

DECISION 2018 - 02 - 13
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Hawk Consultancy Private Ltd. (“the Agent”)
IATA Code 14-3 1359
Mumbai, India

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a consequence of failing to settle a BSP billing of INR 41,618 (USD 6,465.69) by the extended deadline date of 12 January 2018.

In its request for a review the Agent advised that it had paid that amount on 18 January 2018. Its lack of action was due to its main accountant suddenly leaving and his understudy being away ill. As a result, there was no staff member charged with verifying invoices and arranging payment. The fact that the Agency's Director was overseas was a further influencing factor. However, they now had a "perfect team" and undertook to make regular payments in future. The Agency had been accredited for 4 years. The bank guarantee was INR 600,000; however, weekly sales averaged only INR 100,000. Consequently, reinstatement was sought.

In reviewing this matter it is clear that there was a lack of management oversight, which allowed the situation to drift and the Agent now faced the consequences of that failure. The writer was in two minds as to which way to rule on this matter. On the one hand, the history of the issuance of three Notices of Irregularity late last year, which led to a default situation was not impressive. On the other hand, settlement had been made for the outstandings post termination and the amount involved was well within the Agent's bank guarantee cover.

In deciding in favour of the Agent' reinstatement I must make it clear that any future occurrence of this nature will not be treated as benignly and the writer's expectation is that in future the Agent will react flawlessly to all IATA requirements.

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 it is hereby decided as follows:

1. The Agent's accreditation is to be reinstated subject to it paying all IATA fees and charges related thereto.

This Decision is effective as of today.

Decided this 13th day of February 2018 in Auckland.

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 28 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 1 March 2018 I will assume that there is no objection to that action being taken.

Jorgen Foged
Travel Agency Commissioner Area 3