

DECISION 2019 - 03 - 14
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Mudassar Aviation (Pvt.) Ltd. (“the Agent”)
IATA Code # 27-3 1873
Multan, Pakistan.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated for failing to pay an instalment in a repayment plan on the due date. In its request for a review the Agent stated that as a result of the death of a family member and the financial consequences thereof the Agency was unable to pay the first installment. However, PKR 3,381,168 (USD 24,247.00) had been paid recently and the Agent was determined to fulfill its obligations and sought reinstatement.

In its summary of events, IATA confirmed that the amount referred to by the Agent had been paid leaving outstandings of PKR 6,766,348 (USD 48,523.00). In addition, 3 unpaid IATA invoices to the sum of USD 706.90 required settlement.

In considering this matter the writer can understand the issue faced and recognises the Agent's focus on settling its debts, which has been confirmed by its actions. A valid financial security of PKR 13,500,000 is in place. Against that background the writer is prepared to grant the Agent another opportunity.

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) fulfillment of the remaining monthly instalments of the repayment plan;

(b) settling the outstanding IATA invoices amounting to USD 706.90;

and,

(c) paying the fees and charges associated with the reinstatement process.

This Decision is effective as of today.

Decided this 14th day of March 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 29 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 30 March 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3