

DECISION 2018 - 11 - 22
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Arfah Travels and Tours (Pvt) Ltd. ("the Agent")
IATA Code 27-3 1246
Lahore, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to settle a BSP billing. In its request for a review the Agent advised that initially IATA requested a deposit of 50 percent of the outstandings and the balance in 3 monthly installments. The Agent was not able to meet that condition and paid 20 percent on 30 October 2018 with a request that the balance be settled in 12 monthly installments. Despite sending a number of messages to IATA seeking confirmation that the alternative payment proposal was acceptable and responses from IATA that "we will revert", which did not occur, and the Agent received a Termination letter on 5 November 2018.

IATA's summary of events describes the Agent seeking how much 50 percent of the outstandings amounted to. It paid 20 percent on the 31st as stated and sought a longer repayment period. The Agent's insurance bond expired on 30 August 2018 and, hence, would not cover the period of the proposed repayment period as a consequence of which a repayment agreement could not be entered into and the Agent's accreditation was terminated. A claim was made against the Insurance Provider as the claim period ends on 30 November 2018. IATA stated that to be reinstated the Agent would have to settle the full outstanding amount of PKR 4,141,645 (USD 30,926.00).

In its request for a review, the Agent stated that "under the compelling circumstances we somehow have arranged funds for settlement of all outstandings on immediate basis".

In considering this matter, as the Agent has now gathered funding for payment of the full amount of outstandings in a single settlement, it would be churlish to not allow the Agent an opportunity to be reinstated.

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

Based on the forgoing therefore it is hereby decided as follows:-

1. the Agent's accreditation is to be reinstated subject to it settling the full amount due by Thursday 29 November 2018
2. paying all fees and charges associated therewith
3. submitting a completed Agency Status Form to IATA.

The conditions under 2. and 3. above to be completed within 30 days of the date of this decision.

This Decision is effective as of today.

Decided this 22nd day of November 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 **7 December 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 8 December 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3