

DECISION 2014 – 08 - 11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ceda Jon (PNG) Ltd t.a. Dove Travel, Boroko, Papua New Guinea
Sec 24 Lot 25 CNR Angua Drive and Lahara Avenue
Boroko NCD
Papua New Guinea.
Represented by Mr. Charlie Smith, Acting Manager

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 received advice from IATA on 14 July 2014 that its bank guarantee (BG) for PGK513,000 (USD 205,457) was due on 13 August 2014. Its current guarantee expires on 27 September 2014. The Agent explained to IATA that as its Bank took 6 to 8 weeks to process such an arrangement it would require a time extension to conform. This request was declined by IATA.

The Agent then contacted its Bank and had several meetings in order to have its application for a BG fast-tracked. The Bank advised the Agent that its application was currently with its credit department and there was a possibility that it would be ready on Monday 11 August 2014. Not being confident of that outcome the Agent contacted the writer on 8 August 2014 with a request for interlocutory relief for 2 weeks.

Subsequent to that event, the Agent advised that the BG documentation could be completed on 11 August 2014 and would then require signatures from a Director and the Company Secretary. However, in order to allow for any unforeseen delays and to avoid possible suspension the Agent sought a week's interlocutory relief in order to submit the BG to IATA's SYD office.

IATA has not objected to the granting of interlocutory relief for the original period sought by the Agent.

Both Parties have been placed on notice, as required by sub paragraph 2.3 of Resolution 820e, that the writer does not consider that an oral hearing is necessary and that the written submissions of the Parties will be the basis for the decision.

In considering this matter it is clear that the Agent has taken prompt steps to motivate its Bank to process its BG application as a matter of urgency and that action appears to have achieved a result. It is also accepted that 48 hours may not be sufficient time to have the BG lodged with IATA.

Consequently based on the foregoing it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Wednesday 20 August 2014.

Decided this 11th day of August 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.