

**DECISION 2019 - 06 - 19**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Al Hidayah Tour and Travel*** ("the Agent")  
IATA Numeric Code 143 7150  
New Delhi, India.

**Respondent:**

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

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**The Case and Decision:**

The Agent's accreditation was terminated as a consequence of failing to pay the Annual Agency Fee. In its request for a review the Agent stated that its Management was absent in Saudi Arabia with Hajj and Umrah groups. Its Accounts Officer was in charge and "due to his carelessness did not check email properly and could not see IATA mail."

The termination came to the owner's knowledge when the Agency's bank guarantee was returned. The oversight was very much regretted and an assurance given that the owner would take personal responsibility for "all communication mail of IATA." Any costs associated with reinstatement would be happily paid.

IATA's summary of events revealed a period of 5 months during which it had attempted to motivate the Agent to pay the Annual Agency Fee. A bank guarantee of INR 680,000 valid until 30 June 2020 had been released.

In considering this matter the writer is moved to allow the Agent another opportunity as the cause for the termination was administrative and there were no Airline funds at risk. However, the owner's assurance of preventing a re-occurrence must be applied in practice as any future event of this kind will not be dealt with as leniently.

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.

Based on the foregoing therefore, it is hereby decided as follows:

1. the Agent's accreditation is to be restored subject to the following conditions:

(a) it settles the Annual Agency Fee;

(b) it submits a financial security acceptable to IATA and meets all other accreditation criteria; and,

(c) it pays all fees and charges associated with the reinstatement.

This Decision is effective as of today.

Decided this 19<sup>th</sup> day of June 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 4<sup>th</sup> July 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 5<sup>th</sup> July 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

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