

National Anti Doping Agency
J.L.N Stadium, Hall No. 103-104, First Floor,
Lodhi Road, New Delhi 110 003
Telefax: 011-24368274

To,

Date: 03.01.2025

Mr. Mohit Rathee
S/o Shri Randhir
R/o Village Lakanmazra, Distt. Rohtak
Haryana, India- 124514
Email- monurathee22222@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 02/ADDP.2024
NADA VS. Mr. Mohit Rathee (ADAMS ID –RAMOMA75115)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 31.12.2024 in respect of the final hearing of the above case held on 29.10.2024 is 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 by email at antidoping-panel@gov.in or may be filed directly at the office of the Anti- Doping Panel at J.L.N. Stadium, Ground Floor, Staircase No. 5, Near AICS Office, Lodi Road, New Delhi- 110003.

WADA and the International Federation have a right to appeal against the decision in accordance with Anti-Doping Rules.

Also please note that according to 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 a doping control test during the ineligibility period, therefore, the 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: - <https://nadaindia.yas.gov.in>

The receipt of this communication may be acknowledged.

Encl: 05 Sheets.



(Yasir Arafat)

Sr. Programme Associate (Legal)

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. The World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. Amateur Kabaddi Federation of India E-386 Cabin-B (Basement) Greater Kailash Part 1 New Delhi – 110 048.
3. International Kabaddi Federation, 2, Akanksha, Ajmer Road, Jaipur, Rajasthan - India 302021.

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

JLN Stadium, Lodhi Road, New Delhi

Case No. 02/ADDP/2024

In the matter of Mr. Mohit Rathee (Kabaddi) for violation of Articles 2.1 & 2.2 of the National Anti-Doping Rules, 2021.

(PROCEEDING CONDUCTED THROUGH VIRTUAL MODE)

Quorum: Mr. Vineet Dhanda, Chairperson

Dr. Manik S., Member

Ms. KM Beenamole, Member

Present: Mr. Saurabh Mishra and Mr. Chetan Sharma, Advocates for athlete

Mr. Mohit Rathee, Athlete in person

Dr. B. K. Bazzad, (Witness)

Mr. Yasir Arafat for NADA

J U D G E M E N T

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) **against** Mr. Mohit Rathee (“**the athlete**”).
2. The Athlete is a National Level “Kabaddi Player” and his date of birth as stated by him in the Doping Control Form (“**DCF**”), is 10.10.2001.
3. **That the brief facts of the case are as follows:**
 - a) The athlete is in the sports of Kabaddi. The urine sample of the athlete was collected during an in-competition testing in ‘**Pro Kabaddi Season 10**’ held at Jaipur, Rajasthan. The sample was collected on 12.01.2024 and was split into two separate bottles A and B with a unique code. “**6552083**”.
 - b) Sample A of 6552083 of the Athlete was tested at the National Dope Testing Laboratory (NDTL), Delhi in accordance with the procedures set out in WADA’s

International Standards for Laboratories and was returned with an Adverse Analytical Finding (“AAF”) for Mephentermine and its metabolite- Stimulants. The said Substance is listed under the S6. category of WADA’s Prohibited List being a non-specified substance.

- c) Pursuant to Article 7.2 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; and 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 12.02.2024 informing him about the AAF and that he was provisionally suspended from participating in any sporting events till the adjudication 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 at his own cost. The Athlete did not opt for B sample testing.
- e) The Notice of Charge was issued to the Athlete on 26.02.2024 and the final opportunity to submit an explanation was granted to the Athlete.
- f) The Athlete was notified through a letter dated 23.07.2024 that a Hearing Panel had been constituted to adjudicate the alleged anti-doping rule violation. The notification informed the Athlete of his right to respond to the charges and also indicated that the Athlete could submit written submissions, along with all supporting documents, to the Anti-Doping Disciplinary Panel within twenty (20) days from the receipt of the notice.
- g) The Anti-Doping Disciplinary Panel conducted the virtual hearings on 10.10.2024 and 29.10.2024. Dr. B.K. Bazzad, the physician who treated the athlete, attended the proceedings as a witness and verified the details of the treatment provided to the athlete at the hospital. Following the proceedings, the panel reserved their order.

4. Submissions of the Athlete

- a) The athlete denied having taken any prohibited substance to enhance his performance. However, he disclosed that an unknown insect had bitten him on his

back, which led to him losing consciousness. In that state, his family rushed him to Prakash Multispecialty Hospital in Rohtak, where he was admitted at 2:10 PM and discharged at 7:30 PM. Upon admission, he was experiencing weakness, difficulty breathing, and anxiety, and he was later diagnosed with Anaphylactic Shock.

- b) The athlete further claimed that the doctor administered I/V Hydrocortisone, I/V Evil Fluid, I/V Vasopressor (Mephentermine), I/V PCM and other supportive and symptomatic treatment upon him to relieve the condition. However, as he was brought to the hospital, he could not inform the doctor that he is a sportsman and subjected to anti-doping regime.
- c) The athlete denied knowing that the medicine prescribed by a duly qualified medical professional contained prohibited substance.
- d) The Athlete had never undergone a doping test before and had not participated in any formal anti-doping awareness programs. He pointed out his limited understanding of anti-doping regulations and attributed the situation to an inadvertent mistake by the AAF.

5. Submissions of the NADA

- a) NADA submitted before the Panel 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. The liability cast on the Athlete under the rules is strict and considerations of intent, knowledge, fault or negligence are not required to be proved for establishing an Anti-Doping rule violation.
- b) NADA submitted that the Athlete failed to obtain a Therapeutic Use Exemption (TUE). NADA contended that the injection in question is classified as a prohibited substance. Furthermore, the Athlete did not inform the medical personnel of his status as a competitive athlete and failed to provide any compelling evidence to demonstrate that the ingestion of the prohibited substance was unintentional.

Moreover, he could not establish a lack of intent regarding his actions. As a result, he is liable under Article 10.2.1.1 of ADR 2021.

- c) NADA also noted that the Athlete failed to disclose the injection on the doping control form at the time of sample collection.
- d) NADA emphasized that athletes bear the responsibility for knowing what constitutes an ADRV and which substances are prohibited. The jurisprudence established by the Court of Arbitration for Sport (CAS) is explicit in stating that if an Athlete consumes a product without proper verification, they exhibit “indirect” intent. Consequently, this warrants a sanction of four years of ineligibility under Article 10.2.1.2 of the rules.

6. Observation and findings of Panel: -

We have carefully heard the arguments of both parties. We have also reviewed the available material on record that was shared with us.

- 7. As per the anti-doping rules, the burden of proof in establishing that the anti-doping rule violation was not committed intentionally lies with the Athlete. To rebut this presumption of intentionality, the Athlete must establish on a balance of probabilities that he does not meet the threshold of either direct or intent within the meaning of Article 10.2.3 of the Rules.

The relevant Article is reproduced below:

“Article 10.2.3 reproduces here as “the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk”.

- 8. The panel observes that Mephentermine injection is not considered a preferred treatment for Anaphylactic Shock. Additionally, it is surprising that the athlete was able to participate in the event the following day despite being in such a critical state of health and shock.
- 9. This Disciplinary Panel has determined that the athlete has not met the evidential burden

required to demonstrate that the ADRV was unintentional as per the rules. Consequently, ADRV was deemed intentional within the meaning of Article 10.2.3 of ADR and thus the appropriate sanction under Article 10.2.1.1 is 4 years of ineligibility.

10. In view of the facts and circumstances stated above, this Disciplinary Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 liable for ineligibility for 4 years. In the present case, since the Athlete had been provisionally suspended, the Panel accordingly holds that the Athlete's period of his ineligibility for 4 years shall commence from the date on which the notification was sent, i.e., 12.02.2024.

11. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 12.01.2024 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

Dated: 31.12.2024



Mr. Vineet Dhanda

(Chairman)



Dr. Manik S.

(Member)



Ms. K.M. Benamole

(Member)