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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 18158/2025 and CM APPL.75135/2025

SHIV PRATAP CHAUHAN

.....Petitioner

Through: Mr. Shashank Garg, Ms. Nishtha Jain,
Mr. Ranjeet Pawar and Ms. Niharika
Tiwari, Advs.

versus

NATIONAL ANTI DOPING AGENCY AND ORS.....Respondents

Through: Ms. Manpreet Kaur Bhasin, Adv. for
R-1 to 3.
Mr. Udit Dedhiya, SPC, Ms. Apurva
Sachdev, Mr. Preyansh Gupta and
Ms. Himani, GP, UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

02.12.2025

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1. The present petition has been filed by the petitioner, a National Wushu Athlete from Uttar Pradesh, *inter alia*, assailing a notification of 'Atypical Finding' dated 22.05.2025. The said notification reads as under:

CONFIDENTIAL

F. No. K-15/5/2024-DG(NADA)

Date: 22.05.2025

To

Mr, Shiv Pratap Chauhan (CHSHMA34257)
C/o. Sh. Jitendra Chouhan,
R/o. 131, Sector-16A, Avas Vikash Colony,
Sikandra, Agra, Uttar Pradesh-282007
Email: svarunchauhan@gmail.com

Subject: Doping Control – Notification for violation of Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method) & 2.5 (Tampering or Attempted Tampering with any part of Doping Control Process) of the National Anti-Doping Rules, 2021.

Dear Mr. Shiv Pratap Chauhan – ADAMS ID: CHSHMA34257 - (Wushu - Sanda)

This notification is to inform you that NADA India considers that you may have committed an Anti-Doping Rule violation (ADRV).

W.P.(C) 18158/2025

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1. The Anti-Doping Rules

Results Management of the present matter shall be the responsibility of the NADA India and be governed by the National Anti-Doping Rules ("NADR") of NADA India. Capitalized terms used but not defined in this letter are as defined in the NADR

2. Factual background

A urine sample ("Sample") of the athlete, Mr. Shiv Pratap Chauhan ("Athlete") was collected by the Doping Control Officer of NADA on 10.08.2023 during 22nd Junior National Wushu Championship held at Patna, Bihar. Sample 'A' was tested at the National Dope Testing Laboratory (NDTL) in accordance with the procedures set out in WADA's International Standard for Laboratories and was returned with an Atypical Finding ("ATF") as detailed below:

Sample Code Number	:	6547066
Type of Sample	:	Urine
Reason for ATF	:	Abnormal pH value (1.91)

- 2.1 During the investigation, it was found that your urine sample bearing code number 6547066 produced an extremely abnormal pH value (pH 1.91), which is inconsistent with human urine. The Endogenous Steroids and glucocorticosteroids peaks in the sample were also not detected in ITP analysis of your sample like the Steroid profile (Androsterone, Etiocholanolone, 5alpha-diol, 5beta-diol, Epitestosterone, Testosterone), Corstson, Cortisol, Androsterone glucuronide, Testosterone Sulphate, testosterone glucuronide and Etiocholanolone glucuronide. The abnormal pH value (1.91) of urine sample is sufficient to believe that the sample was altered or tampered by the athlete and manipulated during the sample collection process.
- 2.2 In accordance with the ADR, we notify you that you may have committed the following anti-doping rule violation(s):
- **Article 2.2 -Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method i.e. M2.1. Tampering, or Attempting to Tamper, to alter the integrity and validity of Samples collected during Doping Control, and;**
 - **Article 2.5 Tampering or Attempted Tampering with any part of Doping control by an Athlete or Other Person.**



3. Provisional Suspension.

In accordance with Article 7.4.1 of the NADR, you are hereby provisionally suspended with immediate effect and until the resolution of this case.

Please Note:

*As per Article 10.14.1 of the NADR, during the period of Provisional Suspension, you may **not** participate in any Competition or any activity (other than authorized anti-doping Education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization or affiliated club or professional league either at the international level or the national level.*

Under Article 10.13.2.1 of the NADR, you shall receive a credit for such Provisional Suspension against any period of Ineligibility which may ultimately be imposed. Further, as per Article 7.4.3 of the NADR, you have the right to request either a Provisional Hearing to challenge the provisional suspension, or an expedited final hearing in accordance with Article 8 of the NADR. Decisions in relation to Provisional Suspensions may be appealed in accordance with Article 13.2 of the NADR.

4. Applicable Consequences

Our records indicate that you have no prior ADRVs, therefore in the event that the asserted ADRVs are upheld, NADA, India will seek the following proposed **Consequences**:

- A period of Ineligibility subject to potential elimination, reduction or suspension pursuant to Article 10 of the NADR 2021.
- Disqualification of results in the Event during which the ADRV occurred and in Competitions subsequent to Sample collection or commission of the ADRV with all resulting Consequences including forfeiture of any medals, points and prizes and appearance money.
- Public disclosure pursuant to Article 14.3 NADR, 2021;

Please note that any Consequences shall have binding effect on NADA, "Wushu Association of India" as well as every Signatory to the World Anti-Doping Code in all sports and countries.

Lastly, the NADA may at their discretion, also elect to recover from you the financial costs associated with the ADRV and or impose a fine as provided in the NADR.

5. Your explanation

In addition to the rights mentioned above, you have the opportunity to provide an explanation to the NADA India by **06.06.2025**.



6. Substantial Assistance

You have the opportunity to provide Substantial Assistance as set out in Article 10.7.1 of the NADR. Any period of Ineligibility imposed may be partially suspended if you provide Substantial Assistance to NADA or to another specified organization pursuant to Article 10.7.1 of the NADR which results in:

- i. NADA discovering or bringing forward an ADRV by another Person;
- ii. A criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person;
- iii. WADA initiating a proceeding against a Signatory, WADA-accredited laboratory or Athlete passport management unit for non-compliance with the Code, International Standard or Technical Document; or
- iv. With the approval by WADA, a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. Discretion exists under Article 10.7.1 of the NADA ADR to suspend up to three-quarters of the period of Ineligibility where Substantial Assistance is provided in accordance with this article.

7. Admission and possible Results Management Agreements under Article 10.8.1 of the ADR

You have the opportunity to admit the anti-doping rule violation(s) and/or to seek to enter into a case resolution agreement under Article 10.8.1 of the ADR.

8. Public disclosure

Please note that except as provided for under the NADR, neither the NADA nor the

Federation intend to publicly disclose your identity or comment on the specifics of your alleged ADRV, until this case is resolved. However, NADA and Federation expressly reserve the right to public disclosure if the circumstances so warrant.

In accordance with the NADR, a copy of this letter is being sent to Wushu Association of India, International Wushu Federation and WADA Results Management.



9. Next Steps

No later than 15 days i.e. 06.06.2025 after receiving this notice through email/post, you must write to NADA us by e-mail at resultmgmt-nadaindia@nic.in to provide your full written explanation of the possible ADRV along with all supporting documents.

You can approach for legal aid, if you meet the criteria approved by the authority. You may also contact NADA Office via NADA Helpline number 1800119919 from Monday to Friday between 10:00 am to 05:00 PM (except government holidays).

In the event that an ADRV is confirmed, the NADA will assess your case file (including your admission, explanations or lack thereof) to establish the applicable Consequences for your ADRV in compliance with the NADR and propose to you an Agreement on the Consequences in accordance with Article 8.3.1 of the NADR. If you do accept the Consequences, the case will be resolved without further disciplinary proceedings, subject to the right of appeal of WADA and your International Federation. However, if you expressly disagree on the Consequences of the ADRV, the matter will be referred for adjudication to the Anti-Doping Disciplinary Panel and you will receive all information regarding the proceedings, if applicable, in due time.

We urge you to read this letter carefully as this matter may have severe consequences on your career. In particular, we recommend observing the deadlines stipulated in this letter. Also, you may consider asking for legal advice.

Yours sincerely,



(Director General, NADA/Authorized Signatory)

बी. जे. वर्मा / B. J. Verma

वैज्ञानिक अधिकारी / Scientific Officer

राष्ट्रीय द्रव्य रोधी एजेंसी

National Anti Doping Agency

नई दिल्ली - 110003

New Delhi - 110003

Enclosed:

- NADA Anti-Doping Rules

Copies to:

Wushu Association of India

International Wushu Federation

World Anti-Doping Agency

2. The background of the matter is that on 10.08.2023, during the 22nd Junior National Wushu Championship held at Patna, the petitioner's sample was collected. The lab report dated 02.09.2023 recorded 'Atypical Finding' on account of a low pH value of 1.91, with no prohibited substance detected, and recommended further investigation. Yet, the respondents have treated the Atypical Finding as an Anti-Doping Rule Violation (ADRV) and imposed suspension.

3. Learned senior counsel for the petitioner emphasizes that there was an unexplained delay of nearly 21 months between the sample collection (10.08.2023) and the ATF notification (22.05.2025). It is further pointed out



that a follow up test conducted on 07.05.2024 returned negative for all prohibited substances. It is also submitted that the petitioner has already invoked the appellate remedy by approaching the Anti-Doping Appeal Panel (ADAP). However, although the ADAP reserved its order on 18.09.2025, the order has still not been issued, thereby causing sever prejudice to the petitioner.

4. It is pointed out that the impugned notification of Atypical Finding dated 22.05.2025 purports to provisionally suspend the petitioner under Article 7.4.1 of the National Anti-Doping Rules, 2020 (NADAR). Attention is drawn to the aforesaid Article 7.4.1, which reads as under:

“7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

If NADA receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method that is not a Specified Substance or a Specified Method, it shall impose a Provisional Suspension on the Athlete promptly upon or after the review and notification required by Article 7.2.

A mandatory Provisional Suspension may be eliminated if: (i) the Athlete demonstrates to the NADA’s Hearing Panel that the violation is likely to have involved a Contaminated Product, or (ii) the violation involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under Article 10.2.4.1.

The NADA’s Hearing Panel’s decision not to eliminate a mandatory Provisional Suspension on account of the Athlete’s assertion regarding a Contaminated Product shall not be appealable.”

5. It is pointed out that a suspension order is warranted only in the event of an ‘Adverse Analytical Finding’ or an ‘Adverse Passport Finding’ for a prohibited substance or a prohibited method. Attention is drawn to the Rules to emphasize that an ‘Atypical Finding’ is not equivalent to an ‘Adverse



Analytical Finding’ or an ‘Adverse Passport Finding’. As such, there is no occasion to invoke Clause 7.4.1 to provisionally suspend the petitioner.

6. Learned counsel for the respondents, who appears on advance notice, is not in a position to controvert the aforesaid implications flowing from Clause 7.4.1.

7. The rules clearly carve out a distinction between the expressions ‘Atypical Finding’, ‘Adverse Analytical Finding’ and ‘Adverse Passport Finding’. The rules define an ‘Atypical Finding’ as under:

“Atypical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.”

The definition of ‘Adverse Analytical Finding’ is as under:

“Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.”

The definition of ‘Adverse Passport Finding’ is as under:

“Adverse Passport Finding: A report identified as an Adverse Passport Finding as described in the applicable International Standards.”

8. Considering the circumstances, the following directions are issued:

- (i) The ADAP is directed to expedite the consideration of the petitioner’s appeal and make an endeavour to dispose of the same as expeditiously as possible, preferably within a period of eight weeks from today.
- (ii) Till disposal of the appeal, the provisional suspension of the petitioner shall be kept in abeyance.



9. The petition is disposed of in the above terms.
10. Needless to say, if the petitioner is aggrieved with the outcome of the appeal, it shall be at liberty to avail appropriate remedies under law.
11. It is made clear that the observations made in this order are based on a prima facie conspectus and shall not come in the way of the appellate authority deciding the appeal on its own merits.

SACHIN DATTA, J

DECEMBER 2, 2025/cl