

DECISION 2019 - 08 - 13
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Phantom Tours and Travels Pvt Ltd. (“the Agent”)
IATA Numeric Code 10-3 0304
New Delhi, India.

Respondent:

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

The Case and Decision:

The Agent's accreditation was ultimately terminated as a result of failing to settle administrative charges amounting to USD 312.00 and submitting a renewed financial security. The Agent, who had limited English, admitted having financial difficulties but undertook to comply explaining that its default protection insurance provider had declined to renew cover at the last moment. It was now seeking a bank guarantee. All charges plus interest would be happily paid in order that the Agency's accreditation could be restored.

IATA summary of events recorded three occasions on which the Agent was reminded of its obligations together with those matters, which required action in the event that reinstatement was considered. There were no Airline moneys outstanding.

In this case the decision as to whether to reinstate accreditation or to decline a review was close, however, ultimately the pendulum has swung in the Agent's favour and another chance to issue tickets on behalf of Airlines is being granted. However, any future incident of this kind will not be treated as benignly.

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 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 it complying with the following conditions:

- (a) submitting the required bank guarantee to IATA
- (b) settling all outstanding invoices
- (c) submitting a completed Agency Status Form to IATA.

All such conditions to be complied with within 30 days of this decision.

This Decision is effective as of today.

Decided this 13th day of August 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 28th August 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 29th August 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3