

DECISION 2018 - 12 - 11
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Bhagwant Travel and Tours (Pvt) Ltd. (“the Agent”)

IATA Code 14-3 4678

New Delhi, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a result of failing to submit documents related to a Change of Ownership to IATA within the period allowed.

In its request for a review the Agent stated that the Agency had been requested to submit a number of documents associated with the change of ownership. It went on to state that "since this is an old company and everything was within the family it took a little longer than the time granted to by Agency Commissioner." The reference to the "Agency Commissioner" no doubt refers to IATA.

The Agent was accredited in April 1998 and had no outstandings. It wanted to continue with its accreditation and would pay any fees and charges related thereto. It had always abided by IATA rules and would continue to do so.

IATA's summary of events records that the Agent was asked to submit a Notice of Change in July 2018. A Notice of Termination was issued when no action was evident by 10 August 2018. On 24 August 2018 the Agent submitted the online change application; however, a number of supporting documents were missing. The Agent sought until 30 September 2018 for submission of same and was granted until 3 September 2018 by IATA. A reminder was sent on 23 September 2018 and when nothing had been sighted by 30 October 2018 the Agent's accreditation was terminated.

In considering this matter it is noted that IATA generously granted the Agent more time than that requested by the Agent to submit the missing documents. It could be said that the Agent took a rather casual approach to the matter and discovered the

consequences of non-performance. However, as there was no risk to Airline funds the writer is prepared to grant the Agent an opportunity for reinstatement.

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. subject to IATA approving the change of ownership and all fees and charges are paid the Agent's accreditation is to be reinstated.

This Decision is effective as of today.

Decided this 11th day of December 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 26 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 27 December 2018, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3