

Anti-Doping Disciplinary Panel

Jawaharlal Nehru Stadium, 1st Floor, Hall No.104
Lodhi Road, New Delhi, 110003
Tele. 011-24368274

To,

Date: 11th July, 2023

Mr. Aneesh Kumar Surendran Pillai
C/o Self,
R/o Chaitanya Pooraltor
Marady, P.O, Kollam,
Kerala – 691001
Email:- aneeshkumarmarady@gmail.com

Subject: Decision of the Anti-Doping Disciplinary Panel Case No.-290.ADDP.2022

NADA VS Mr. Aneesh Kumar Surendran Pillai (ADAMS ID: -SUANMA19627)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 04/07/2023 in respect of final hearing of the above case held on 22/05/2023 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 at the abovementioned address.

Also please note that according of 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 doping control test during the ineligibility period, therefore, 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:-www.nadaindia.org/en/anti-doping-rule-of-nada

The receipt of this communication may be acknowledged.

Encl: 06 sheets



(Yasir Arafat)
Law officer

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. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada
2. Secretary General, Paralympic Committee of India, Jaisalmer House, 26, Mansingh Road, New Delhi 110011.
3. International Paralympic Committee, Adenauerallee, 212-214, 53113, Bonn, Germany.
4. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

BEFORE THE ANTI DOPING DISCIPLINARY PANEL

In the matter of **Mr. Aneesh Kumar Sundaran Pillai** for violation of Articles 2.1 of
National Anti-Doping Agency Anti-Doping Rules, 2021

Quorum: Mr. Chaitanya Mahajan, Chairman, ADDP
Dr. Bikash Medhi, Medical Member, ADDP
Ms. Archana Surve, Sports Member, ADDP

Present: Mr. Yasir Arafat, NADA
Mr. Aneesh Kumar Sundaran Pillai, Athlete
Mr Saurabh Mishra, Counsel for Athlete

J U D G E M E N T

04.07.2023

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Aneesh Kumar Sundaran Pillai (“**the athlete**”). The athlete is a “**Para-athletic**” in discuss throw and his date of birth as stated by him in the Dope Control Form (“**DCF**”), happens to be **07.02.1991**.
2. That the brief facts of the case are as follows:
 - 2.1 On 01.07.2022, NADA Doping Control Officer ("DCO") collected a urine Sample from the Athlete Out-of-Competition in Bengaluru, Karnataka with samples split into two parts. The ‘A’ sample and the ‘B’ sample were marked with unique reference code of **6492619 and 6492617** respectively.
 - 2.2 The A sample of 6492617 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.5 Diuretics and Masking Agent/Hydrochlorotiazide**.

- 2.3 The said Substance is a Hormone and Metabolic Modulator and is listed under S 5 of WADA' s 2022 Prohibited List being a specified substance.
- 2.4 The initial review of samples A shows that 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.
- 2.5 First notification to the Athlete informing him about the AAF was issued on 22.07.2022 whereby the Athlete was informed about the AAF and an opportunity to file the reply before 09.08.2022 was granted to the athlete.
- 2.6 On 25.07.2022 one Dr. (H.C.) Deepa Malik who is also the President of PCI sent a reply on behalf of the athlete via email citing medication for the Blood pressure issues as the reason for the presence of prohibited substance. She also stated that since the athlete was unaware about the Therapeutic Use Exception he was not able to opt for the same.
- 2.7 The athlete also replied to the said notification dated 22.07.2022 via mail dated 25.07.2022 with similar explanations to that of Dr. Deepa Malik for medications for blood pressure being a primary reason for the presence of prohibited substance in the sample of the athlete. Moreover, the athlete also stated that he was on medication under the recommendation of one Dr. Milind Yeole since 15.01.2022.
- 2.8 On 25.07.2022 the athlete waived off his right for the analysis of Sample B and Lab Documentation package and also was not willing to challenge the AAF.
- 2.9 The Notice of Charge was issued to the Athlete on 29.07.2022 and final opportunity to submit explanation was granted to the Athlete.

3. As per NADA's records, the Athlete did not have a Therapeutic Use Exemption ("TUE") to justify the presence of above prohibited substance, metabolites and markers in his system.
4. Finally, on 29.07.2022 notice was sent to the athlete for the initiation of disciplinary proceedings for the violation of Article 2.1 of ADR 2021 and the athlete was informed about his rights and opportunities during the course of the said disciplinary proceedings.
5. Submissions made by the Athlete are reproduced herein:
 - 7.1. It was submitted by the athlete that the athlete did not consume any prohibited substance in order to enhance his performance rather the athlete had consumed medications viz. T-Sart H (Telmisartan) and Xoten-A on the recommendations of one Dr. Milind Yeole for high blood pressure, increased heart rate and dizziness on 05.04.2022. It was further submitted by the athlete that he was admitted to one Sparsh Hospital on 08.07.2022 for episode of palpitation and dizziness and was treated by a doctor named Dr. Devendra Naik further on 29.09.2022 the athlete also consulted one Dr. Rituparna Shinde who prescribed him a tablet named Telma.
 - 7.2. It was further submitted by the athlete that he was unaware that the prescribed medication he was consuming contained prohibited substances and that he had already informed his consulting doctor that he was an international level athlete and is subject to anti-doping regime. The athlete also stated that he had declared in his doping control form that the medication contained prohibited substance and that he had no intention of enhancing his performance by consuming the said medications.

7.3. It was lastly submitted by the athlete that the prohibited substance found in the sample does not enhance the performance of the athlete.

6. Submissions by NADA:

8.1. 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

8.2 The Athlete has failed to apply for or furnish a Therapeutic Use Certificate ('TUE') in respect of his medical condition.

8.3. It is submitted by NADA that the Athlete has admittedly consumed a prohibited substance and has not exercised any, much less the basic degree of caution expected of an athlete at this level. In light of the same, it is submitted that a doping violation has occurred and the Athlete is liable for sanctions under applicable rules.

Observations and Findings of the Panel

We have heard the arguments made by the Athlete, arguments by NADA and perused the available material on record shared with us.

7. It was observed by the disciplinary committee that even in the general course young persons are not prescribed the said medicines for improper blood pressure and the athlete had his BP in the range of 150/110 which anyway does not warrant the consumption of the said medicines.

8. It was further observed post the receipt of clarifications from the International Paralympic Committee (IPC), that retrospective TUE was not applicable to the athlete.

9. The Panel notes that as per the medical prescription submitted by the Athlete, he was suffering from a blood pressure of 150/110 mm/Hg. Blood pressure of 150/110 is not very high when viewed from the angle that the blood pressure of a healthy person is around 120/80. The Athlete has failed to verify the medication by his treating doctor or do his own research on the internet on its components, side effect etc.
10. In view of the above discussion, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place inasmuch as the Athlete's sample has returned an adverse finding on account of the medicine consumed by him, admittedly.
11. In view of the above facts and circumstances and keeping in mind the conduct of the Athlete in disclosing the medication in the dope control form the Panel is of the opinion that the consumption of the prohibited substance by the Athlete was not intentional.
12. 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. The present case involves a Specified Substance, hence the Athlete would be liable for sanctions under Article 10.2.2, unless there are factors shown warranting elimination or reduction of period of ineligibility as specified in Article 10.5 and Article 10.6 respectively.
13. Having said that, it is not entirely unbelievable that the Athlete may have been prescribed the said medication for for high blood pressure by his doctor. NADA has also not been able to disprove the medical evidence produced by the Athlete. Keeping in view of the fact and circumstances of the case.
14. The Panel notes that Article 10.5- 'Elimination of Period of Ineligibility where there is no fault or Negligence' will not apply in the facts of the presence case inasmuch as the said rule specifically excludes the situation where a prohibited substance has been

prescribed by the athlete's physician or trainer without disclosure to the athlete, as has been done in the present case.

15. Under Article 10.6 of the Rules, the Panel has the option of reducing or eliminating the period of ineligibility where there is no significant fault or negligence by the Athlete in question. Where no significant fault / negligence is established, Article 10.6.1 stipulates that punishment may be reduced to a minimum of reprimand with no period of ineligibility and maximum for 2 years.

16. The Panel concludes that the present case falls within the category of 'No significant fault or negligence with normal degree of fault leading a sanctioned of one (1) year.

17. In view of the facts and circumstances stated above, the Panel holds that the Athlete is liable for sanctions under Article 10.6.1 and liable for ineligibility for a period of One (1) year. In the present case, since the Athlete has not voluntarily accepted provisional suspension, the Panel accordingly holds that the Athlete's period of his ineligibility for the period of 1 year shall commence from the date of decision, i.e. 04.07.2023.

We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 01.07.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.

The matter is disposed of, accordingly.



Mr. Chaitanya Mahajan
(Chairman)



Dr. Bikash Medhi
(Medical Member)



Ms. Archana Surve
(Sports Member)