

DECISION 2014 – 03 - 04
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Aries Travel Zone Pvt Ltd
10 Mehta Bhavan
Ground Floor, 311
Raja Ram Mohan Roy Marg
Charni Road, Opera House
Mumbai – 400004
India
Represented by Ms. Aakanksha, Managing Director

Respondent:

Agency Administrator, Geneva
International Air Transport Association, IATA
Represented by Mr. Rodney D’Cruz, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision:

The Agent was suspended from the BSP and issued with 2 Instances of Irregularity on 1 January 2014 for failing to submit a financial security of INR 580,000 (USD 9,355.00) by 31 December 2013. With no action being evident a Notice of Termination was issued on 30 January 2014 giving the Agent until 28 February 2014 to comply.

The Agent contacted this office on 12 February 2014 with an unclear message referring to travel policies and seeking 6 months up to August 2014 to submit the required security. In a 14 February 2014 message the Agent claimed that they had not received any notifications or reminders for same surmising that they may have gone into the "Spam" file.

The Agent, on being advised that such a period would not be granted, sought information on what refunds would be available on its application fee, annual fee, etc should it voluntarily relinquish its accreditation. IATA provided the subject information with the request that the Agent indicate its intentions promptly. The Agent did emphasize its objective of retaining its accreditation.

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 Resolution 820e. The Agent has also complied with the within 30 days time frame to seek a review as detailed in sub paragraph 1.2.2.1 of the same Resolution.

In considering this matter it is obvious that the Agent has little understanding of its contractual obligations in connection with the Passenger Sales Agency Agreement and the writer is unclear why IATA's letters directed to the Agent's street address, which is virtually identical to the one shown in the Agent's email message, were not received.

However as the Agent is currently not a credit risk (having no ticketing authority) the writer will give the Agent the benefit of the doubt and hence it is hereby decided as follows:-

1. The Agent is granted until Monday 31 March 2014 to submit the financial security required by IATA.
2. Any future requests for a review involving similar circumstances to the one herein will not be entertained.

Decided this 4th day of March 2014 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.