

**VERÓNICA PACHECO-SANFUENTES**

TRAVEL AGENCY COMMISSIONER, AREA ONE – DEPUTY TAC 3  
(The Americas and the Caribbean)  
110 – 3083 West 4<sup>th</sup> Avenue,  
Vancouver, British Columbia V6K 1R5  
CANADA

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**DECISION 2012 - # 9**

**In the matter of:**

**New Al Multazam Tours Pvt. Ltd.**

16 – Ground Floor, Hill View Arcade  
5 Davis Road  
Lahore, Pakistan

Represented by its Chief Executive Mr. Muhammad Akram Latif

**The Applicant**

vs.

**International Air Transport Association (“IATA”)**

111 Somerset Road, #14-05  
TripleOne Somerset  
Singapore 238164

Represented by its Manager, Agency Management Asia Pacific, Mr.  
Nadarajah Prabaharan and Ms. Jin Sun Ryoo

**The Respondent**

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**I. The Case**

The Applicant (also called herein after as “the Agent”), sought a Travel Agency Commissioner’s (referred to as “TAC”) review of the Respondent’s (also called herein after as “IATA”) decision, dated May 8, 2012, of disapproving the Applicant’s request to become an IATA Accredited Agent due to <<not payment of application fee>>.

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## **II. Chronology of events – Evidence on file**

On May 31, 2012 the Applicant submitted a request for review to the TAC3 Office, which was later on forwarded to the undersigned being the Deputy TAC3. On June 3, she got involved in the matter.

Upon request of the undersigned, on June 4, 2012, the Applicant completed his request for review and provided the supporting documents. In due time, the Respondent provided its views, as well as the supporting evidence.

According to the evidence of file, not contested by either Party, the facts of the case unfolded as follows:

- Based on an application to become an IATA Accredited Agent, a formal invoice was issued on September 12, 2011 to the Applicant, detailing the different fees that it had to pay as part of the accreditation process, as well as the available payment methods (being them bank transfer or online credit card);
- On November 11, 2011, IATA sent an email to the Applicant indicating that its application was in process; and, again attached an invoice to the email indicating the different fees and the available payment methods (the same ones as before, meaning bank transfer or online credit card);
- After three (3) months without hearing from the Applicant, <<despite many reminders>>, on February 17, 2012, IATA sent an email to him stating that the application was going to be <<rejected due to a prolonged non-response and inability to settle the new application fee>>;
- Certainly enough, on May 8, 2012 a formal disapproval letter was sent to the Applicant for the reasons above mentioned;
- Due to some unfortunate misunderstandings over the accreditation process, the Applicant submitted with its application, on May 30, 2011, a bank draft to IATA-Singapore for even a higher amount than the one that was stated in IATA's invoice. Unfortunately, the bank draft was returned to the Applicant since it had not been made through one of the above mentioned online accepted payment methods;

- Once the situation was clarified to the Applicant, he settled the accreditation fee by using the online credit card payment, which was satisfactorily received by IATA on May 19, 2012. Unfortunately, the disapproval letter had already been issued 11 days earlier.

### **III. Authority for Review**

Resolution 820e determines the scope of the TAC's review proceedings, and as so provides for Applicants, Accredited Agents, for the Agency Administrator, for a group of Member Airlines and for the Agency Services Manager to seek review by the Commissioner in circumstances described therein. In this case, the most pertinent Paragraph as seen from the Applicant's perspective is Paragraph 1.1.1.

Having received the Request for Review within the time frame limit, as indicated above, pursuant Paragraphs 1.2.2.1 and 1.2.3 of Resolution 820e, the undersigned decided to allow the proceeding.

Pursuant Paragraph 2.3 of Resolution 820e and Rule 14 of the Rules of Practice and Procedure for Area 3, the undersigned, acting upon both parties' agreement on waiving an oral hearing, had decided to base her decision only on the written submissions that have been filed by both of them, since she has considered that it will not jeopardise the process.

### **IV. Decision**

Having carefully reviewed all the evidence and arguments submitted by the Parties in connection with this case;

Having looked at the applicable Resolutions;

This Commissioner decides:

- The Respondent had followed correct procedure in this case; therefore,
- IATA's decision dated May 8, 2012 is upheld;
- Considering that the Applicant has, according to the Respondent's evidence, satisfactorily paid the accreditation fees, its accreditation process should be reactivated and, provided all the other requirements are met according to the applicable Resolutions, its IATA accreditation should be granted.

The Parties are advised that, effective June 1, 2012, according to Paragraph 2.10 of Resolution 820e, any of them may request for an interpretation of this decision; or for a correction of any error in computation, any clerical or typographical error, or any omission in the decision. Please be advised that the time frame for these types of requests will be the following 15 days after receipt of the electronic version of this document.

As per Resolution 820e, Section 4 any Party has the right, if it considers aggrieved by this decision, to seek review by Arbitration, in accordance with the provisions of Resolution 824, Section 14.

Decided in Vancouver, Canada, the 27<sup>th</sup> day of July, 2012

*Verónica Pacheco-Sanfuentes*  
Travel Agency Commissioner Area 1  
acting as Deputy TAC3

**Note:** The original signed version of this decision will be sent to the parties by regular mail, once the above mentioned timeframe for interpretation/corrections had elapsed. In the meantime, in order to ensure timely receipt by the parties, an electronic version of it is sent on this date (July 27, 2012). Please note that the time frame for interpretation and errors' correction will commence upon receipt of the electronic version of this decision.