

DECISION 2018 - 10 - 23A
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Eureka Travels and Tours (Pvt) Ltd ("the Agent")

IATA Code 14-3 6126

Kolkata, India

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to submit an additional amount of financial security (FS) by the specified date. In its request for review the Agent stated that it was not in a financial position to submit the additional FS of INR 1,871,000 (USD 25,459.90). It had been out of business since July having defaulted on a June BSP settlement, which was fully paid on 31 August 2018. The Agency was its sole business, which had been operating since 2005. It was interested in the GoLite category of accreditation introduced in India on 1 October 2018 under the New Gen concept.

IATA stated that the non-cash GoLite facility was available or alternatively Go Standard, which would limit the Agent's Remittance Holding capacity (RHC) to the amount of financial security held by IATA.

In light of the Agent's settlement of all outstandings and its desire to continue as an IATA Accredited Agent the writer is willing to provide that opportunity.

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

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

1. the Agent is to be reinstated as either a GoLite or a GoStandard Agent subject to it advising IATA of its decision by no later than Friday 26 October 2018.

This Decision is effective as of today.

Decided this 23rd day of October 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 Nov. 7, 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 Nov. 8, 2018, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3