

DECISION 2019 - 02 - 28
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ashiyana World Tours ("the Agent")
IATA Code 14-3 2718
Maharashtra, India

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated on 14 January 2019 as a result of failing to submit a renewed bank guarantee despite numerous reminders from IATA. The Agent accepted that it was at fault but were totally dependent on its Accounts staff while the Management staff were with Hajj groups in Saudi Arabia for a lengthy period. The Accounts personnel failed to react which led to the unfortunate outcome. The Agency was "our bread and butter" and if it was not reinstated "we will come in big financial trouble." In future Management would take personnel responsibility for financial security matters.

IATA's input stated that a valid bank guarantee had now been received and the only outstanding matter was for the Agent to submit a completed Agency Status Form.

In considering this matter the writer perceives that the Agent has learned a salutary lesson which will prevent future occurrences of this nature as a further event will not be as benignly treated.

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. the Agent's accreditation is to be reinstated subject to the following conditions:-

(a) IATA confirming that the bank guarantee meets their requirements;

(b) the Agent submitting a completed Agency Status Form to IATA.

These conditions are to be completed within 30 days of the date of this decision.

This Decision is effective as of today.

Decided this 28th day of February 2019 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 15 March 2019.

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 16 March 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3