

## **Decision 2014-06-19 Travel Agency Commissioner - Area 2**

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### **Applicant: HAJI TRAVEL**

799 Stockport Rd  
Manchester  
M19 3DL, United Kingdom

Represented by: Mrs. Itaf Arif , Managing Director

### **Respondent: IATA**

Torre Europa  
Paseo de la Castellana, número 95,  
28046 MADRID, Spain

Represented by: Mr. Ignacio Mula, Manager Accreditation Europe

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## **I. The Case**

Haji Tours has applied for Accreditation as IATA Agent and was rejected for the reasons explained under § 2 “The Respondent’s arguments”.

This Office found extenuating circumstances and ordered a “second” inspection, expenses to be paid by The Applicant.

The second inspection (30 April 2014) was also not found satisfactory so IATA’s initial decision to reject was upheld by IATA basically for the same reasons as the first inspection.

## **II. The core of The Respondent’s arguments in summary**

After the first initial inspection IATA still suspects that Mr. Mohammad Arif, (husband of Mrs. Itaf Arif the owner of Haji Tours), is active in the company asking for Accreditation. Mr. Arif has been involved in an Agency which has been defaulted. This disqualifies him for any management position when requiring accreditation. (*Resolution 818g section 2.1.8*)

Quoting IATA’s Inspector Mr. Charles S. Henderson’s report:

*“18. Any other general comments/concerns*

*This was an unannounced re-investigation at the request of IATA regional HQ.*

*My observations were as follows:*

*a) The Manager at the time of my last visit (Feb 18th 2014) Mr Umer Malik was not available as he was in Pakistan on urgent family business, and had been for " a couple of months" i.e. just after my last visit.*

*b) The office is now being run by Mr Sarfraz Patel, who you will note from Attachment A, has no IATA experience.*

*c) Mr Patel advised that the owner of the Company, Mrs. Arif Ifat (who also has no IATA experience) works in the office from 1030 to 1430 on a daily basis.*

*Unfortunately my unannounced visit was just 30 minutes too late! In all I have visited this company four times ( one in Bolton & three in Manchester) and have yet to have the pleasure of meeting the elusive lady.*

*d) The office is now shared with a money transfer company called Dex and when I arrived there were two of their personnel on duty at the counter and no members of the Haji Travel staff on duty. One of these Dex employees made a telephone call and Mr Patel arrived within a few minutes.*

*To recap the time-line of these investigations:*

*1) Original investigation on September 17th 2013 in Bolton premises included Mr Mohammed Arif as Manager, who it transpired, had been involved in a delinquent agency and therefore inelligible as a qualified staff member. The agency's owner, who is the wife of Mr Arif, was not available for interview as she was sick-see investigation report .*

*2) The agency moved to 799 Stockport Road, Manchester and re-applied for IATA accreditation on the premis that Mr. Arif had no further dealings with the agency and a notarised letter was received by IATA Madrid stating same.*

*3) The agency was re-investigated on February 18th 2014 in this new location, and a new "Manager " Mr Umer Malik was interviewed. -see Investigation report.*

*4)This Inspector was suspicious of the circumstances and returned the next day unannounced only to find that Mr. Afif was sitting in the Manager's chair. Mr Arif explained that he was not involved in the agency, but was there only to supervise the erection of a new sign. Mr Malik was said to be out "marketing". This information was sent to IATA Madrid, who I understand subsequently turned down the application.*

*4) The agent apparantly appealed this decision and the matter was referred to the Commissioner.*

5) *The premises were re- inspected unannounced on April 28th when this Inspector found that the Manager Mr Malik was absent and was advised that he was in Pakistan on family business and had been for two months. Mr Safraz Patel said that he was the acting Manager - see comments above re his qualifications.*

6) *On this inspection, it was found that the agent was sharing the premises with a money transfer company, a fact not disclosed during the previous investigation.*

*In the opinion of this Inspector, this agent has been economical with the truth on several occasions, in terms of Mr Arif's involvement, Mr Malik's involvement which I suspected was only for the purpose of the investigation, Mrs. Arif's presence (see item ( c ) above), and the presence of another company in the office. It is apparent that the company tried to abuse the IATA accreditation process to his own ends. I would suggest that IATA stays with it's original decision to decline."*

IATA followed the advice of the inspector and declined the application for a "second" time.

### **III. The core of The Applicant's arguments in summary**

Mr. Mohammad Arif was only present during the time of the first inspection as he was helping Haji Tours: *"to get the company up and running as he has a lot of experience"* and Mrs. Arif *"was not aware of the effect Mr. Arif's attendance would have"*

*"Haji Tours does not belong to Mr. Arif and he has no legal involvement with Haji Tours."*

*"We were in the process of setting the office up and I did try to find out the phone number of Mr. Charles to make him aware of my absence and if possible change the inspection date for preparation purposes but unfortunately I could not get through to him as he did not left any contact details with my staff"*

*"With regards to the London office address Mr. Malik did not know about, The reason he was not aware of this is because it is no longer our office. It was previously a sub-agent office of ours but this is no longer the case. "*

*"On the day of the (first) inspection Mr. Malik was a new member of staff whose main responsibility is to take care of sales and marketing. "*

#### IV. Oral Hearing

Both Parties were informed about their right to an Oral Hearing according to Res 820e § 2.1.5. IATA waived this right and The Applicant did not respond to the e-mail dated 14, June explaining this right to both Parties and by that allowed this Decision to be based on the written evidence presented so far.

#### V. Considerations leading to Decision

The first inspection was “by appointment” and even though Mr. Henderson “did not leave his contact details” as the Applicant claims, it should have been easy to get the date changed by contacting IATA-UK directly.

At the time of the “second inspection” Mr. Malik was, due to unfortunate family reasons, in Pakistan, had been there for 2 months, and would stay there until the matter would be resolved.

Mr. Patel (being the only staff helping Mrs. Atif for the moment ) has no previous IATA experience, but The Applicant claimed that they would employ experienced staff during Mr Malik’s absence should that be the missing factor to be accredited.

The presence of Mr. Mohammad Arif at the time of inspection obviously carries a lot of weight in the Inspectors concluding statement.

The Resolutions clearly support this, even though no “time limit” is considered and a previous involvement in default should not mean a “life time ban”.

Accreditation, to this Commissioner’s belief, is a matter of trust. The Resolutions, mainly Section 2 of Reso 800, state “merely” guidelines setting the minimum requirements. It is up to IATA Member Airlines to do business with whoever they prefer to do business with.

This Commissioner is of the general opinion that inspections for Accreditation should be conducted after appointment with Applicants Management. Due to the special circumstances in this specific case, I do find the “unannounced” inspection visit understandable.

This Commissioner does not share Mr. Henderson’s opinion about “*agent has been economical with the truth on several occasions*”.

All of the above “alleged circumstances” have according to me been explained in a credible manner by The Applicant.

Having “credible reasons” does on the other hand, by itself, not qualify for accreditation. IATA has, and must have, the prerogative to Accredite Applicants

based on the belief that IATA Member Airlines will want to conduct business with the Accredited Agent.

## VI. **Decision**

Having carefully considered the Resolutions and the evidence presented by The Parties, it is hereby decided as follows:

- IATA has followed proper procedures.
- IATA's Decision stands
- This Decision should not refrain The Applicant from reapplying after addressing the concerns aired by IATA.

Decided in Stockholm on 26 June 2014

Andreas Körösi  
Travel Agency Commissioner Area 2

### **Right to ask for interpretation or correction**

In accordance with Res 820e, § 2.10, any Party may ask for an interpretation or correction of any error which The Party may find relevant to this decision. The timeframe for these types of requests will be 15 days after receipt of the electronic version of this decision.

### **Right to seek review by arbitration**

If considered aggrieved by this decision any Party has the right to seek review by arbitration in accordance with the provisions of Res 820e, Section 4 and Res 824, Section 14.

**Note:** The original signed version of this decision will be sent to the Parties by regular mail, once the above mentioned time frame has elapsed.