

DECISION 2018 - 08 - 14
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

MATAF (Private) Ltd. (“the Agent”)
IATA Code 27-3 1962
Pakistan

Respondent:

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

The Case and Decision:

The Agent was declared in default having been issued with two Notices of Irregularity within a 12-month period. The Agent entered into a repayment agreement with IATA and deposited 50 percent of the outstandings with 4 monthly installments of PKR 1,057,554 to be made. The first and second installments were paid but the third installment due on 27 June 2018 was not settled. IATA sent the Agent a final request for payment to be made by day's end on 29 June 2018. Having seen no action by the Agent, IATA terminated the Agency's accreditation on 9 July 2018. On the same day, the Agent submitted proof of payment of the 27 June 2018 installment using its Bank's Deposit Slip dated and stamped for that day.

On being questioned as to why 12 days passed before this proof of payment was submitted, the Agent stated that it had omitted to "inform IATA Portal". Further, the Agent confirmed its intention to settle the final installment on 27 July 2018. As a matter of record that installment was paid on the due date.

IATA has not disputed the payment evidence for the 27 June 2018 installment and has stated that it has no objection "to reinstate the Agent if the Commissioner decides so."

Having sighted the proof of payment document and in light of the Agent's honoring of the final installment payment, it is fitting that the Agent's accreditation be reinstated.

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 paying all fees and charges associated therewith.

This Decision is effective as of today.

Decided this 14th day of August 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 **29th 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 30th August 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3