

DECISION 2019 - 07 - 08
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Ababeel International Links Travel and Tours (Pvt) Ltd. ("the Agent")
IATA Numeric Code 27-3 1100
Lahore, Pakistan

Respondent:

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

The Case and Decision:

IATA sought a TAC review of the Agent under the Prejudiced Collection of Funds provisions of the Passenger Sales Agency Rules. Their concern was the fact that the Agent had proffered a fraudulently used credit card for the payment of a Late Notification fee of USD 1607.00. Pending the outcome of the review IATA had suspended the Agent's ticketing authority.

In its response to questions put to it by the writer the Agent's CEO stated that as he did not possess a credit card he had asked a friend to settle the fee using his card and he had paid the friend the equivalent in PKR of the USD 1,607.00 required. The CEO had no idea that a fraudulently issued card would be involved in the transaction. The CEO had been absent in Saudi Arabia arranging Hajj groups. It was a "mistake" and payment to IATA of the fee would be made and reinstatement of ticketing authority was requested.

In considering this matter the writer concludes that the Agent has been betrayed by the "friend" and will pay for the Late Notification fee twice. It is unimaginable to think that the Agent would knowingly allow a bogus credit card to be used. In the circumstance it is appropriate for the Agent's ticketing authority to be reinstated. The CEO will have learned a financially painful lesson from this experience and hopefully will be more careful in future.

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 ticketing authority is to be reinstated subject to it paying IATA the Late Notification fee.

Decided this 8th day of July 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 23rd 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 24th July 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3