

**DECISION 2019 - 09 - 19**  
**TRAVEL AGENCY COMMISSIONER - AREA 3**

Jo Foged  
685 Remuera Road  
Remuera, Auckland 1050  
New Zealand

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**Applicant:**

***Visvas Voyages India (Pvt) Ltd. (the "Agent")***  
IATA Numeric Code 143 0776  
Bangalore, India.

**Respondent:**

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

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**The Case and Decision:**

On 25 June 2019 IATA suspended the Agent's ticketing authority and sought a review by this office of the Agent under the Prejudiced Collection of Funds provisions of the Rules.

Their concern was the fact that the Agent had submitted a letter from its Bank in which the Bank took responsibility for a late remittance as allowed under the Bona Fide Bank Error provision of the Rules. IATA was suspicious that the Bank letter was similar to one that the Agent had submitted in May 2018 for a similar event. On checking with the Bank the Bank confirmed that that it had not issued the letter dated 25 June 2019.

In its much belated reply the Agent explained that following an internal investigation it was found that a staff member at its Bangalore branch had submitted the fraudulent letter for fear that the delayed payment would see the removal of the Agency's accreditation. The Agent regretted and apologised for the incident and had taken " strict disciplinary action against the erring staff member". The Agency's Management was committed to ensuring that "such type of incident will never occur in future and ensure flawless operations."

In considering this matter the writer accepts that the Agent was the victim of its staff member's dishonest action and as a consequence should be cleared of the Prejudiced Collection of Funds suspicion and have its ticketing authority reinstated.

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.

Decided this 19<sup>th</sup> day of September 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 5<sup>th</sup> October 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 6<sup>th</sup> October 2019, I will assume that there is no objection to that action being taken.

Yours faithfully,

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