

**DECISION 2014 – 07 – 21**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

Masud Travels and Tours  
Dr Nawab Ali Tower, Fl 1  
Suite E-101, 24-Purana Paltan  
Dhaka 1000  
Bangladesh.  
Represented by Abu Sayam Khaled, Proprietor

**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 placed in default as a consequence of having been issued with 2 Notices of Irregularity (NoI) within a 12 month period. The second NoI was initiated as a result of the Agent failing to settle the BSP billing on 30 June 2014.

The Agent's explanation was that due to Ramadan its Bank closed one and a half hours earlier than normal and was closed when the Agent's staff member arrived. The following day was a bank holiday and hence the settlement could not be made until 2 July 2014.

At this point the Agent revealed its confusion by stating that the 2 NoIs did not represent the 4 Instances of Irregularity required under the Resolution for default action to be taken. This misunderstanding was corrected by the writer.

In its response, IATA stated that the Agent had ample time to make payment from the day the billing was out until the remittance date. The Agent should have checked with their Bank should there be any change in operating hours during Ramadan, especially if this is the normal practice in the country during Ramadan period.

In its further comment the Agent advised that there was confusion over the Bank closing time and that situation coupled with a huge traffic jam which caused further delay resulted in the Agent's staff member arriving at the bank 15 minutes after it had closed. The Agent proffered its apologies for its failing and stated that its actions were

unintentional and emphasised how important the retention of IATA accreditation was to its business.

The Parties have been placed on notice, as required by sub paragraph 2.3 of Resolution 820e, that in the writer's judgement an oral hearing is not justified and that a decision can be reached based on the written information submitted. The Agent has sought a review within the 30 day time frame specified in sub paragraph 1.2.2.1 of the same Resolution.

In considering this matter, in the earlier stages of the case the writer's inclination was to dismiss the request for review for lack of credibility i.e. the Agent should have been aware of its Bank's earlier closing time and should not have left payment to the last minute, however IATA's suggestion that, subject to the Agent settling 2 BSP billings, reinstatement action should be taken, altered the case's outcome.

Therefore, based on the assumption that the Agent has learned a valuable lesson from this event, it is hereby decided as follows:-

1. Subject to the Agent settling BSP billings for 20140604 and 20140701 and providing proof of same by its Bank, the re-instatement procedure described in sub-paragraphs 2.3 to 2.4 of Attch A to Resolution 818g shall be initiated by IATA.
2. The Agent must cover the cost of any fees or charges associated with that process.

Decided this 21<sup>st</sup> day of July 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.