



# National Anti Doping Agency

(An Autonomous Body Under Ministry of Youth Affairs & Sports, Government of India)

Play fair

File no. 03/03/2020/NADA

Dated: 8/1/2021

**Mr. Ajay Thakur**

Email id: [ajaythakur55155@gmail.com](mailto:ajaythakur55155@gmail.com)

## Formal notice pursuant to the Anti-Doping Rules (the "ADR") of the National Anti-Doping Organization India

Dear Mr. Ajay Thakur (Kabaddi)

We are writing to notify you of your apparent Failure to comply with the Whereabouts Filing requirements of the ADRs, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully, as it could have serious Consequences for you.

### Whereabouts requirements

By letter no: 02/19/2019/NADA and email dated: 10<sup>th</sup> Feb 2020, NADA advised you that you have been included in NADA's Registered Testing Pool, and therefore that under the ADR (consult the document on the following Web site: <http://www.wada-ama.org>, you are required to make a Whereabouts Filing at the beginning of each quarter, providing the specified information about your whereabouts each day in the forthcoming quarter, in accordance with the International Standard for Testing and Investigations (ISTI) Article I.3. Consult the ISTI document on the World Anti-Doping Agency's ("WADA's") Web site, <http://www.wada-ama.org>.

### Apparent Filing Failure

As of the date of this letter, however, NADA has not received a Whereabouts from you for the current quarter, i.e. **January-March 2021**.

From our review of the file, it appears that all of the elements of a Filing Failure are present in this case. It therefore appears that you have committed a Filing Failure of whereabouts.

### Consequences if a Filing Failure is recorded against you

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation ("ADRV") under the ADR. Instead, there must be 3 Whereabouts Failures (whether Filing Failures or Missed Tests) within a 12-month period. According to record, two (2) Whereabouts Failures have been recorded against you in the last 12 months. Therefore, if a further Filing Failure is declared against you as a result of this current process, you will have no pending Whereabouts Failure(s) to be recorded against you.

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Where 3 Whereabouts Failures are recorded against you in a 12-month period, a hearing panel may be constituted to determine consequence that you have committed an ADRV under the ADR. The burden will be on the NADA India to prove to the satisfaction of the hearing panel that you have committed the 3 alleged Whereabouts Failures. If it does so, the hearing panel will have discretion to impose a period of Ineligibility on you of 12 to 24 months (or more, if this is not your 1st offence).

You will have the right to dispute any or all of the alleged Whereabouts Failures during hearing. However, your defense may not be accepted if it depends upon alleged facts that you raise for the first time during hearing, instead of raising them in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant now, in response to this letter.

### **Action Required (1): Comments on apparent Filing Failure**

Please respond to this letter within 14 days, specifying if you accept that you have committed a Filing Failure or alternatively if you believe you have not committed a Filing Failure. In the later case, please explain, in as much detail as possible, the reasons for your belief. For example, if you claim you did make the required Whereabouts Filing for the current quarter, please explain how and when you did so. If you did not make such filing, but claim that that failure was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation. We will then reassess, in light of your comments, if all elements of a Filing Failure set out in ISTI Article I.4.3 are present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final decision is made.

### **Action Required (2): Making the Missing Whereabouts Filing**

In order to remedy your apparent Filing Failure, please submit a Whereabouts Filing for the current quarter, including all of the information required under ISTI Article I.3 for each remaining day in the quarter, by no later than **five (05) working days**.

**Please note carefully: If you fail to comply with this requirement, you will be investigated for a further Filing Failure, and if all of the required elements are present then a Whereabouts Failure will be declared against you.**

Please consider the contents of this letter very carefully, and make sure we receive:

(A) Your full written response to the apparent Filing Failure within **14 days** of the date of this letter.



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(B) Your Whereabouts Filing for the remainder of the quarter by no later than **five (05) working days**.

If you have any questions about the content of this letter, you can contact this office at [nadaregisteredpool@gmail.com](mailto:nadaregisteredpool@gmail.com)

Yours sincerely,

*Ankur Gupta*  
11/1/2021

(Director General, NADA/Authorized signatory)

Cc:

The General Secretary, Amateur Kabaddi Federation of India, SAI Sadan, Near Celforce Tower Anand Vatika, AT & PO Kharel N.H. No. 8 Taluka Gandevi, Navasari, Gujarat 396430.

