

DECISION 2018- 03 - 13
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicants:

Hadi Travels (Pvt) Ltd. and **Al-Hadi Aviation** (Pvt) Ltd.
IATA Codes 27-3 0143 and 27-3 0143
Karachi, Pakistan

Respondent:

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

The Case and Decision:

The accreditation of Hadi Travels (Pvt) Ltd was terminated due to its failure to settle the full amount of the 2nd installment of a repayment agreement with IATA. A sister Agency, Al-Hadi Aviation (Pvt) Ltd (273 1707) was dealt with in the same manner due to its common ownership with the subject Agent. The latter Agent has no BSP outstandings but has not paid its Annual Agency Fee and one other IATA invoice amounting to USD 418.50.

In its request for a review the first Agent stated that it had paid PKR 311,150 in the 2nd installment and requested that it be allowed to settle the outstanding PKR 700,000 in the 3rd installment due on 27 March 2018 making a total of PKR 1,711,150. The shortfall was due to a robbery at the home of the owner for which a Police report was attached to its request message. The Agency had been accredited since 1993 and this was its first default incident.

IATA advised that the Agent had PKR 4,744,601 (USD 42,848.00) BSP outstandings together with 2 unpaid IATA invoices totalling USD 418.50. It had no objection to the Agent being allowed to continue the repayment plan with the final payment being on 27 June 2018 as previously agreed.

In considering this matter the writer has taken note of the Agent's payment record over a long period, the incident, which prevented full settlement of the 2nd installment and the Agent's desire to honour the repayment agreement and have its accreditation reinstated.

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:

A. *Hadi Travels* (Pvt) Ltd.:

1. The Agent is to be reinstated subject to complying with the following conditions:
 - (a) Settling PKR 1,711,150 as the 3rd installment on 27 March 2018,
 - (b) Paying the agreed amount on the dates specified in the repayment agreement until full settlement has been made,
 - (c) Paying the two IATA invoices totalling USD 418.50,
 - (d) Paying any IATA fees and charges associated therewith

B. *Al-Hadi Aviation* (Pvt) Ltd.:

1. The Agent is to be reinstated subject to complying with the following conditions:
 - (a) Paying IATA a total of USD 418.50 for overdue invoices,
 - (b) Paying any IATA fees and charges associated therewith

This Decision is effective as of today.

Decided this 13th day of March 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 **28 March 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 29 March 2018 I will assume that there is no objection to that action being taken.