

DECISION 2017-05-08
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Shree Deepak Travels
366/68, Diamond Mansion Fl 2
Room 36-38, Kalbadevi Road
Mumbai - 400 002
India.
Represented by Mr. Tushar Kanti Das, Proprietor.

Respondent:

Agency Administrator, International Air Transport Association (IATA)
Geneva, Switzerland.
Represented by Mrs. O. H Tham, Manager Agency Management Asia/Pacific,
IATA, Singapore.

The Case and Decision.

The Applicant's application for accreditation was disapproved on 28 March 2017 on the grounds that the sole proprietor "was previously an owner of an agency that was terminated due to the failure to comply with the Agency Rules." On further enquiry it was determined that the Applicant had fallen foul of sub paragraph 2.1.8 of Resolution 818g which reads as follows:-

"No person who is a director of, or holds a financial interest or a position of management in the Applicant, shall have been a director of, or had a financial interest, or held a position of management in an Agent which has been removed from the Agency List or is under notice of default and still has outstanding debts"

In its summary of events IATA described the manner in which a family dispute with regard to the signing of the terminated Agent's financial statements had led to the demise of that entity's accreditation. That Agent had complied with the demand for immediate payment of all dues and, hence, there were no outstandings due to IATA or Airlines.

IATA went on to comment that the Applicant was left with no alternative but to re-apply as a new entity given the gravity of the dispute with his previous partners. The Applicant, in his previous role as a partner in the terminated Agency, had

displayed his integrity by settling all dues within 6 days of being called upon to do so.

IATA considered that the provisions of sub paragraph 2.1.9 of Resolution 818g could usefully be applied to this case but preferred this Office to render a decision rather than exercising its own authority.

The writer has no evidence which would alter the description of the Applicant's integrity and based on IATA's record of events the writer is satisfied that the Applicant can be relied upon to comply with the terms of the Sales Agency Agreement and the Passenger Sales Agency Rules.

The Applicant has complied with the terms of Resolution 820e and the Parties were placed on notice by the writer, as required by sub paragraph 2.3 of that Resolution, that the decision would be based on the written information submitted.

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

1. On the assumption that the Applicant meets all the other relevant conditions of section 2 of Resolution 818g, the Applicant is to be granted accreditation.

Decided this 8th day of May 2017 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

Notes:

1. 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.
2. If after having asked for and obtained clarification or correction, any Party still considers aggrieved by this decision, the Party has the right to seek review by arbitration, in accordance with the provisions of Resolution 820e Section 4 and Resolution 824 Section 14.