

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

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Annapurna Vision Tours and Travels (P) Ltd. ("the Agent")
IATA Numeric Code 10-3 0304
Kathmandu, Nepal

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 submitted a fraudulently issued Bank Error letter in connection with a late remittance payment. Meantime the Agent's ticketing authority had been suspended.

In its response the Agent stated that its staff had struggled to complete the full payment on the settlement date due to the delay in getting cash from various branches. As a consequence the payment was made after its Bank had closed.

The Agent went on to explain that "one of our particular staff that was in charge of organising that weeks BSP settlement cleverly thought about a way to cover his incompetency and made his own decision to immaturely draft a letter as if it was from a bank without any knowledge of our company's higher management. Since this has been raised to us, we have taken a disciplinary action to that particular staff and left him terminated from his job for compromising on company's integrity and reputation."

The Agency Chairman stated "I have been in the industry for more than twenty years and I have always maintained the professional ethics. Myself and my company has never done anything against the industry regulations. I am well aware of the consequences of these sorts of situations and as the owner of the company I would never let this situation happen.

In this particular instance, its just one of our company staff making wrong individual decision in the fear being reprimanded by the management.

As a company owner, I take full responsibility of this unfortunate situation. Going forward, I assure you that I will closely monitor these things and never let these things happen again. "

In considering this matter it is clear that the Agency has been let down by a misguided staff member which has had a negative impact on a number of levels for the entity. The writer accepts the Chairman's assurance of closer monitoring and commends Mr. Shresta for taking ownership of the issue. Under the circumstances it would only be fair for ticketing authority to be re-activated.

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 the fees and charges associated therewith.

This Decision is effective as of today.

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 22nd 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 23rd July 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3