

**DECISION 2017- 10 - 17**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant: *Mona Travels***  
IATA Numeric Code 27-3 1386  
Pakistan

**Respondent:**  
Agency Administrator, International Air Transport Association (“IATA”)  
Singapore

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**The Case and Decision:**

IATA sought a review of the Agent under the Prejudiced Collection of Funds provisions of Attachment “A” to Resolution 818g. The grounds for so doing was the Agent's action in "*massively raised the Post Billing Dispute for over 350 - 400 accounted documents including refunds.*" The Agent's ticketing authority had been suspended pro tem.

In defence of its action the Agent stated as follows:

"I am dealing with these ADMS and with the Airline from many months I am regularly asking them for the justification of the ADMS but they failed to give me so stating the ADM stands valid and I have to pay huge amounts of ADMS every reporting without any fair reason then I have to start the post billing session and get back my amount after 60 days which is a long time to block my amount so I have decided to start a post billing dispute on all the issued tickets on which the airline can send me ADMS so that after the first disagreement on the ADMS I will agree with the airline and they cannot send me ADMS via BSP and have to deal with the upcoming ADMS outside BSP that was my intention but if BSP thinks that I am doing this to get default is wrong I would be happy to give them any amount of bank guarantee the require plus you can also delete the doubtful ADMS not all ADMS are doubtful many of them have right justifications but as my portal is blocked by BSP I cannot tell you which ones ."

This blanket misuse of the Post Billing Dispute mechanism clearly required addressing; however, to attempt to pursue resolution to the point where only

"legitimate" ADMs remained via the process described in section 1.10.5 of Attachment "A" to Resolution 818g was impracticable and the way forward would be to stream all ADMs out of the BSP and to require the Agent to resolve issues bilaterally with the Airlines concerned.

IATA established that if the disputed amounts were taken out of the BSP for bilateral resolution then the Agency owed IATA (the Airlines) the following amounts:

<b>Period</b>	<b>Positive Billing</b>
1st Fortnight Sep	PKR 319,241
2nd Fortnight Sep	PKR 87,664

IATA also identified an amount of PKR 1,700,000 due to the Agent as the disputed amounts [for tickets issued in previous periods and amount already settled to the Airlines] exceeded the Agency Sales [positive billings] in 1<sup>st</sup> fortnight of September. That amount would be paid to the Agent.

Should the Agent settle the amounts detailed above then IATA would reinstate the Agent's ticketing authority.

The Agent must refrain from misusing the Post Billing Dispute mechanism and must apply it only in those instances where a legitimate case for so doing exists.

Based on the foregoing it is hereby decided as follows:

1. All ADMs in dispute between the Agent and the identified Airlines are to be removed from the BSP process and settled bilaterally between the Agent and the concerned Airline in a spirit of good will.
2. Subject to the Agent settling the PKR 406,905 calculated by IATA the Agent is to have its ticketing authority reinstated.
3. The Agent is to be paid the PKR 1,700,000 described above.

Decided this 17<sup>th</sup> day of October 2017 in Auckland.

This Decision is effective immediately.

The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a party, with notice to the other parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on 3 November 2017.

If after having pursued this process, a Party still considers itself aggrieved by this Decision, the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally, I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 3 November 2017 I will assume that there is no objection to that action being taken.

Yours faithfully,

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**