

DECISION 2015-03-10
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ground Zero Ltd.
Fl 7, Sultan Ahmed Plaza
32 Purana Paltan
Dhaka-1000
Bangladesh
Represented by Shahadat Shohag, Manager

Respondent:

Agency Administrator, International Air Transport Association, IATA,
Geneva, Switzerland
Represented by Ms. Nadya Widjaja, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision.

In brief, the Agent's accreditation was terminated on 19 January 2015 for failing to submit a financial security for BDT 3,000,000 (USD 37,777.00) by the deadline date. The Agent contacted this Office on 12 February 2015 with the explanation that the company had "experienced some crisis and could not manage the renewal of the BG (bank guarantee) in the stipulated time." That issue had been overcome and the Agent was now in a position to fulfill the submission of the BG but its Bank had advised that this would take 4 to 5 weeks.

On being asked by the writer to seek a faster processing period the Agent reverted with the advice that the processing time would be 3 weeks and that it would have the BG submitted by 25 March 2015.

The Agent has made its request for review within the 30 day time-frame detailed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have been placed on notice, as required by sub paragraph 2.3 of the same Resolution, that in the writer's judgement an oral hearing was not necessary and that a decision would be based on the written information submitted.

In considering this matter it is felt that, now that the Agent had been able to provide the collateral for the BG, it was reasonable to grant the time requested for the BG to be submitted. The alternative would be for the Agent to re-apply for accreditation.

As the Agent had previously been declared in default for the accumulation of Irregularities due to late BSP settlements but had since paid the full settlement on 1 January 2015, it is assumed by this Office that the review procedure detailed in section 2.3 of Attachment "A" to Resolution 818g has been undertaken.

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

1. The Agent is granted until 25 March 2015 to submit a financial security of BDT 3,000,000 to IATA.

Decided this 10th day of March 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.