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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11321/2023 & CM APPL. 52123/2024**
MS. AARTIPetitioner

Through: Mr. Sanjeev Sagar, Ms. Nazia
Parveen and Mr. Devendra Mor,
Advocates.

versus

UNION OF INDIA & ANR.Respondents
Through: Mr. Varun Pratap Singh, Advocate for
UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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06.09.2024

CM APPL. 52122/2024 (for early hearing)

1. For the grounds and reasons stated in the application, the same is allowed. With the consent of the counsel for parties, the writ petition is taken up on the board today itself.
2. The application is disposed of.

W.P.(C) 11321/2023

3. The factual background to the present petition is briefly summarised as under:
 - 3.1. The Petitioner participated in the open National Wrestling Ranking Tournament 2022. For the said event, the urine samples collected from her returned Adverse Analytical Findings (AAFs).
 - 3.2. Pursuant thereto, two notifications were issued to the Petitioner – first on 26th August, 2022 and then on 22nd September, 2022.



3.3. Subsequently, a notice of charge under the National Anti-Doping Rules, 2021¹ was issued on 22nd December, 2022. The two AAFs were considered as one single Anti-Doping Rule Violation (ADRV) in terms of Article 10.9.3 of the Rules.

3.4. On 7th February, 2023, the Anti-Doping Disciplinary Panel passed an order holding the Petitioner to be liable for sanctions under Article 10.2.1.1 of the Rules, thereby rendering her ineligible for a period of four years from the date of provisional suspension on 26th August, 2022.

3.5. The Petitioner assailed the said order before the Anti-Doping Appeal Panel, however, the appeal was dismissed through order dated 16th June, 2023, upholding the impugned order of the Anti-Doping Disciplinary Panel.

4. The present petition impugns the aforementioned orders dated 7th February, 2023 and 16th June, 2023. Mr. Sanjeev Sagar, counsel for Petitioner, points out that the impugned order dated 7th February, 2023 records that the Petitioner *“denied the intentional use of the substance and stated that she is not aware how the substance enters in her body”*. However, he argues that the impugned orders fail to recognise that the Petitioner had, in fact, admitted her guilt, which was conveyed through communications dated 13th September, 2022², 14th October, 2022³, and 18th October, 2022⁴, as well as the acceptance of consequences form sent to the Respondent on 4th December, 2022⁵. Consequently, in view of the admission made by her, the Petitioner is entitled to the benefit of Articles 10.7.2 and 10.8.1 of the Rules, and the period of ineligibility ought to be reduced. Accordingly, Mr. Sagar

¹ “the Rules”

² Annexure P-6

³ Annexure P-7

⁴ Annexure P-8

⁵ Annexure P-11



states that Respondent No. 2 should be directed to reconsider the Petitioner's case.

5. In light of the foregoing, the Court notes that the Petitioner had indeed admitted to having consumed the prohibited substance, albeit unknowingly, and had communicated the same to the National Anti-Doping Agency—Respondent No. 2. Thus, the present petition is disposed of with a direction to Respondent No. 2 to consider the Petitioner's case afresh and pass a reasoned order, taking into account the annexures mentioned above and the provisions of the National Anti-Doping Agency (NADA) Anti-Doping Rules, 2021 by way of a reasoned order.

6. It is clarified that the Court has not examined the merits of the case. All rights and contentions of the parties are left open. In the event that the decision rendered is adverse to the Petitioner's interests, they shall be at liberty to take recourse to appropriate remedies as available in accordance with law.

7. With the above directions, the present petition is disposed of, along with pending applications.

8. The next date of hearing, i.e. 7th October, 2024, stands cancelled.

SANJEEV NARULA, J

SEPTEMBER 6, 2024/as