

DECISION 2016-12-20
TRAVEL AGENCY COMMISSIONER – AREA 3

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

Applicant:

New Super Travels
25 Old Family Court,
Residency Roadarpura,
Udaipur, Rajasthan,
India.
Represented by Mr. Afroz Khan, Owner.

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's accreditation was terminated on 3 November 2016 as a consequence of defaulting on a BSP settlement in September 2016. IATA had provided the Agent with the re-instatement procedure giving the Agent until 31 October 2016 to either make full settlement by that date or to pay 50 percent of the outstandings and to enter into a firm repayment schedule by 15 October 2016. As at 9 November 2016 the Agent had settled all but INR709,626 (USD10,448.00) of the amount owed. The Agent contacted this office on 7 November 2016 seeking a review of IATA's action.

The Agent, whose written responses showed an incomplete knowledge of English, did not respond to the invitation to enter into a repayment agreement but kept on paying varying amounts until the total outstandings were settled post the termination date. IATA did not make a claim against the Agent's financial security which remains intact.

Whether or not the Agent understood the options available to it to settle its debts is unclear but the situation was not helped by a message from IATA confirming that re-instatement was in train subject to IATA checking out a detail with the Agent's Insurer. This erroneous information was subsequently corrected with IATA advising that reinstatement post termination was not possible.

This case has been of a lengthy duration. The writer has been influenced by the Agent's obvious intention to clear its debt and despite the confusion caused by IATA's erroneous information, subsequently corrected, the Agent persevered in meeting its fiscal obligation. In my judgement that perseverance is deserving of a second chance.

The Agent has met the terms of sub paragraph 1.2.2.1 of Resolution 820e by seeking a review within the 30 days allowed therein and, as required by sub paragraph 2.3 of the same Resolution, both parties were placed on notice by the writer 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 re-instated subject to paying all fees and charges associated therewith.

Decided this 20th day of December 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.