

DECISION 2017- 11 - 22
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant: *Libra Express Travel and Tours*

IATA Code 27-3 0934
Mardan, Pakistan

Respondent:

Agency Administrator, International Air Transport Association (“IATA”)
Singapore.

The Case and Decision:

The Applicant was issued with a Notice of Irregularity (“NoI”) by IATA for failing to pay a BSP billing of PKR 7,531,604 on the settlement date of 31 October 2017, and value was not received until 2 November 2017. The Applicant contacted this Office with a request for the NoI to be removed on the grounds that its Bank, *United Bank Ltd*, transferred the amount to IATA's Bank, *Standard Chartered Bank*, via the *State Bank of Pakistan* on the 31st and, therefore, was not responsible for the late payment.

The Applicant submitted evidence of the fund transfer on 31 October together with a letter from its Bank confirming the transfer on the required date.

In its response, IATA stated as follows in part:

"We have also checked with our clearing bank on this matter, they advised us due to the wrong Virtual Account # Prefix the payment was not received on time, but we do not know which Party had entered the wrong Virtual Account # Prefix for this transaction, based on the print screen given by the Agent we are not able to tell either, and we have been requesting Agent to provide us with proper proof of payment/deposit slip since 1 Nov., but so far we have not receive it, so makes the investigation not easy with our internal department (R&S).

Under the provision of the Resolutions, IATA has the authority to withdraw the issued irregularity in case of *bona-fide* bank error only."

In considering this matter it is clear that the Applicant made concerted efforts to meet the settlement date and sufficient evidence to confirm that has been submitted. It is unclear which bank entered the wrong Virtual Account # Prefix, but that error should not initiate a sanction against the Applicant.

The Applicant has met the terms of Resolution 820e in seeking this review.

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

1. The Notice of Irregularity issued to the Applicant is to be expunged and all Parties advised of its issuance are to be alerted to its removal.

Decided this 22nd day of November 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 days time frame expires on 7 December 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 8 December 2017, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3