

DECISION 2015-01-06
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Tajaco Travel Services Sdn Bhd
Suite18-3A, Jalan Pandan 2/1 Pandan Jaya
55100 Kuala Lumpur
Malaysia
Represented by Mr. Khairul Annuar Bin Kamarudin, Director

Respondent:

Agency Administrator, International Air Transport Association, IATA
Geneva, Switzerland
Represented by Mr. Rodney D'Cruz, Manager Agency Management Asia/Pacific,
IATA, Singapore

The Case and Decision

The Agent was due to provide a bank guarantee to IATA of MYR 40,000 (USD 11,370.00) by 2 January 2015. On 31 December 2014 the Agent contacted this Office with a request for interlocutory relief until 31 January 2015.

The reason for seeking this extension was that their "company adviser" was currently hospitalised and the Agent Principal was assisting family with recovery from flooding damage in another part of Malaysia. This was the first occasion on which the Agent was unable to meet the bank guarantee deadline date and hence the extension was sought.

On being requested to consider the request IATA advised that "the Agent has the option of submitting a supplementary bank guarantee or renewing the Bumiputra certificate which entitles him to a discount on the financial security. In either event more than three weeks seems unreasonable when already a month has gone by. On the other hand if the Agent claims such grave personal strife and circumstances it is unlikely that he would be using his ticketing authority. We would be OK with an extension until 12 January 2015, should the Commissioner grant relief until then".

In light of the conditions surrounding the granting of interlocutory relief detailed in sub paragraph 1.2.2.4 of Resolution 820e the writer must take careful note of IATA's analysis of the situation and therefore based on the foregoing it is hereby decided as follows:-

1. The Agent is granted interlocutory relief until Monday 12 January 2015.

Decided this 6th day of January 2015 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.