

DECISION 2016-02-29
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road,
Remuera, Auckland 1050,
New Zealand

Applicant:

Indraprastha Travels Pvt Ltd,
1513, Ghumanpuri Complex,
Opp Defence Colony,
Bhisham Pitamah Rd,
New Delhi - 110003,
India.
Represented by Mr Ketaki Behl Grover, Manager.

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 issued with a Notice of Irregularity (NOI) on 11 February 2016 for failing to include an Auditor's report in its financial statement submission by the due date. On 15 February 2016 the Agent presented the missing report however at that point the NOI had been issued despite the Agent having agreed to pay the USD150.00 Minor Error Policy (MEP) fee.

The Agent contacted this office on 25 February 2016 seeking removal of the NOI. It recorded the fact that IATA's advice regarding the MEP fee had been missed, as the Agency's Manager was caring for the Agency's Managing Director, who was his father, who had fallen ill. As the NOI had already been issued IATA could not withdraw it. The Agent gave an assurance that it "would abide by all IATA BSP regulations".

In its summary of events IATA indicated empathy for the Agent's situation and advised that as the Agent had agreed to pay the MEP fee it would not take exception should the NOI be expunged as a consequence of a decision by the writer.

The Agent has complied with sub paragraph 1.2.2.1 of Resolution 820e and has lodged its request for a review within the 30 day time frame allowed and both parties were alerted, as required by sub paragraph 2.3 of the same Resolution, that

in the writer's judgement an oral hearing is not necessary and that the decision would be based on the written information submitted.

In considering this matter it is clear that the Agent's omission of a key document was not intentional and it would be fair to apply the "force majeure" provision detailed in paragraph 13.9 of Resolution 818g.

Consequently it is hereby decided as follows:-

1. The Notice of Irregularity issued to the Agent is to be expunged with immediate effect and all Parties alerted to the issuance of same should be made aware of that action.

Decided this 29th day of February 2016 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.