

DECISION 2013 – 12 – 04
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Super Travels (Pvt) Ltd
8, Lotta Bldg, Club Road
Karachi-75530
Pakistan.

Represented by Mr. Iqbal Ahmed Sakrani, Director of Sales

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA
Represented by Ms. Nadya Widjaja, Manager, Agency Management Asia/Pacific
IATA, Singapore.

The Case and Decision:

The Agent was issued with a Notice of Irregularity (NOI) on 1 November 2013 for failing to submit a readable set of audited financial statements by 31 October 2013.

In its request for review the Agent stated that it had uploaded its documents on 19 October 2013 and received an auto generated confirmation # 0383 1161. On 1 November 2013 the Agent received email advice of the issuance of the NOI. On the following day, the Agent couriered the financial statements by FEDEX to the IATA SIN office. Subsequently the documents were uploaded again on 5 November 2013 and confirmation of submission of the documents was received from IATA.

The Agent contacted the local IATA office in KHI and was advised that email reminders of the need to submit readable audited financial statements were sent to the Agent on 23 October 2013 and again on 30 October 2013 with the latter message advising that failure to comply by 31 October 2013 would attract a sanction. The Agent recorded its experience of the situation with the IATA SIN office by letter on 2 November 2013. The Agent stated that it had not received the IATA emails dated 23 and 30 October 2013 respectively surmising that electronic data transmission or server problems may have been the cause of that situation. Having had an unblemished record for 40 years in business the Agent felt that it had been unjustly treated and sought removal of the NOI.

In its summary of events IATA SIN reflected the dispatch of the messages and Notice described in the preceding paragraphs and made the comment that all 3 email communications were sent to the same email address.

The Agent has complied with the within 30 day time frame in which to seek a review as enshrined in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have waived their rights to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of the same Resolution.

In examining the factors involved in this case the writer accepts that the Agent's intention was to comply with IATA's requirement by having its audited financial statements ready in advance of the due date and in fact uploaded them 12 days prior to that date. The fact that the critical IATA emails of 23 and 30 October 2013 did not reach their intended destination is unfortunate as clearly had they done so this review would not have eventuated. Common sense suggests that the Agent would not jeopardise its ticketing authority status by deliberately delaying the submission of documentation that had already been prepared for dispatch.

In reaching a decision the writer does not find fault with IATA's actions but under the circumstances described above hereby decides as follows:-

1. The Notice of Irregularity dated 1 November 2013 is to be expunged from the Agent's records.

Decided this 4th day of December 2013 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

Notes:

1. As per Resolution 820e, Section 4, any Party has the right, if it considers itself aggrieved by this Decision, to seek review by Arbitration in accordance with the provisions of Resolution 824, Section 14.
2. The Parties are advised that effective from 1 June 2012, according to Subparagraph 2.10 of Resolution 820e, any of them may request an interpretation of this Decision, or for a correction of any error in computation, any clerical or typographical error, or any omission in this Decision. Such request must be made within 15 days of receipt of the electronic version of this Decision.