

DECISION 2017- 12 - 30
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Orion Travel Services

IATA Code 27-3 0179

Islamabad, Pakistan

Respondent:

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

The Case and Decision:

The Applicant's accreditation was terminated on 28 November 2017 for failing to settle the 2nd installment in a 6 months repayment plan.

In its request for a review the Applicant stated that it had failed to pay the 2nd installment <<due to a period in which entire capital city of Pakistan - Islamabad was under political turmoil and couple of weeks lock down adversely affected business recoveries>>. The Applicant had requested a couple of days extension by IATA which was denied in conformity with the terms of the repayment agreement.

The Applicant went on to state: <<our Company wishes to continue business and maintain our long accreditation and therefore unconditionally agrees to pay 100% outstanding of our BSP of Rs. 8,473,030 (USD 76,211.00) in one go by 30 January 2017>> (should be 2018).

IATA's summary of events recorded a variety of shortcomings by the Applicant since 17 August 2017 culminating in a default and the conclusion of a repayment agreement on 2 October 2017 where the Agent paid 20% of the debt with the balance being paid in 6 monthly installments. IATA had submitted a claim for the outstanding amount to the Applicant's Insurer on 8 December 2017.

In considering this matter I have taken the Applicant's offer of full settlement by 30 January 2018 at his word and, as a consequence, have decided to render this decision. Additionally the Applicant's statement that payment of the 2nd installment was due to "political unrest etc" has been accepted.

The Parties will have to sort out who receives the full payment of PKR 8,473,030 depending on whether or not the Applicant's Insurer has actioned IATA's claim.

The Parties have complied with the terms of Resolution 820e and were placed on notice by the writer that in my 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 Applicant's accreditation is to be reinstated subject to it complying with the following conditions:

- (a) Full settlement of PKR 8,473,030 is to be made by 30 January 2018;
- (b) Repayment interest of PKR 240,657 (to be billed after full settlement) is to be paid;
- (c) Late Remittance Recovery Charge of USD 128.00 is to be paid;
- (d) Reinstatement fee of USD 119.00 is to be paid;
- (e) Completion and submission of an Agency Status Form.

Decided this 30th 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 14 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 15 January 2018 I will assume that there is no objection to that action being taken.

This Decision is effective as of today.

Jorgen Foged
Travel Agency Commissioner Area 3