

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

VERÓNICA PACHECO-SANFUENTES
110 – 3083 West 4th Avenue
Vancouver, British Columbia V6K 1R5
CANADA

DECISION 2014 - # 15

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

I. The Case

Both Parties have sought a Travel Agency Commissioner’s review of the possibility, in accordance with the applicable Resolutions, of (i) provided the Applicant withdraws its voluntary relinquishment’s intentions, documented in a formal letter communicated to the Respondent on February 26, 2014, to become effective on March 31, 2014; (ii) to determine whether or not the Applicant’s reinstatement in to the BSP system is possible in order for the Applicant to become an “active” Agent as per the system’s regulations, and, as such, being able to process refunds and access to the ACM/ADM capabilities

Telephone: + 1 – 604 - 742 9854
Fax: + 1 – 604 - 742 9953
e-mail: Area1@tacommissioner.com - website: travel-agency-commissioner.aero

5)

to which the Applicant has been unable to despite IATA's instructions to the GDS systems, as per decision of this Office rendered on March 4th, 2014.

The Applicant main purpose is to be able to process all its pending refunds in an efficient manner by using the GDS's capabilities in order to clear its accounts as an Accredited Agent during the time of its accreditation. Once those refunds would have been processed the Applicant intends to relinquish its IATA's accreditation in order to get its current Bank Guarantee ("BG") released back to him by IATA. The Applicant aims at obtaining its BG back before the end of April 2014.

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 rights to an oral hearing, had decided to base her decision only on the written submissions that have been filed by both of them.

III. Considerations leading to conclusion

- According to the evidence on file, today March 12, 2014 the Applicant has formally communicated to the Respondent and to this Office its decision of withdrawing its previous voluntary relinquishment of its IATA's Accreditation, effective as of March 13th, 2014;
- The relinquishment of an IATA accreditation, as per the current stage of the applicable Resolutions (Resolution 818g, Section 13.1) , is an ***Agent's right and as such can be exercise at its sole discretion;***
- Considering the circumstances of this case where there is a reality that goes beyond the initial manifestation of the Applicant's willingness to relinquish its accreditation, namely, the obstacles for it to efficiently and timely process the refunds, ACMS and ADMS through the BSP system due to the particular

requirements of the GDSs systems to allow that, the withdrawal of the Applicant's initial relinquishment in order to gain access to the BSP system is deemed fairly reasonable;

- Considering that, according to the Respondent's submissions, the Applicant does not have any overdue remittance in addition to the fact that the Respondent currently holds a valid BG from the Applicant covering the amounts at risk;
- Considering that the Respondent has manifested not having any objection in reinstating the Applicant;

This Commissioner sees no obstacles for the Applicant's swift reinstatement in to the BSP system.

IV. Decision

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

Having analysed the applicable Resolutions;

It is hereby decided:

- The Applicant is to be reinstated in to the BSP system at no delay; therefore, no additional conditions or requirements would be requested from the Applicant in order for it to have full access to all BSP system features and rights once its reinstatement would have been implemented.

Decided in Vancouver, the 12th 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.

