

**DECISION 2018 - 11 - 27**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Saba Travel and Tours (Pvt) Ltd.*** ("the Agent")  
IATA Code 27-3 0962  
Rawalpindi, Pakistan

**Respondent:**

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

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**The Case and Decision:**

The Agent had defaulted on a BSP settlement. It subsequently paid the subject billing but in order to be reinstated it had to settle its remaining sales which it was unable to do. In addition it would have to submit a renewed financial security for PKR 9,500,000, which it was not able to do by the date set by IATA. However that omission was rectified some 3 weeks later.

The Agent then indicated that it wished to enter into a repayment plan. However as the existing default protection insurance had expired the Agent was granted a one month repayment plan. The new insurance would not cover the pre 31 August 2018 sales. The Agent failed to pay the first of two instalments and its accreditation was terminated.

In its request for review the Agent described its interaction with IATA staff in its attempt to gain a longer repayment period. The time elapsed meant that the claim period left for IATA to recover the outstandings was imminent and hence the Agent had the options of either acquiring an endorsement letter from the new Insurer confirming that it would cover any default during the extended repayment period or making full settlement by 27 November 2018.

Since the last message exchange with the Agent on 24 November 2018 reiterating the options open to it, today the Agent has advised that "we have been able to recover the amount today, now we are in a position to make full payment - the full repayment shall be deposited November 27, 2018."

Under such a circumstance it would be imprudent for this office not to rule in the Agent's favour as the claim made against the Agent's Insurer is currently in limbo following a Court proceeding against the Insurance Provider involving a number of parties.

Consequently it is hereby decided as follows:

1. the Agent's accreditation is to be reinstated subject to it complying with the following conditions:-

(a) making full settlement of all BSP sales today 27 November 2018

(b) paying all fees and charges associated therewith

(c) submitting a completed Agency Status Form to IATA.

This Decision is effective as of today.

Decided this 27<sup>th</sup> 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 **12 Nov. 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 13 Nov. 2018 I will assume that there is no objection to that action being taken.

Yours faithfully,

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