

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,

Mr. Mahesh Goud,
S/o Shri Jagdesh Goud,
162, Netaji Subhash Marg,
District – Indore,
Madhya Pradesh 452 001

Date: 11th April, 2019

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-12.ADDP.05.2019

NADA Vs. MAHESH GOUD

The order containing the decision of the Anti-Doping Disciplinary Panel dated 28/03/2019 in respect of final hearing of the above case held on 05/03/2019 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 subject to doping control test during the ineligibility period.

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, Opp. Gehlot ka Bungalow, Ajmer Road, Jaipur, Rajasthan 302021.
4. International Kabaddi Federation, 2 Aakansha, Ajmer Road, Jaipur, Rajasthan.
5. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi 110003.

Encl: 04 sheets.



(Yasir Arafat)

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL

Jawaharlal Nehru Stadium, Gate No. 10, Ist Floor Hall No. 103&104

Above Sports Library, New Delhi - 110 003

Telefax : 011-24368248

In the Matter of **Mr. Mahesh Goud, R/o #162, Netaji Subhash Marg Indore, Madhya Pradesh 452001** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

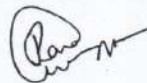
1.	Event	Kabaddi
2.	Name of Competition	Pro Kabaddi Cup, 2018
3.	Date of Sample Collection	20/10/2018
4.	Nature of sample	Urine
5.	Urine sample Code Number	509700
6.	Name of Sample Witness	Mr. Mahesh Napit
7.	Name of Dope Control Officer	Mr. Sayali Rode
8.	Date of testing 'A' Sample	30/11/2018
9.	Result of 'A' sample	Adverse Analytical Finding for: Mephertermine and its Metabolites Phentermine Stimulant
10.	Date of Initial Review	03/12/2018
11.	Date of provisional suspension	04/12/2018
12.	Date of first notice	04/12/2018
13.	Date of testing 'B' sample	26/12/2018
14.	Result of 'B' Sample	Adverse Analytical Finding for: Mephertermine and its Metabolites Phentermine Stimulant.
15.	Date of second Notice	28/12/2018
16.	Date of Notification	07/01/2019
17.	Date of hearing	05/03/2019
18.	Plea of the athlete	Took Injection
19.	Date of Decision	28/03/2019

Factual narration

1. A urine sample ("Sample") of the athlete, Mahesh Goud ("Athlete") was collected at the Pro-Kabaddi Cup 2018 in Pune, Maharashtra by the Doping Control Officer of NADA on 20.10.2018. 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 and its Metabolites Phentermine Stimulant**. The WADA's 2018 Prohibited List enlists the said substance as stimulants under S6 which are **non-specified substance**.
3. Consequently, NADA issued a notice of charge dated 04.12.2018 ("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 provisional suspension with effect from 5.00pm after receipt of first notice in seven (07) working days.
4. The Athlete requested for testing of Sample B vide letter dated 13.12.2018. The testing of Sample B was conducted in the presence of the Athlete and the same also returned an Adverse Analytical Finding of **Mephentermine and its Metabolites Phentermine Stimulant**.
5. The Athlete has been provisionally suspended during the pendency of the present proceedings.
6. The Athlete submitted a written representation dated nil.01.2019 and personally appeared before the Panel at the time of hearing. Mr. Yasir Arafat, Law Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case. Hearing was conducted on 05/03/2019 by the hearing Panel constituted under Article 8.3.2 of NADA Rule, 2015.

Submissions of the Athlete

7. The Athlete has submitted that he has been suffering from ankle and knee injuries for which he has been taking treatments in the past.
8. He states that the Pro-Kabaddi tournament started in Chennai and its fourth leg was held in Pune. The Athlete submits that when he was in Chennai, he had visited a shop for purchasing some protein supplements. He states that when he mentioned his knee/ankle pain to the shopkeeper, he was given an unlabeled vial which he was told to use at the time of pain. He further states that he was assured by the shop keeper that the said substance was dope free and not prohibited.
9. The Athlete has submitted before this Panel that he consumed the substance in Pune, one day before the match, when he was suffering from intense ankle pain. Upon enquiry, the Athlete revealed that he injected himself with the substance after viewing some videos on



the internet. The Athlete further states that after injection, he felt uneasy and breathless. Due to further deterioration of his health, the Athlete informed his coach that he was not in a position to play in the match on the next day. It is stated that the Athlete was part of the extras and not part of the 7 players on the field.

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 so as to establish a case of anti-doping rule violation under Article 2.1.
11. In the present case, NADA submits that the Athlete has consciously and deliberately purchased and administered himself with an unlabeled substance brought over the counter without any prescription and / or receipt. Thereafter, the Athlete has admitted to having he injected himself with the substance after having viewed an instructional video off the internet. NADA states that such a conduct establishes that the doping violation done by the athlete is intentional and deliberate and done with a view to enhance performance. NADA submits that had the Athlete bought the substance with an intention to alleviate pain, he would not have administered it himself in such a surreptitious and dangerous manner and without informing his team coach and doctor. Further, it is submitted that the proper course of action would have been to approach the team doctor / coach for an appropriate medication for his pain and /or consult the team doctor before administering the unlabeled medication himself. It is thus prayed that the Athlete ought to be sanctioned for the doping violation.

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:

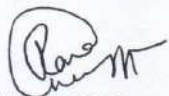
12. It is undisputed that the Athlete's Sample has tested positive for **Mephertermine and its Metabolites Phentermine Stimulant** which is a non-specified substance and is listed as in Category S6 of the WADA's 2018 Prohibited List.
13. The Panel notes that **Mephertermine and its Metabolites Phentermine Stimulant** is a psychostimulant that improves the activity of the central nervous system resulting in greater reflexes, speed and agility.
14. The Athlete has admitted to having taken the prohibited substance from an unlabeled vial given to him by a shopkeeper. What makes matters worse is that the Athlete has taken the prohibited substance himself via an injection after having viewed some internet videos
15. 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 and the Sample B confirms the said finding. In the present case, both Sample A and B have returned an adverse analytical finding.

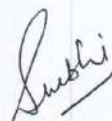
16. In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place.
17. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2015 must ensue. The present case involves 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 unless the Athlete proves that the violation was not intentional.
18. In the present case, the Athlete has failed to make out a case for unintentional use of the prohibited substance so as to seek any reduction in the period of sanction. On the contrary, the Panel notes that the conduct of the Athlete has been reckless and in complete disregard of anti-doping rules. Such a conduct is not expected from a professional athlete who is expected to be very mindful of what goes into his/her body.
19. **In view of the facts and circumstances stated above, the Panel holds that the Athlete Mr. Mahesh Goude R/o #162, Netaji Subhash Marg Indore, Madhya Pradesh 452001 is liable for sanctions under Article 10.2.1.1 and liable for ineligibility for a period of 4 years.**

Normally, the period of ineligibility starts from the date of the order. In the present case, since the Athlete has been provisionally suspended from date of notice as set out in Clause 5 of the Notice of Charge, The period of his ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e. 4.12.2018.

Dated: 28th March, 2019



Col (Dr.) Rana K Chengappa
Member



Surbhi Mehta
Chairperson



Jagbir Singh
Member