

**TRAVEL AGENCY COMMISSIONER - AREA 1  
(DEPUTY TAC3)**

*VERÓNICA PACHECO-SANFUENTES*

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Vancouver, British Columbia V6K 1R5  
CANADA

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**DECISION 2014 - # 11**

**In the matter of:**

**TSI-Yatra Private Limited**

IATA Code No. 14-3 4543 5

Unit No. 7B, 7th Floor, Tower D, Unitech Cyber Park, Sector 39  
Gurgaon, Haryana 122002

India

Represented by its Chief Operating Officer, Mr. Akash Poddar

**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.  
Rodney D’Cruz

**The Respondent**

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**I. The Case**

After the Applicant’s decision to relinquish its IATA Accreditations (it held a Head Office and 10 Branches located in different cities all over India), formally communicated to the Respondent by letter dated February 26, 2014, to become effective on March 31, 2014, pursuant Resolution 818g, Section 13, Paragraph 13.1.1, both Parties sought a Travel Agency Commissioner’s review in order for this Office to determine whether or not it was feasible, in accordance with the applicable Resolutions, the Applicant’s request to, despite having its ticketing capacities withdrawn from the BSP, as a standard

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consequence of its voluntary relinquishment, to have access to the BSP system only for the purpose of efficiently processing refunds, instead of having to contact each individual Member Airline directly.

## **II. Oral Hearing**

Pursuant Paragraph 2.3 of Resolution 820e and Rule No. 14 of the Rules of Practice and Procedure, this Commissioner, acting upon both Parties' agreement on waiving their right to an oral hearing, had decided to base her decision only on the written submissions that have been filed by both of them and basically to document what it was agreed during the Conference Call that was held between the Parties and presided by this Commissioner, in accordance with Rule No. 8 of the Rules of Practice and Procedure, held on Monday March 3, 2014.

## **III. Considerations leading to conclusion**

Before reaching a decision, some aspects of this case required a particular clarification in order to ensure a proper execution of this decision. Those facts were the following:

- (a) It was brought to the attention of this Office the fact, subsequently verified by this Commissioner with experts in that field, that GDS systems have the *ticketing issuing feature*, also called "right", separately and distinctively set it up from the *refunds' processing feature* or right, meaning that one is absolutely independent from the other. One can work and be accessible by GDS' users while the other can remain inactive or even blocked from those same users without having any impact on one another;
- (b) It has always been a concern for the Applicant, on one hand, to (i) completely honour and settle any outstanding monies that will be known after the last Billing Period, once its Voluntary Relinquishment would become effective and finish its live as an Accredited Agent with the same impeccable record that it had during the time that it benefitted from that status; but, also (ii) it has been a concern for the Applicant to get back the Bank Guarantee ("BG") that it has lodged in IATA's favour by end of last year which is still in effect. This



return of the BG currently in place has been requested by the Applicant to occur no later than March 31, 2014.

#### **IV. Decision**

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

Having discussed these matters jointly with the Parties during the above mentioned Conference;

Having verified that there is no provision under the current stage of the applicable Resolutions that would forbid this situation of accessing the BSP system for the sole purpose of processing refunds, while the ticketing capabilities would had been withdrawn from an Agent, based on its own voluntary relinquishment situation;


Having also acknowledged the need for the Applicant to obtain its BG back before March 31, 2014; and,

Having verified that this step is actually possible for the Respondent to undertake, provided no outstanding monies will be left uncovered;

It is hereby decided:

- The Applicant is to be allowed to process refunds through GDS using the BSP system without having access to its ticketing capacities; therefore,
- IATA is to inform the GDS providers that the Applicant's locations have been reinstated in to the BSP system for the sole purpose of processing refunds only, remaining its ticketing capacities blocked until **Friday March 14, 2014**, after that date the entire access to the BSP system will be withdrawn from the Applicant;
- The return of the Applicant's current Bank Guarantee by the Respondent should occur no later than **Monday March 31, 2014**, provided all dues or debits would have been settled by the Applicant by that date.

Decided in Vancouver, the 4<sup>th</sup> day of March 2014

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

**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 it 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 document.

**Right to seek review by arbitration**

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, once the above mentioned time frame would have elapsed.

**Note:** The original signed version of this decision will be sent to the Parties by regular mail, once the referred period for interpretation/corrections would have expired.

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