

DECISION 2018 – 07 - 25
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Nabil Tours Services (“the Agent”)
IATA Code 14-3 1684
New Delhi, India

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated on the grounds of failing to settle an IATA invoice for USD 119.00 by the date specified in the Notice of Termination. This amount was paid post termination. The Agent stated that it had received a number of invoices the purpose of which were unclear. It had sent a query to IATA seeking clarification. It took 2 months for IATA to respond and the answer arrived the day after the Agent received the termination letter. The Agent would have "no problem in paying whatever needs to be paid to continue the IATA license".

IATA's summary of events revealed the fact that the Agent had sent its query to an address which was the queue of "Invoicing and Collection" rather than replying directly to the Notice of Termination address. The Agent's financial security had expired on 30 June 2018 and the renewal of same had been received; however, there was insufficient stamp duty thus the Agent has to amend the extension letter for stamp duty of INR 300.

In considering this matter it is clear that the Agent's dispatch of its message seeking clarification on the purpose of IATA's invoices was the core issue that created the final outcome. It could also be said that a quick phone call by IATA to the Agent might have avoided the termination action and the minor amount involved was not a threat to the Agency's viability.

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 is to be reinstated subject to it complying with IATA's stamp duty requirement.

Decided this 25th day of July 2018 in Auckland.

This Decision is effective as of today.

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 **11 August 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 12 August 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3