

DECISION 2014 – 09 - 29A
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Amelfi Pty Ltd t.a. Travel Sense
Level 1 South
395 Wattletree Road,
Malvern East VIC 3145
Australia
Represented by Ms. Fiona Caffery, Director

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 was due to submit its financial statements to IATA by 29 September 2014 for the Annual Financial Review. On 25 September 2014 the Agent contacted the writer with a request for interlocutory relief beyond that date to Friday 10 October 2014.

In its justification for seeking relief the Agent advised that a dispute with the other Director of the Company, who resigned in June 2014, had meant that the prepared financial statements, which should be signed by both Directors, could not be submitted. Negotiations on the purchase of the resigned Director's part of the business were reaching a conclusion and the Agent was hopeful that the departing Director would sign off the financial statements before the end of next week. This situation was described in a letter from the Agent's Auditors.

IATA has not objected to the time extension requested by the Agent.

As provided for in sub paragraph 2.3 of Resolution 820e, the writer does not consider that an oral hearing is necessary and is basing his decision on the written information submitted.

In considering this matter it is unfortunate that this dispute has impacted on the orderly submission of the Agent's financial statements however under the circumstances it is reasonable to grant more time for the issue to be resolved and the Agent being able to comply with IATA's requirement.

Based on the foregoing therefore, it is hereby decided as follows:-

1. The Agent is granted interlocutory relief beyond 29 September 2014 to 10 October 2014.

Decided this 29th day of September 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 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.