

DECISION 2016-09-26.
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

Agency Administrator, International Air Transport Association, IATA,
Geneva, Switzerland.
Represented by Mr Rodney D'Cruz, Manager Agency Management Asia/Pacific,
IATA, Singapore.

Respondent:

Waseem Travel and Tours,
Gujranwala,
Pakistan.
Represented by Malik Nadeem Yakoob, Managing Director.

Complainant:

QATAR Airways,
Karachi,
Pakistan.
Represented by Syed Helal Enver, Finance Manager, Pakistan.

The Case and Decision.

In brief, on 19 September 2016 IATA sought a TAC review to determine whether the Agent had breached the Passenger Sales Agency Agreement in respect of sub paragraph 1.3.11 of Resolution 820e which reads as follows:-

" the Agent has persistently failed to settle amounts owing against Agency Debit Memos (ADMs) whether or not such ADMs have been subject to dispute."

QATAR Airways, the complainant, submitted written evidence which showed that an ADM had been issued on 6 June 2015 for PKR369,378 due to the Agent ticketing a special fare available only on the tickets of BA and IB on QATAR Airways stock. The Agent disputed the ADM claiming that the tickets had been auto priced and hence they were not at fault. This position was maintained for many months and led to QR withdrawing its ticketing authority from the Agent.

The Airline produced a written statement from the GDS provider that the system had been manually overridden to generate the special fare on QR tickets.

The Agent has not taken up this office's invitation to rebut any of the points made by the Airline, the only response being the undated letter from the Agent to the Airline claiming that the PNR was auto-priced and hence the ADM was invalid.

Therefore, in summary, based on the evidence submitted it is clear that:-

1. the special fare used was available only on the ticket stock of BA and IB
and
2. the GDS system was manually overridden to generate the fare on QR tickets.

IATA has authorised the review under the sub paragraph detailed above and the parties have been placed on notice, as required by sub paragraph 2.3 of Resolution 20e, that in the writer's judgement an oral hearing was not necessary and that a decision would be based on the written information submitted.

A breach of the Passenger Sales Agency Agreement has occurred and hence it is hereby decided as follows:-

1. the Agent is to pay QATAR Airways the sum of PKR369,378 within 20 business days from today's date failing which IATA is to suspend the Agent's ticketing authority until such time as the payment has been made.

Decided this 26th day of September 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.