

**DECISION 2017- 12 - 06**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant: *Atiya Travels***

New Applicant  
Dhaka, Bangladesh.

**Respondent:**

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

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**The Case and Decision:**

The partnership entity's application for accreditation was disapproved on the grounds that it had failed to submit a bank guarantee by the extended deadline date.

In its appeal for a review the Applicant stated that due to the absence of its Managing Director, firstly as a result of that executive's father's illness and, subsequently, as a result of the father's demise, it was not able to organise the documentation required for the bank guarantee in time.

Processing of applications for a bank guarantee took a long time in Bangladesh and the circumstances causing the delay "was an accident beyond our control". The Applicant was now ready to submit a bank guarantee for BDT 5,000,000 rather than the BDT 3,000,000 sought by IATA.

A letter from its bank stated that “our Head Office competent authority will accord approval to issue a Bank Guarantee for BDT-5.00 million in favour of *Atiya Travels* within 15 December 2017”.

In its summary of events leading up to the disapproval, IATA stated that it would abide by the Commissioner's decision should a further extension be granted.

In considering this matter it is necessary to take into account the human factors which contributed to the non-submission of the financial security by the due date.

The Bank's letter is encouraging and identifies a time line by which "approval to issue a bank guarantee " will be made. As that phrase is a little ambiguous a slight leeway is necessary.

The Parties were placed on notice that in the writer's judgement an oral hearing was not necessary and that the decision would be based on the written information submitted.

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

1. The Applicant is granted until Friday 17 December 2017 to submit its bank guarantee to IATA.

Decided this 6<sup>th</sup> day of December 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 21 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's 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 22 December 2017, I will assume that there is no objection to that action being taken.

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