

DECISION 2017- 12-19
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant: *Travel Connection Pvt Ltd.*

IATA Code 07-3 0167
Colombo, Sri Lanka

Respondent:

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

The Case and Decision:

The Applicant had been issued with Gulf Air ADMs, which were older than 9 months and, hence, were outside the permitted time frame. Furthermore, they involved guaranteed GF fares. Gulf Air Karachi had sent a letter to IATA SIN requesting that a short payment of the LKR 2,550,336, which was the sum of the 3 ADMs involved, be accepted by IATA.

The Applicant contacted this Office on 16 December 2017 with the request that the writer should intervene so that it did not receive a Notice of Irregularity "as it would result in a business continuity issue for us and bring disrepute to us in the market thus resulting in further loss of business."

The writer asked IATA SIN how they intended to deal with the situation based on GF's advice that the subject short payment should be accepted. IATA's response was that there was no provision in the Resolution for Airlines to instruct IATA to withhold / withdraw disputed amounts. If this Office's decision was to withhold compliance action against the Applicant then that decision would be effected.

Clearly under the circumstances the subject ADMs should be removed from the BSP billing.

The Parties have complied with the provisions of Resolution 820e and were placed on notice that in the writer's judgment an oral hearing was not necessary and that this decision would be based on the written information submitted.

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

1. The 3 GF ADM's amounting to the sum of LKR 2,550,336 must be removed from the BSP billing process.

Decided this 19th 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-day time frame expires on **3 January 2018**.

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 4 January 2018 I will assume that there is no objection to that action being taken.

Jorgen Foged
Travel Agency Commissioner Area 3