National Anti Doping Agency

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To,

Date: 10.10.2025

Mr. Gaurav (Sports-Boxing)
S/o Shri Rajesh Kumar
Paprawat Gaon, Najafgarh
Delhi-110043
Email:kidoliyag@gmail.com

Subj: Decision of the Anti-Doping Appeal Panel Case No.-27/ADAP/2024

NADA VS. MR. GAURAV (ADAMS ID: - GAGAMA82491**)**

The order containing the decision of the Anti-Doping Appeal Panel dated 06.10.2025 in respect of final hearing of the above case held on 12.09.2025 is enclosed.

The receipt of this communication may be acknowledged.

Encl: 06 sheets.

(Yasir Arafat)
Sr. Programme Associate (Legal)

Copy forwarded together with the copy of the order containing the decision of the Anti-Doping Appeal 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. Boxing Federation of India, BFI, 319, Udyog Vihar, Phase - IV, Gurgaon.
3. International Boxing Association, Maison du Sport International, Avenue du Rhodanie 541007 Lausanne Switzerland.

BEFORE THE ANTI-DOPING APPEAL PANEL

J.L.N Stadium, Lodhi Road, New Delhi – 110 003

Appeal No. 27/ADAP/2024

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

IN THE MATTER OF:

National Anti-Doping Agency ...Appellant

Versus

Gaurav (Sports-Boxing) ..Respondent

Quorum: ***Ms. Geetanjali Sharma, Chairperson***
Dr. Rana Chengappa, Member
Ms. Rani Rampal, Member

Present: *Mr. Yasir Arafat, Law Officer NADA*
Mr. Gaurav (Athlete in Person)

FINAL ORDER

1. The Appellant has filed the present appeal against the final order dated 27.09.2024 passed by the Ld. Anti-Doping Disciplinary Panel ("ADDP"), whereby the Respondent/Athlete was sanctioned with a period of ineligibility of one (1) year, effective from 06.03.2024, for committing an Anti-Doping Rule Violation (ADRV).
2. The facts of the case are as follows:

a. That on 27.11.2023, NADA Doping Control Officer ("DCO") collected urine sample from the athlete during in-competition at the 7th Elite Men's National Championship 2023 Shillong, Meghalaya. Assisted by the DCO, the athlete split the sample into two separate bottles, which were given reference numbers A 6502905 (the "A sample") and B 6502905 (the "B sample").

b. The sample was transported to the World Anti-Doping Agency ("WADA")-accredited Laboratory, National Dope Testing Laboratory, Delhi. The Laboratory analysed the A sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the A sample returned an Adverse Analytical Finding ("AAF") for the presence of Torasemide- Diuretics and Masking Agents, which is listed under S5. of WADA's 2023 Prohibited List as a specified substance.

c. The athlete was notified of the adverse analytical findings via a notification dated 27.12.2023, whereby the athlete was informed about the AAF in his sample reports.

d. The athlete was subsequently served with a Notice of Charge dated 27.02.2024. This Notice of Charge, issued against the athlete for violating Articles 2.1 and 2.2 of the Rules.

e. The final hearing was conducted on 16.07.2024. The Ld. ADDP passed the Impugned Order wherein it has been held that the respondent sample had tested positive for Torasemide Diuretics and Masking Agents, which is a specified substance of the WADA Prohibited List, 2023. Therefore, it was held that the respondent has violated Articles 2.1 and 2.2 of the Rules, 2021 and is liable for sanctions under Article 10.2.2 read with 10.6.1.1 of the Rules, 2021 for an ineligibility of 1 year, which will commence from the date of the decision, i.e., 06.03.2024.

3. APPELLANT SUBMISSIONS:

a. The Appellant submitted that the prohibited substances was found in the urine sample of the Athlete, and under Article 2.1.1, it is an athlete's responsibility to ensure that no Prohibited Substance enters his/her body. Further, it was submitted that the respondent Athlete did not have a Therapeutic Use Exemption (TUE) as such, the substance was found in-competition.

b. The Appellant submits that it is an admitted case that the Respondent ingested the medication without exercising the necessary caution expected of an athlete. Even at first glance, the name of the prohibited substance was clearly displayed on the medication packaging. It is important to highlight that the medication consumed by the athlete explicitly indicated the presence of " Torasemide" which is specifically prohibited under WADA regulations and falls within the S5 category—Diuretics and Masking Agents.

c. The Appellant submits that the Ld. ADDP failed to appreciate that this situation illustrates a significant failure to thoroughly investigate the contents of the substance or medication and the potential implications, thereby neglecting the athlete's responsibility to ensure that any ingested substance is free from banned ingredients. As a result, the Respondent has not fulfilled the three critical criteria necessary to support the defense of "no fault or negligence" or "no significant fault or negligence.

d. Lastly, the Appellant requests the Panel to set aside the impugned order of the Disciplinary Panel and sanction the respondent 2 years ineligibility from the date of the ADDP order 06.03.2024.

4. RESPONDENT SUBMISSIONS:

a. The Athlete submitted that after his competition, he experienced swelling on his face, for which he consumed certain medication without knowledge of its composition. The Athlete further produced a medical prescription in support of the said consumption and contended that he was unaware that the said medication could amount to a potential Anti-Doping Rule Violation.

b. The Athlete pleaded that the violation, if any, was not intentional and that he had no knowledge of the presence of prohibited substances in the prescribed medicine.

5. OBSERVATION AND FINDINGS

After careful consideration of the submissions, oral arguments, and documentary evidence placed before it, the Panel finds that the presence of Torasemide in the Athlete's sample has been established. This constitutes an Anti-Doping Rule Violation under the National Anti-Doping Rules (NADR). The Athlete's primary contention is that he was prescribed Dytor Plus ("relevant medicine") by a doctor for pain and swelling on his face, which contains the relevant substance. The Athlete was not aware that the relevant medicine was prohibited under the WADA Rules and the Athlete was consuming the same unintentionally.

6. Upon reviewing the documents on record, this Appellate Panel finds that the Respondent/Athlete did not exercise reasonable care by consulting a medical practitioner and failed to conduct the necessary due diligence. Simply consuming or administering a prohibited substance without obtaining a Therapeutic Use Exemption (TUE) is sufficient to sanction an Athlete, as required under Article 2.1.1 of the Rules.

"It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples.

Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1".

Further, Article 2.1.2 of the Rules stipulates that "Sufficient proof of an anti- doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample."

Article 10.6.1.1 of the Rules mandates "Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Athlete's or other Person's degree of Fault."

7. The Rules also define the terms "No Fault or Negligence" and "No Significant Fault or Negligence".
8. The Court of Arbitration for Sport, in CAS 2017/A/5110 (International Ski Federation v. Therese Johaug & Norwegian Olympic and Paralympic Committee), held that an athlete is not exempt from personal responsibility

even if a doctor fails or prescribes a prohibited substance. Reliance on a doctor does not absolve the athlete of their duty. An athlete cannot shift the burden of responsibility and must ensure that no prohibited substance enters their body, regardless of whether it is prescribed by a doctor.

9. Accordingly, the appeal is allowed and the Order dated 27.09.2023 passed by the Anti-Doping Disciplinary Panel in Case No. 201.ADDP.2023 is hereby set aside. The Respondent/Athlete is sanctioned with a period of ineligibility of two (2) years commencing from the date of this decision i.e. 06.10.2025. The Athlete shall be entitled for the credit of the suspension/period of ineligibility for which he has already served, and accordingly the Athlete's period of ineligibility shall be completed on 05.10.2026. Further, in terms of Article 10.10 of the Anti-Doping Rules, all competitive results obtained by the Respondent/Athlete from the date of sample collection, i.e., 27.11.2023, stand disqualified with all resulting consequences, including forfeiture of medals, points, and prizes.

Dated: 06.10.2025

RANI Digitally signed by RANI Date: 2025.10.08 11:58:53 +05'30'

(Ms. Rani Rampal)
Member

Rana Kanganda Chengappa Digitally signed by Rana Kanganda Chengappa Date: 2025.10.07 12:48:03 +05'30'

(Dr. Rana Chengappa)
Member

Geetanjali

(Ms. Geetanjali Sharma)
Chairperson