

DECISION 2015-03-17
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Shayans Travel and Tours
5-B Sadiq Plaza
69 Shahrah-e-Quaid-e-Azam
Lahore, Pakistan
Represented by Mr. Tahir Afzal Khan, Managing Partner

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

The Agent's accreditation was terminated by IATA on 5 January 2015 due to its failure to honour the repayment plan entered into on 14 August 2014. The Agent contacted this Office the following day with a request for a review of the action taken by IATA.

In its explanation for the reason it failed to perform, the Agent stated that, as a result of the death of one of the Partners, its Bank had frozen its accounts. Considerable delay was caused by the wait for a Court proceeding to acquire a succession certificate and an amendment to the partnership deed. However the Agent was determined to clear its debt and be re-instated as an IATA Accredited Passenger Sales Agent.

IATA advised that the total amount outstanding was PKR 358,003 (USD 3,470.60) and confirmed on 4 March 2015 that it had been settled.

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

This case has been protracted by the time consumed in waiting for the Court proceeding, which would provide the required documentation to allow the Agency to move forward. It is to the Agent's credit that it settled the full amount owed and, therefore, based on the foregoing it is hereby decided as follows:-

1. The Agent's accreditation is to be re-instated as soon as practicable.

Decided this 17th 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.