

DECISION 2019 - 04 - 12
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

R.S.N. Travels Pvt Ltd (“the Agent”)
IATA Code 14-3 0185
Andhra Pradesh, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a result of the shortfall of INR 120,000 (USD 1,733.00) when lodging a BSP settlement. Of the INR 174,032 (USD 2,513.00) due only INR 54,032 (USD 780.00) was credited to the IATA Hinge Account. The Agent had provided IATA with details of the two payments but only the lower amount had been received. The Agent submitted a letter from its Bank, which confessed that it had erroneously credited the INR 120,000 to an incorrect account but since rectified. It confirmed that there were sufficient funds in the Agent's account to cover the settlement.

In its summary of events IATA confirmed the veracity of the events submitted by the Agent but as the Bank letter had been dated and received after the date upon which the Agent's accreditation was terminated they could not accept the letter and had advised the Agent to seek a review by the writer.

In considering this matter it is obvious that the negligent action by the Bank was the cause for the Agent's fate. Consequently the Agent deserves to have its accreditation restored.

The Parties 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 restored to the state of its ticketing authority extant prior to the termination.

2. the Agent should not be charged with the fees and charges related to the reinstatement process.

This Decision is effective as of today.

Decided this 12th day of April 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 give 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 27 April 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 28 April 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3

CLARIFICATION
RENDERED APRIL 15, 2019

Post-issuance of the subject decision IATA requested a "review" thereof based on the fact that the writer had mis-read IATA's summary of events and had incorrectly understood that the INR 120,000 erroneously credited to another account had subsequently been settled with IATA.

The writer has re-read IATA's submission and agrees with that assertion. It is also made known that despite being encouraged to pay IATA the amount owed post termination when the suggestion to seek a review from this office was made, the Agent has not done so to date.

That factor has influenced the writer's attitude towards the Agent and has determined that changes are required to the decision initially decreed.

Therefore based on the foregoing the decision issued on 12 April 2019 is hereby amended as follows:-

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

1. the Agent settles the debt of INR 120,000 with IATA
2. all fees and charges related to the late remittance are to be paid
3. the Agent should not be charged with the fees and charges related to the reinstatement process.

Decided this 15th day of April 2019 in Auckland.

A signed copy of this clarification/correction will be emailed to the parties.

Regards,

Jo Foged

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