

**DECISION 2018 - 10 - 15A**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Ghai Tours and Travels*** ("the Agent")

IATA Code 14-3 0729

New Delhi, India

**Respondent:**

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

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**The Case and Decision:**

The Agent's accreditation was terminated for failing to settle an IATA invoice for USD 88.00. In its request for review the Agent stated that its Accountant had suddenly left the Agency and on investigation it was discovered that he had embezzled USD 7,000 over a period of time. The Agency' management had been busy "settling all the issues and preparing the up-to-date account to file ITR of this financial year that we unintentionally ignored/forgot to check mail box of accounts."

The Agent opined that the 12 July 2018 reminder to settle the overdue invoice within 7 days had been deleted by the Accountant. The Managing Director of the Agency committed to making immediate payment and in future would take personal responsibility for overseeing all matters pertaining to IATA activity.

IATA stated that it had issued a Notice of Termination effective 31 August 2018 and in the absence of a payment had terminated the Agent on 13 September 2018. The Agent had submitted a financial security of INR 630,000 and there were no other outstandings.

In considering this matter it is clear that there was no risk to Airlines' funds and that this was an administrative shortcoming largely due to the behaviour of the departed Accountant. Under the circumstances the Agent should be granted an opportunity to regain its accreditation.

The Parties have complied with the terms of Resolution 820e and were placed on notice that in the writer's judgement an oral hearing was not necessary and that this decision would be based on the written information submitted.

Therefore, based on the foregoing it is hereby decided as follows:

1. The Agent's accreditation is to be reinstated subject to it paying any fees and charges associated therewith.

Decided this 15<sup>th</sup> day of October 2108 in Auckland.

This Decision is effective immediately.

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 30 October 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 31 October 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**