

## Decision 31/2018 Travel Agency Commissioner - Area 2

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### **Applicant:**

**AZMEEL INTERNATIONAL** ("the Agent")  
IATA Code # 71-2 1637  
Saudi Arabia

### **Respondent: International Air Transport Association (IATA)**

Torre Europa  
Paseo de la Castellana, número 95  
28046 Madrid, Spain

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### **NOTE:**

This summarized decision is being posted as the Parties have received it. Occasional requests for clarification are not posted. However, should any Stakeholder requests it, a copy of such clarification will be sent to her/him.

### **Background:**

I understand IATA's statement, I quote: "*SAMBA bank received & processed the related transfer in same value date (25/06/2018). There is No delay from our ("IATA's bank) Samba Side", as IATA not accepting the Agent's claim of having sent the payment on time even though confirmed by their bank. Hence, a formal TAC decision 31/2018, exonerating Azmeel International from any wrongdoing was necessary.*

The evidence provided by the Agent, plus the bank letter statement done by *Alawwal Bank of Saudi Arabia*, confirmed that the account was funded and the transfer ordered on behalf of *Azmeel International* on June 24, as a same day payment. The bank also confirmed that this was executed as ordered.

As stated numerous times in previous decisions from this Office with similar facts than the ones in front of me in this case, **regardless of the reason** for the funds not having reached IATA's hinge account until 25<sup>th</sup> of June, the determining factor to exonerate the Agent from a wrongdoing is the proven fact that such a delay was beyond the control and responsibility of *Azmeel International*.

## Conclusion and Decision:

Even though acknowledging that the transfer did not reach IATA's hinge account the "same day", based on the evidence and submissions on file, I conclude that the reason causing the delay **was not attributable to the Agent; it was, in fact, beyond any reasonable control of Azmeel International**, therefore, *Azmeel International* has to be exonerated from any wrong doings.

Consequently:

- The **Notice of Irregularity has to be withdrawn** and stricken from the Agent's records.
- ***Azmeel International* has to be reinstated** without the need to meet any reinstatement requirements.

**This Decision is effective as of today.**

Decided in Stockholm, on July 9<sup>th</sup>, 2018

Andreas Körösi  
Travel Agency Commissioner  
IATA-Area 2

In accordance with Resolution 820e § 2.10 any Party may ask for an interpretation or correction of any error in computation, any clerical or typographical error, or any error or omission of a similar nature which the Party may find relevant to this decision. The time frame for these types of requests will be maximum 15 calendar days after receipt of this decision. Meaning as soon as possible and **not later than July 24<sup>th</sup>, 2018**.

Please also be advised that, unless I receive written notice from either one of you **before** the above mentioned date this decision will be published in the Travel Agency Commissioner's secure web site, provided no requests for clarification, interpretation or corrections have been granted by this Commissioner, in which case the final decision will be posted right after that.

Please note that if after having asked for and obtained clarification or correction any Party still considers aggrieved by this decision, as per Resolution 820e §4, the Party has the right to seek review by Arbitration in accordance with the provisions of Resolution 824 §14.

Please let me know if any of the Parties requires a signed hard copy of this decision and I will send one once the time for "interpretation or correction" has elapsed.