

DECISION 2018 – 07 - 03
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Sumayya Enterprises (“the Agent”)
IATA Code 14-3 2044
New Delhi, India

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated on 6 June 2018 for failing to settle an IATA administrative charge invoice for USD 119.00. In its request for a review the Agent stated that its Owner had been very busy with the arrangements for his daughter's wedding and was absent from the Agency and thereafter became ill for a long time. The Agency staff "could not trace the mail of this invoice", hence, it remained unpaid. The Owner admitted fault, which was very much regretted and would not be repeated if it was given another chance.

In its summary of events IATA demonstrated a degree of tolerance before taking termination action. Should the decision be taken that the Agent be reinstated then in addition to settling the invoice for USD 105.50, it would be required to renew its financial security, which expires on 30 June 2018, and submit a completed Agency Status Form.

In considering this matter the writer has been influenced by the minor unpaid amount (be it USD 119.00 or USD 105.50) that has impacted on the Owner's livelihood in a major way. The Owner's obvious contrition and undertaking to never repeat this shortcoming is accepted; however, should a similar occurrence be brought before this Office in the future a benign outcome should not be expected.

The Parties have complied with the terms 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 Agent's accreditation is to be reinstated subject to it complying with the following conditions:

- (a) The subject IATA invoice is to be settled promptly
- (b) A new financial security for INR 680,000 is to be submitted to IATA
- (c) A completed Agency Status Form is to be submitted to IATA.

This Decision is effective as of today.

Decided this 3rd day of July 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 **July 18th, 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 **July 19th, 2018** I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3