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Delhi HC issues notice to NADA for powerlifter Abhijeet Gurav's suspension

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New Delhi [India], Jan 17 (ANI): The Delhi High Court on Friday issued a notice to National Anti-Doping Agency (NADA) over powerlifter Abhijeet Gurav's petition challenging his suspension from participating in any powerlifting competition.

NADA had charged him with violation of the National Anti-Doping rules and he was barred from participating in any powerlifting tournament.

A Division Bench of Chief Justice DN Patel and Justice C Hari Shankar asked the doping agency and Powerlifting India to file its reply on Gurav, who has challenged Article 7.3 (f) of the National Anti-Doping Rules, 2015.

Gurav's advocates Debesh Panda and Prateek Bagaria cited Article 7.3 (f) of the National Anti-Doping Rules as ultra vires of the World Anti-Doping Code, 2015, and Article 14 and 21 of the Indian Constitution.

It is submitted that Article 7.3.1 (f) of the National Anti-Doping Rules, 2015, places an obligation on the athlete to make payments of applicable fee/charges for a laboratory documentation package, this requirement is absent in Article 7.3 of the World Anti-Doping Code, 2015. The petitioner also pointed out that both the impugned Notice and Article 7.3.1 (f) of the ADR were not in compliance with the WADA Code, as they placed unnecessary, onerous and substantial financial burden on petitioner, by requiring the petitioner to pay for the laboratory documentation package.

The counsel also termed petitioner's de facto suspension from participating in any powerlifting competition in the world, as arbitrary, illegal and in

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violation of Articles 14, 19 (1) (g) and 21 of the Indian Constitution.

Gurav has also sought quashing of the notice and subsequent communications in relation thereto including emails dated December 2, 2019, December 6, 2019, December 12, 2019, and December 18, 2019.

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The petitioner's advocate said that the notice **Crusher?** dated November 4, 2019, by the NADA charging Gurav for the violation of the Article 2.1 of the National Anti-Doping Rules, 2015, and subsequent communications in relation thereto, as arbitrary, unreasonable, illegal and violative of the National Anti-Doping Rules, 2015, World Anti-Doping Code, 2015 and Articles 14 and 21 of the Indian Constitution.

Gurav also sought the court's direction to **JNU hikes fee for next academic year** compensate him for the losses suffered by him on account of the notice, to be quantified at a later stage. He also sought to stay on the operation of the impugned notice and subsequent communications in relation thereto, and or directing the respondents not to take any action in pursuance of the impugned notice.


He submitted that while the NADA has not provisionally suspended the petitioner, the **Open the House** Powerlifting India continues to prevent the petitioner from participating in any powerlifting competition in India or otherwise.

This has effectively prevented Gurav from participating in the sport anywhere in the world.

"Thus, while the Petitioner is de jure not suspended from participating in powerlifting competitions, the Petitioner is de facto prevented from participating in any powerlifting competition worldwide. Owing to this, the Petitioner could not attend his competition at the World Open Powerlifting Championships 2019 in Dubai, for which he was scheduled to fly on 17 November 2019," read the plea.

"This was despite the fact that our client had trained diligently for this competition and had made all necessary arrangements to attend this event. Thus, the Petitioner's de facto suspension is arbitrary, illegal and in violation of Articles 14, 19 (1) (g) and 21 of the Indian Constitution," the plea added. (ANI)



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