

DECISION 2016-04-26
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Dixon Aviation (Pvt) Ltd,
L-153 Street No. 5,
Mahipalpur Extn,
New Delhi-110037,
India.

Represented by Mr Rambir Yadav, Director.

Respondent:

Agency Administrator, International Air Transport Association, IATA,
Geneva, Switzerland.

Represented by Mr Nawaz Shaikh, Manager Agency Risk Management Asia/Pacific,
IATA, Singapore.

The Case and Decision.

The Agent was terminated by IATA on 4 April 2016 for failing to submit its audited financial statements for the annual financial review by the deadline date. On 21 April 2016 the Agent mistakenly sought a review from the TAC Area 2 who on-forwarded the request to this office.

In its request the Agent stated that it could not submit its financial documents " as our registered email were blocked due to one of our staff who left us without intimation, we are in the impression that everything has been done way back by him".

The Agent went on to assure the reader that in future full attention would be paid to communications and apologised for its short comings.

IATA's summary of events revealed that many reminders had been dispatched during January and February resulting in an incomplete set of documents being submitted on 22 March 2016. A request and reminders to forward a complete set went unheeded and the Agent was terminated on 4 April 2016.

In considering this case it is clear that a lack of managerial oversight is the cause of the situation now faced by the Agent. However it is also the writer's judgment that the Agent's termination should not be caused by an administrative issue where there is no money at risk.

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. Subject to submitting a complete set of audited financial statements within a time frame advised by IATA, the Agent is to be reinstated.
2. The Agent is to pay all fees and charges related to that action.

Decided this 26th day of April 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.