

DECISION 2019 - 08 - 30
TRAVEL AGENCY COMMISSIONER - AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Islamia Overseas Ltd. ("the Agent")
IATA Numeric Code 42-3 0068
Dhaka, Bangladesh.

Respondent:

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

The Case and Decision:

The Agent's accreditation was terminated as a consequence of defaulting on a BSP settlement of BDT 45,470,451 (USD 528,963). In its request for a review the Agent stated that it had been accredited since 1996 and that this was the first time that it had not been able to meet its obligations. The incident had been caused in part by an Agency staff member not alerting Management to the situation and "the little misunderstanding" that the Agent had with the Bangladeshi National Board of Revenue, which had frozen its bank accounts for a short period. However, the issue had been resolved and the Agency was back to conducting normal business with its Bank. The Agent proffered its apologies and sought 1 to 2 weeks to make full settlement of the outstandings in the hope that it would have its accreditation reinstated. Meantime it requested that IATA did not make a claim against its financial security.

In its submission IATA advised that it would reinstate the Agent subject to it settling all outstandings and paying any fees and charges associated therewith should the writer so decided.

Under that set of circumstances it would be appropriate for the writer to endorse that position and to give effect to that outcome.

The Parties have conformed with the terms of Resolution 820e and 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 reinstated subject to it settling all outstandings and paying any fees and charges related thereto.

Such conditions being met within 30 days of the date of this decision.

Decided this 30th 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 15th September 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 16th September 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

Jorgen Foged
Travel Agency Commissioner Area 3