

DECISION 2016-03-24
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Jet Set Travel and Tours,
Office No LGF-1B, Empress Tower,
46 Empress Rd,
Lahore,
Pakistan.

Represented by Mr Saad Naeem Sheikh, Chief Executive Officer.

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 was terminated on 21 March 2016 for failing to submit a signed repayment agreement by the due date of 18 March 2016. In its summary of events IATA stated that the Agent was issued with a Notice of Irregularity (NOI) for failing to settle a BSP billing on the due date. On 7 January 2016 the Agent was placed under default as no payment was received and a termination date of 29 February 2016 was advised. Same day the Agent was provided with information on the reinstatement procedure together with details of a repayment plan.

On 29 February 2016 the Agent paid 50 percent of the outstandings. A repayment agreement was sent to the Agent on 10 March 2016 with the request that a signed scanned copy of that document should be transmitted to IATA by 18 March 2016. As such a document had not

been sighted by 21 March 2016 IATA terminated the Agent's accreditation. Later that day the signed document was received by IATA by email.

The Agency's owner advised that he had been overseas at the time of IATA's request but on his return took immediate steps to comply with the request for a signed scanned repayment agreement and also dispatched an original signed agreement by air mail.

In considering this matter I find that it was unfortunate that the person able to commit the Agency to the repayment agreement was absent at the crucial time. The fact that prompt action was taken once IATA's requirements were known is in the Agent's favour and it is evident that termination would not have occurred had the Agent's email arrived with IATA earlier on the 21st of March 2016.

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.

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

1. the Agent is to be allowed to enter into a repayment plan with dates that have been adjusted to cater for the time taken for this decision to be rendered.
2. on settlement of all outstandings, submission of the required financial security and the payment of the fees and charges associated with the process the Agent is to be reinstated.

Decided this 24th day of March 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.