

DECISION 2018 - 01 - 31
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Jiwani Travel and Tours (“the Agent”)

IATA Code 27-3 1564

Karachi, Pakistan

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated by IATA due to its failure to submit a financial security by the deadline date. In its request for a review the Agent stated that the owner had sustained a serious head injury as a result of an accident at the time that IATA was seeking the security.

IATA's summary of events was consistent with the incapacitation of the owner. The writer sought documented evidence of the accident and its medical aftermath, which was comprehensively supplied by the Agency's owner. In its initial appeal the owner sought a period of 2 months for the Agency to be operational once more. In a later message the owner requested that 6 months be allowed for the Agency to recover to the point where it could re-open.

IATA was asked to advise if the Agent had any outstandings due to BSP Airlines the answer to which was in the negative. There would however be a number of fees and charges applicable should the Agent be reinstated.

In considering this matter the writer has considerable sympathy for the situation faced by the Agency's owner and as a consequence is prepared to grant the 6 months requested. Clearly if the owner is capable of re-opening at an earlier time that would be preferred.

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.

Therefore based on the foregoing it is hereby decided as follows:-

1. The Agent is to be reinstated on or before 31 July 2018 subject to fulfilling the following conditions:
 - (a) submitting a financial security of PKR 7,000,000 to IATA
 - (b) submission of a completed Agency Status Form
 - (c) payment of the Annual Agency Fee of USD 238.50
 - (d) payment of BSPlink overdue invoice of USD 180.00
 - (e) payment of Reinstatement Recovery Charge of USD 119.00.

This Decision is effective as of today.

Decided this 31st day of January 2018 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

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 15 February 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 16 February 2018 I will assume that there is no objection to that action being taken.