

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

VERÓNICA PACHECO-SANFUENTES

110 – 3083 West 4th Avenue
Vancouver, British Columbia V6K 1R5
CANADA

DECISION 2014 - # 23

In the matter of:

Skyport Tours & Travels

IATA Code No. 14-3 0651 5
101-102 Aalin Complex
Nr. Ajanta Commercial Centre, Incometax
Ashram Road, Ahmedabad 380014
India
Represented by Mr. Jagdish Patel

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

The Applicant has sought a Travel Agency Commissioner’s review once its Passenger Sales Agency Agreement was terminated on April 3, 2014, due to <<non-submission of financial security by the Notice of Termination date 28 February 2014>>.

The Applicant has not contested the grounds of the Notice of Termination served from the Respondent, but has strongly stated its willingness to readdress the situation in order not to lose its IATA Accreditation. It has recognised having received the Bank Guarantee (“BG”) request from the Respondent but had not read it on time to comply.

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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

As it has been stated by the Applicant and not contradicted by the Respondent, the Applicant was indeed informed about the need of submitting a financial security in due time, but the Applicant missed IATA's notice since it was abroad and, hence, it was not able to comply with its obligation on time;

According to the evidence on file, this Commissioner does not see any IATA's wrongdoing in this case but rather a lack of prevision from the Applicant's side towards its obligations as an Accredited Agent; however, it is clear that it would like to continue operations as an Accredited Agent despite being terminated and it is committed to fulfil its obligations, namely, to provide the requested financial security, in the form of a Bank Guarantee ("BG") in order to comply with the Local Financial Criteria for India;

Considering that the Applicant had already being terminated when it reached this Office, there was no possibility at this stage for it to submit any BG but rather to re-apply for its Accreditation;

Considering both Parties' acceptance of this option;

Considering that there is a possibility for the Applicant to have assigned the same IATA Code that it had prior to its termination, provided the payment of an administrative fee, since it would require for the Respondent to somehow manually confer the referred number since regularly those numbers are automatically generated by the Agency Information Management 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 has the right to reapply for its IATA Accreditation and be reinstated in to the BSP system, process that will be undertaken in a shorten period of time than it would normally be the process of accreditation as a new Applicant; provided:
 - o It would submit on time the Bank Guarantee following the terms that were requested by the Respondent, and,
 - o If the Applicant would like to be assigned with the same IATA numeric code as it had prior to its termination, the Applicant would have to pay an administrative fee to be determined by the Respondent.

Decided in Vancouver, the 9th day of April 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.