr-4,9,11-trien-3-one)**. The said Substances are listed under the S1 category of WADA’s 2023 Prohibited List a non-specified substance.
- c) 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. The AAF had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.
- d) Notification was issued to the Athlete on 06.09.2023 informing him about the AAF 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 and that in case the athlete is unwilling to accept the result of Sample A, he has the right to request for the opening of Sample B sample specimen tested and the right to an impartial hearing by the Independent Anti-Doping Disciplinary Panel to which Mr. Akash Sharma waived off his right to have the B Sample analysis.

- e) The Notice of Charge was issued to the Athlete on 18.09.2023 and the final opportunity to submit an explanation was granted to the Athlete. The athlete has not filed any written submission on record for the consideration of this Panel.
- f) The virtual hearing was conducted on 26th February 2024 by the Hearing Panel which was constituted under Article 8 of ADR. During the hearing, the panel appointed Mr. Prateek Dhanda as the legal aid counsel to represent the Athlete in his case.
- g) The final hearing was held on 12th March 2024, where the Athlete and his counsel appeared before the panel and presented their submissions on behalf of the Athlete.

5. Submissions of the Athlete

The counsel of the Athlete admitted the violation but denied the intentional use of the substance and requested a year reduction under result management agreement 10.8.1 of the Rules.

6. Submissions of the NADA

NADA opposes this plea, citing that at this stage, Article 10.8 is not applicable. It is the personal duty of each Athlete to ensure that no prohibited substance enters their body. The liability placed on the Athlete under these rules is strict, and considerations of intent, knowledge, fault or negligence are not required to be proven for establishing an Anti-Doping rule violation. Therefore, the Athlete is to be sanctioned under Article 10 of the Rules.

7. Observations and Findings of the Panel

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

- a) It is undisputed that the Athlete's Sample has revealed the presence of Anabolic Androgen Steroids (AAS)/, Metandienone and Trenbolone. These substances are listed under the S1 category of WADA's 2023 Prohibited List and are considered non-specified substances. The use of prohibited substances is strictly forbidden under the

rules.

- b) After examining the records and carefully reviewing Article 10.8 of the Rules, it has been determined that the Athlete's case does not meet the criteria set forth in this Article. It provides that the Athlete admits to the anti-doping rule violation charge within 20 days of receiving the notice with the object of resolving the issue without the hearing. Article 10.8 is reproduced below:

One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction Where an Athlete or other Person, after being notified by NADA of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by NADA. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

- c) In view of the above facts taken as a whole, it is established that a violation under Articles 2.1& 2.2 of the Anti-Doping Rules has taken place. 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.

8. The Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 for ineligibility for 4 years. The period of his ineligibility for 4 years shall commence from the date of provisional suspension, i.e., 06.09.2023.

9. We also direct that under Article 10.10 all other competitive results obtained by the

athlete from the date of sample collection i.e., 11.08.2023 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

Dated: 06.04.2024



Vineet Dhanda

Chairman



Dr. Manik S. Ghadlinge

Member



K M Beenamole

Member