

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

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Jwalpa Enterprises Pvt Ltd (“the Agent”)
IATA Code 14-3 5850
Dehradun, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to settle an administrative charge of USD 17.00 and non-compliance with accreditation criteria. After reminders the Agent had submitted an Agency Status Form on which IATA detected a change of Directors. Over a period of 3 months IATA sought submission of an online Notice of Change together with settlement of the administrative charge. The Agent continued to provide proof of payment for bank transfer and IATA advised that short payment was not received which could be due to bank charges that should be borne by the Agent. Investigation by IATA's Invoicing and Collection team confirmed that situation.

The Agent stated that its Bank had not received any Debit Note "from IATA/Deutsche Bank-Singapore towards bank charges in last two-three years". The Agent had instructed its Bank to pay any debit received from those sources. In its request for a Commissioner review the Agent had also attached details of the change of Directors in the form of Board minutes and Government of India documents.

In considering this matter it appears clear that the Agent genuinely considered that full settlement of the minor amount had been met as no Director would risk its business's viability on such a trivial matter. It would also appear that the Agent, for whatever reason, had difficulty in submitting the Change information in the proscribed online format. On balance, the writer is prepared to grant the Agent accreditation reinstatement subject to it rectifying its shortcomings and that there is no re-occurrence of this type of issue.

The Parties have met 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:
 - (a) It settling the USD 17.00 administrative charge
 - (b) Submitting an online Notice of Change covering the amendments to its Board
 - (c) IATA granting approval of the Change
 - (d) Paying any fees and charges associated therewith.

Decided this 22nd day of August 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 **5 September 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 6 Sept. 2018 I will assume that there is no objection to that action being taken.

Jorgen Foged
Travel Agency Commissioner Area 3