

DECISION 2018 - 10 - 25
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Sayban-e-Baquee ("the Agent")
IATA Code 27-3 2099
Karachi, Pakistan

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to settle an IATA invoice of USD 119.00 having been allowed from 7 July 2018 to 18 September 2018 for it to do so.

In its request for a review the Agent stated that its management had been in Saudi Arabia arranging accommodation for *Hajj and Umrah* groups and that factor together with "due to discontinuation email facilitation, in our area due to disturbance of the PTCL internet communication at Bahadurabad" resulted in the Agency being unaware of the need to pay the subject invoice. Additionally, no hard copy of the termination letter was received.

IATA described the various occasions when reminders were sent to the Agent and advised that the USD 119.00 was yet to be settled. IATA had released the Agent's financial security.

In considering this matter some weight must be given to the lack of email reception at the Agency and, hence, its accreditation should not be lost for the want of paying a minor amount. However, this case is yet a further example of a crisis occurring when an Agent's management is off-site and absent the electronic reception issue it is anticipated that there will not be a further incident of this nature in future.

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.

Based on the foregoing therefore, it is hereby decided as follows:

1. the Agent's accreditation is to be reinstated subject to it paying the USD 119.00 without delay, submitting a financial security to the satisfaction of IATA and paying all fees and charges associated with the reinstatement.

This Decision is effective as of today.

Decided this 25th 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 November 9th, 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 November 10th, 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3