

GOVERNMENT NOTICE NO. 428 published on 5/6/2020

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY ACT,
(CAP. 414)

RULES

(Made under section 40)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (CONSUMER
COMPLAINTS SETTLEMENT PROCEDURE) RULES, 2020

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THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT
(CAP. 414)

RULES

(Made under section 40)

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY (CONSUMER COMPLAINTS SETTLEMENT
PROCEDURE) RULES, 2020

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|---|
| Citation | 1. These Rules may be cited as the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure) Rules, 2020. |
| Application | 2. These Rules shall govern the procedure related to the settlement of consumer complaints received by the Authority in relation to the regulated sector and for other related matters. |
| Interpretation | 3. In these Rules, unless the context otherwise requires: |
| Cap. 414 | “Act” means the Energy and Water Utilities Regulatory Authority Act; |

- "Authority" means the Energy and Water Utilities Regulatory Authority established under the provisions of the Act;
- "authorized representative" means a person duly authorized by the complainant or the respondent to represent him in the conduct of the complaint and the term shall include the Council;
- "Award holder" means the party to a complaint to whom a decision has been given in its favour under rule 15 or rule 21;
- "Board" means the Board of Directors of the Authority established under the provisions of the Act;
- "complainant" means a person who has filed a complaint to the Authority pursuant to the provisions of these Rules;
- "complaint" means material facts of the matter or act complained by the complainant, in respect of the supply, possible supply or purported supply of regulated services and specifying the reliefs sought;
- "Council" means the Energy and Water Utilities Regulatory Authority Consumer Consultative Council established under section 30 of the Act;
- "Customer Service Charter" means a document prepared by a regulated supplier and approved by the Authority setting out, *inter alia*, the procedure of receiving and settling complaints;
- "Director" means the director responsible for legal affairs of the Authority and shall be the taxing master;
- "Director General" means the Chief Executive Officer of the Authority;
- "Division" means the division of the Authority responsible for hearing of complaints and it shall have the composition as follows:
- (a) Director responsible for legal services in the Authority or his representative who shall be the Chairperson;
 - (b) Director of the relevant division of the Authority under which the complaint arose or his representative;
 - (c) Director responsible for regulatory economics of the Authority or his representative; and

- Cap. 287
Cap. 288
- (d) Legal Officer of the Authority who shall be the Secretary;
“local authority” shall have the meaning ascribed to it under the Local Government (District Authorities) Act, and the Local Government (Urban Authorities) Act respectively;
“mediator” means an officer of the Authority who is assigned to mediate the parties under rule 14;
“Minister” means the Minister responsible for the Authority;
“regulated sector” means electricity sub-sector, petroleum sub-sector, natural gas sub-sector, and water supply and sanitation sector;
“regulated services” means any goods or services supplied or offered for supply in a regulated sector and includes goods or services which the Authority declares to be of such goods or services under section 40 (4)(a) of the Act;
“regulated supplier” means any person engaging in activities or in connection with a regulated sector and includes any person whom the Authority declares under section 40 of the Act to be a supplier;
“respondent” means any regulated supplier against whom a complaint is filed;
“sector legislation” shall have the meaning ascribed to it under the Act;
Cap. 285 “Tribunal” means the Fair Competition Tribunal established under the Fair Competition Act; and

PART II FILING OF COMPLAINT

Filing of
complaints

4.-(1) Any person may file a complaint against a regulated supplier in respect of any matter connected with the regulated services by completing and filing with the Authority the complaint form prescribed in the First Schedule.

(2) Notwithstanding sub-rule (1), the Council or an authorized representative may, on behalf of any consumer,

lodge a complaint to the Authority.

(3) Without prejudice to the requirement of sub-rule (1), a complaint may be in any other form of correspondence, electronic or otherwise, which shall, upon receipt by the Authority, be reduced into writing by the Unit.

(4) Notwithstanding sub-rule (1), any person, or a group of person, may file to the Authority a group complaint, provided that-

- (a) a list of their names and signatures or thumb print are obtained and submitted to the Authority together with the complaint; and
- (b) minutes of the meeting resolving the filing of a representative complaint are obtained and submitted to the Authority together with the complaint.

(5) Without prejudice to other provisions of this rule the Council may file with the Authority a complaint or any general complaint affecting public interest in the regulated sectors.

(6) Complaints shall be lodged to the Authority either in English or Kiswahili languages.

(7) Upon receipt of the complaints under this rule the Authority shall proceed evaluating the said complaint with a view to checking on its propriety and compliance with these Rules, the Act and sector legislation.

(8) Where the Authority is satisfied that the complaint is in order it shall proceed processing the complaint as provided for under these Rules.

Rejection of
complaints

5.-(1) The Director General may reject a complaint filed under rule 4 where:

- (a) it discloses no cause of action;
- (b) it is time barred;
- (c) it is pending before any court, tribunal, arbitration or quasi-judicial body;
- (d) it does not fall under the Act or sector legislation;
- (e) the complainant has no *locus standi*; or
- (f) it is found to be frivolous or vexatious.

(2)The Authority shall, in the event of rejection

under sub -rule (1), within seven days from the date of decision inform the complainant in writing about such rejection.

(3) The rejection of the complaint under these Rules shall not on its own, bar the complainant from presenting a fresh complaint in respect of the same cause of action subject to fulfillment of the requirements of the law.

(4) A complainant aggrieved by the decision of the Director General under sub-rule may apply for a review of the said decision in accordance with section 27 of the Act.

Service of
summons to
present
defence

6.-(1) The Authority shall, not later than seven days after evaluating and accepting the complaint under rule 4(8), direct the respondent using the summons prescribed in the Second Schedule to present his defence.

(2) The summons under this rule shall be served to the respondent by:

- (a) personal delivery to the respondent or his representative who shall acknowledge receipt by signing and returning the summons to the Authority;
- (b) registered mail with return receipt; or
- (c) publication in two newspapers of general circulation in Tanzania, one in English and another in Kiswahili where the Authority has determined that:
 - (i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the service;
 - (ii) the summons cannot for any other reason, be served in an ordinary way; and
 - (iii) there is proof in writing from the local authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given under sub- paragraphs (i) and (ii).

(3) The complainant shall be served with the copy of the summons to be served to the respondent under sub-rule (1).

Defence to
complaint

7.-(1) The respondent shall, not later than twenty-

one days after receipt of the summons in rule 6, present to the Authority a defence to the complaint which may include a counterclaim or claim for set-off.

(2) The respondent shall not in his defence, deny generally the grounds alleged by the complainant, but shall deal specifically with each allegation of fact of which he does not admit according to his knowledge.

(3) Where the respondent denies an allegation of fact in the complaint, he shall not do so evasively, but answer the point of substance.

(4) Every allegation of fact in the complaint, if not denied specifically or by necessary implication, or stated not to be admitted in the defence by the respondent, shall be taken to be admitted;

Provided that, the Authority may at its discretion, require any fact so admitted to be proved otherwise than by such admission.

(5) Where a respondent fails to present a defence as required under sub-rule (1), it shall be deemed that the respondent has waived his right to appear and participate in the proceedings and the Authority shall proceed with the hearing *ex-parte*.

(6) Notwithstanding sub-rule (5) above, the respondent may, by way of a letter, apply to the Authority for an order to set aside the *ex-parte* order within the time prescribed under these Rules.

Reply to
defence

8. After receipt of the defence from the respondent as provided under rule (6), the complainant may prepare and submit to the Authority a reply thereto within seven days after receipt of such defence.

Third party
procedure

9.-(1) Where in any complaint the respondent claims against any person not a party to the complaint-

(a) any contribution or indemnity; or

(b) any relief or remedy relating to or connected with the subject matter of the complaint and substantially the same as a relief or remedy claimed by the complainant,

the respondent may apply to the Authority to present a third party notice.

(2) An application under sub-rule (1) shall be in writing and shall state:

- (a) nature of the claim made by the complainant in a complaint;
- (b) stage which the proceedings in the complaint have reached;
- (c) nature of the claim made by the applicant against the third party and its relation to the complainant's claim against the applicant; and
- (d) the name and address of the third party.

(3) Upon receipt of the application under this rule, and where the Authority is satisfied that the respondent's claim against the third party is in respect of a matter referred to in sub-rule (1) and that, having regard to all the circumstances of the complaint, it is reasonable and proper to grant leave to the respondent to present a third party notice, the Authority shall, upon such terms and conditions, grant leave to the respondent to present a third party notice.

(4) Every third party notice shall state:

- (a) nature of the complainant's claim against the respondent;
- (b) nature of the respondent's claim against the third party;
- (c) reliefs claimed by the respondent against the third party;
- (d) period within which the third party may present his defence; and
- (e) consequences of the failure by the third party to present his defence within such period.

(5) The Authority shall cause to be served a copy of a third party notice presented to it on the third party and a Complainant.

(6) Procedure for service of summons under rule 6(2) shall apply *mutatis mutandis* to service of notice under this rule.

(7) Where a third party notice has been served on the third party, the third party shall, if he wishes to dispute the claim in the complaint against the respondent presenting the third party notice or his own liability to the respondent, within twenty-one days of the service of the third party notice, present to the Authority his defence.

Directions

10. Where a third party has presented a defence, the Authority shall fix a date for the giving of directions and may on such date, if satisfied that there is a proper question to be tried as to the liability of the third party in respect of the claim made against him by the respondent, order the question of such liability to be tried in such manner, at or after the trial of the complaint, as the Authority may direct or, if the Authority is not so satisfied, make such order as the nature of the complaint may require.

Award against
third party in
default

11.-(1) Where a third party-

- (a) makes default in presenting his defence within the time prescribed under rule 9 (7); or
- (b) having presented a defence, makes a default in appearing on the date fixed for the giving of directions,

respondent against whom a third party notice issued may apply *ex-parte* to the Authority for an award against the third party in respect of any contribution, indemnity or relief claimed in the notice.

(2) The Authority may, on application for the respondent in sub-rule (1) and on *ex-parte* proof by the respondent of his claim against the third party, issue an award against the third party as the nature of the complaint may require.

Amendments
to complaint
and defence

12.-(1) A complainant or respondent may, upon providing sufficient cause, be allowed to amend a complaint, defence or reply, as the case may be, provided the other party is afforded an opportunity to make a response thereto within a reasonable time prior to the hearing.

(2) A complainant or respondent who intends to apply for amendment to a complaint, defence or reply to the defence under sub-rule (1), may do so by writing to the Authority.

(3) A complainant or respondent shall, upon being allowed to amend a complaint, defence or reply as the case may be, amend such a complaint, defence or reply within the prescribed time as the Division may determine.

PART III
INVESTIGATION AND MEDIATION PROCEDURES

Investigation
of complaint

13.-(1) The Authority shall, upon receipt of a defence from the respondent under rule 7 or a reply from the complainant, if any, or otherwise comes to the attention of the Authority that-

(a) the complainant has an interest in the matter to which the complaint relates; and

(b) the complaint is not frivolous or vexatious, investigate the matter.

(2) Where it appears to the Authority at any time during or after the investigation that there exists a meritorious complaint and that the regulated supplier has not considered the same, or has not considered it adequately, pursuant to the Act, sector legislation or a customer service charter, the Authority may require the regulated supplier to consider or reconsider the complaint within fourteen days.

Mediation

14.-(1) The Authority shall, as part of investigation through the unit, attempt to resolve the complaint in an amicable manner within sixty days from the date of filing the complaint.

(2) During mediation in sub-rule (1) the Director shall assign one official from the Authority to act as a mediator between the parties.

(3) The mediator assigned to mediate the parties under sub-rule (2), shall strive to mediate the parties and in doing so, he may call for mediation meetings to such place and time as it may be agreed between the parties.

(4) A settlement reached by the parties out of the mediation session under sub-rule (3), shall be reduced into writing in a form prescribed in the Third Schedule and shall be signed by the parties and a copy thereof shall be submitted by the mediator to the Authority for adoption.

(5) The settlement reached under sub-rule (4) shall, upon adoption by the Authority, be deemed to be the award of the Authority.

Issuance of
award

15. The Authority shall, after adoption of the

settlement under rule 14 (5) as its award, prepare and issue the said award to the parties.

Referral of
complaint to
Division

16.-(1) Where at any stage during the sixty days period described under rule 14 (1) it becomes clear that the parties cannot reach an amicable settlement, or where at the conclusion of the sixty days period no amicable solution has been reached, the Unit shall refer the matter to the Division for hearing.

(2) The Authority shall, not later than seven days after the complaint has been referred to the Division under sub-rule (1), notify the parties using a summons prescribed in the Fourth Schedule that a complaint has been referred to the Division for hearing.

(3) The notification described in sub-rule (2) shall be effected by-

- (a) personal delivery to the parties or their representatives and the parties shall acknowledge receipt by signing and returning the notice to the Authority;
- (b) registered mail with return receipt; or
- (c) publication in two newspapers of general circulation in Tanzania, one in English and another in Kiswahili, where the Authority has determined that-
 - (i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the notification;
 - (ii) the notice cannot for any other reason be served in the ordinary way; or
 - (iii) there is proof in writing from the local authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given under sub-paragraphs (i) and (ii).

PART IV HEARING PROCEDURE

Hearing
procedure to
be quasi-

17.-(1) Hearing proceedings under these Rules shall be *quasi-judicial* in nature.

Judicial

(2) A party may appear either in person, represented by an advocate or its principal officer or an authorized representative.

(3) Where a party appears by representation in accordance with sub-rule (2), the party shall be required to produce proof of authorization to represent, which shall include any of the following-

- (a) power of attorney;
- (b) an introduction letter bearing the signatures and passport size photographs of both the party represented and the representative;
- (c) letter of appointment as administrator or administratrix of the deceased's estate;
- (d) proof that the person has been named by the party in the complaint form as a representative;
- (e) tenancy agreement where the interested party is a tenant; and
- (f) birth certificate or affidavit as proof of relationship where the complainant is a guardian or parent of a minor.

Cap. 33

(4) Suits by minors and persons of unsound mind shall be instituted in accordance with the procedure prescribed under Order XXI of the Civil Procedure Code.

(5) During hearing, the Division may-

- (a) require any person to produce any document or information deemed relevant;
- (b) issue an interlocutory order upon a written application by either party; and
- (c) require the attendance of any person to give evidence and or produce any document that may be in his custody.

(6) The oral evidence adduced by the parties during hearing shall be under oath or affirmation.

(7) For the purpose of this rule, "hearing" means all processes required for the Authority's determination, including:

- (a) any attempt to reconcile the parties;
- (b) oral and written submissions made by the parties;
- (c) examination of witnesses
- (d) discovery of documents;

- (e) tendering of exhibits;
- (f) visitation of the scene of incident; and
- (g) production of documents by order of the Authority.

(8) Where these Rules are silent on any matter of procedure, the Division may regulate its own procedure.

Failure to
appear

18.-(1) Where neither party appears when the complaint is called for hearing, the Authority may make an order that the complaint be dismissed.

(2) Where the complainant fails to appear when the complaint is called for hearing, the Authority may make an order that the complaint be dismissed.

(3) Where the respondent fails to appear when a complaint is called for hearing and upon an application by a complainant, the Authority may make an order for *ex-parte* proof of the claims made by the complainant.

(4) A party to whom a dismissal order has been made under sub -rule (1) or (2) or an *ex-parte* order has been made under sub -rule (3) may apply in writing to the Authority, within thirty days, for setting aside such dismissal or *ex-parte* order, and the Authority shall proceed on making decision to such Application.

(5) In making a decision to the application under sub -rule (4) the Authority shall consider whether there are sufficient reasons in support of the application and it shall notify the parties about its decision.

Adjournment

19.-(1) A party may, before or during hearing of a complaint apply to the Division for adjournment.

(2) An application for adjournment referred to under sub-rule (1) may be made orally or in writing.

(3) The Division may accept the application for an adjournment if it is satisfied that the applicant has sufficient reasons for applying for adjournment.

(4) The Division may make determination on payment of costs of adjourning the hearing of complaint as it deems fit.

Application to
intervene

20.-(1) Any person who has an interest in the complaint before the Authority may, at any stage before the

conclusion of the hearing, file an application to the Authority to intervene in the proceedings.

(2) An application to intervene shall state:

- (a) the date the application is filed;
- (b) the number of the complaint;
- (c) the title of the hearing to which the application relates;
- (d) the name, postal and physical address of the intervener;
- (e) the address for service;
- (f) the concise statement of the matters in issue affecting the intervener;
- (g) the party whose position the intervener intends to support; and
- (h) the grounds and documents in support of the application.

(3) The Authority shall notify parties to the proceedings of the application and any party may file an objection within seven days upon receipt of notice of the application.

(4) The Division shall ascertain whether the prospective intervener is directly affected by the outcome of the hearing and whether his interest in the outcome is established.

(5) Where the Division is satisfied that the intervener has sufficient interest it shall grant the application on such terms and conditions as it may deem fit.

(6) Where the application is granted the intervener shall, within seven days, file a statement of intervention containing-

- (a) succinct presentation of the facts and arguments supporting the intervention;
- (b) reliefs sought; and
- (c) list of documents annexed and a copy of every document upon which the intervener relies.

(7) The parties to the proceedings may, within seven days from the date of receipt of the notice under sub-rule (3), file to the Authority a reply to the statement of intervention jointly or separately.

recommendations of the Division, the Authority shall consider the recommendations and issue one or more of the following orders-

- (a) imposing to a guilty party a fine of not less than three million shillings or such amount as may be prescribed under the sector legislation;
- (b) requiring a party to supply regulated services on prescribed terms and conditions;
- (c) requiring a party to pay costs of another party or of a person appearing at the hearing or producing documents;
- (d) dismissing a complaint;
- (e) requiring specific performance;
- (f) setting up an escrow account;
- (g) appointing trustees;
- (h) making refunds; and
providing such other relief as may be deemed reasonable and necessary.

Enforcement
of award

22.-(1) Pursuant to section 35(1) of the Act, the award of the Authority shall be enforceable as an order of the High Court.

(2) The award holder shall, subject to the period of limitation specified in Part II of the Fifth Schedule, apply for registration of the award to the High Court.

(3) The application of registration of the award under sub-rule (2), shall be by way of a covering letter enclosing the award to be registered.

Cap. 15

(4) The High Court shall, after receipt of the application under sub-rule (3), proceed registering the said award as if the same has been issued under the Arbitration Act.

(5) Notwithstanding the provisions of sub-rule (2), the Authority or the Council may, on behalf of the award holder, cause to be registered the award as provided for under sub-rule (3).

PART V APPEAL PROCEDURES

Appeal

23. A party aggrieved by the decision of the

Authority under rule 21, may within twenty-one days from the date of delivery of the award, appeal to the Tribunal.

Grounds of
appeal

24.- Subject to the provisions of the Act, the grounds of appeal to the Tribunal may be as follows-

- (a) the award issued was not based on the evidence tendered;
- (b) the decision was made in an error in law;
- (c) the procedures or other statutory requirements applicable to the Authority were not complied with and the non-compliance materially affected the award; or
- (d) the Authority did not have power to make the award.

Procedure for
appeal

25. Every appeal to the Tribunal under rule 23 shall be presented by filing memorandum of appeal.

PART V1 LIMITATION PERIODS

Dismissal of
proceedings
instituted after
period of
limitation

26.-(1) Subject to the provisions of these Rules, every proceeding described in the second column of the Fifth Schedule of these Rules and which is instituted after the period of limitation prescribed opposite thereto in the third column, shall be dismissed whether or not limitation has been set up as a defence.

(2) Where, after the institution of a complaint, a person is made a party thereto, either as a complainant, respondent, third party or interested party, the complaint shall, as regards such person, be deemed to have been instituted on the date on which he is made a party.

Accrual of
cause of action

27.-(1) The period of limitation prescribed under these Rules in relation to any proceeding shall, commence from the date on which the right of action for such proceedings accrues.

(2) The right of action in respect of any proceeding

shall accrue on the date on which the cause of action arises.

(3) Where there is a continuing breach of contract or a continuing wrong independent of a contract a fresh period of limitation shall begin to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Exclusion of
time of party's
absence from
Tanzania

28. In computing the period of limitation prescribed for any complaint or application, the time during which the party has been absent from Tanzania shall be excluded.

Exclusion of
time of
proceeding
Bona fide in
court without
jurisdiction

29. In computing the period of limitation under these Rule, the time during which the complainant has been undertaking, proceeding in a court which, from defect of jurisdiction or other cause of a like nature, is incompetent to entertain it, shall be excluded.

Board may
extend period
of limitation

30. Where the Board is of the opinion that it is just and equitable so to do, may, by Order extend the period of limitation in respect of any complaint for a period not exceeding one-half of the period of limitation prescribed by these Rules for such complaint.

PART VI GENERAL PROVISIONS

Taxation for
costs

31.-(1) Where any party has been awarded the costs and wishes to recover the costs which he has been awarded under these Rules, he shall lodge a bill of cost for taxation and the Director shall tax such bill accordingly.

GN. No.
264/2015

(2) The bill of costs, under sub-rule (1), the bill of costs shall be filed to the Authority and shall be in the form prescribed under the Advocates Remuneration and Taxation for Costs Rules, 2015.

(3) Any person who is aggrieved by the decision of the Director under sub-rule (1) may appeal to the Fair Competition Tribunal.

Application

32. All applications to be made under these Rules shall be in form of a letter addressed to the Authority stating the reasons in support of the said application.

Issuance of
compliance
orders

33. At any stage during hearing and where the Division is satisfied that a person has breached or is likely to breach the provisions of the Act or sector legislation, the Authority may issue a compliance order subject to section 39 of the Act or such other directives as it may deem necessary.

General
penalty

34. Any person who contravenes any provisions of these rules for which no specific penalty is prescribed shall on conviction, be liable to a fine of three million shillings.

Authority to
supplement
procedures

35. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by the Act and the applicable law to enable it to effectively and completely adjudicate on any matter before it.

Revocation of
GN. No. 10 of
2013

36.-(1) The Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, 2013 are hereby revoked.

(2) Notwithstanding the revocation of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, 2013 all awards, orders or directives made or issued or deemed to have been made or issued under those Rules shall be deemed to have been made under these Rules, and shall remain in force until set aside, reversed, revoked or otherwise expire or cease to have effect.

SCHEDULES

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

GN NO. 428 (Contd)

FIRST SCHEDULE

(Made under rule 4(1))

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)

COMPLAINT FORM

(1) Details of the Complainant:

Name: _____ -

Name of Representative (where applicable):

Address:

Customer Account Number (where applicable): _____

Physical Address:

City: _____ -

Telephone:

Mobile Telephone:

E-mail: _____

GN NO. 428 (Contd)

Name: _____

Address: _____

Physical Address_____

City: _____

Office _____ Telephone: _____

Mobile _____ Telephone: _____

E-mail: _____

[illegible]

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

GN NO. 428 (Contd)

(4) Reliefs sought

(5) Has the Complainant tried to resolve the complaint directly with the Respondent?

Yes

No

If yes, explain steps taken and results:

(6) Has the Complainant sought legal redress from any other institution?

Yes

No

If yes, provide the name of the institution and details of the redress sought (a separate sheet may be used):

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(7) Have the copies of all relevant documents been attached?

Yes

No

If yes, itemize the list: (a separate sheet may be used)

(8) Any other relevant information:

(9) I hereby declare that all the facts and information given in the application are correct to the best of my knowledge.

Signature of the
Complainant/Principal Officer of the Complainant

Date _____
Day Month Year

For Authority's Use Only

Date _____ Received: _____ File
No: _____

JEDWALI LA KWANZA

(Limetengenezwa chini ya kanuni ya 4(1))

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI
(EWURA)

FOMU YA MALALAMIKO

(1) Maelezo ya Mlalamikaji:

Jina: _____ -

Jina la Mwakilishi (Kama Yupo):

Anuani:

Namba ya Huduma ya Mteja (Kama ipo): _____

Anuani ya Makazi:

Mji: _____ -

Simu:

Simu ya Mkononi:

Anuani ya Barua
Pepe: _____

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

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(2) Maelezo ya Mlalamikiwa:

Jina: _____ -

Anuani: _____

Anuani _____ ya
Makazi _____

Mji: _____

Namba _____ ya _____ Simu _____ ya _____ Ofisi: _____

Simu _____ ya _____ Mkononi: _____

Anuani _____ ya _____ Barua _____ Pepe: _____

(3) Maelezo ya Malalamiko (Karatasi ya Ziada inaweza tumika):

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

GN NO. 428 (Contd)

(4) Nafuu Zinazoombwa

(5) Je Mlalamikaji amechukua hatua zozote za kutatua malalamiko haya na Mlalamikiwa?

Ndio

Hapana

Kama ndio, taja hatua alizochukua na matokeo ya hatua hizo:

(6) Je Mlalamikaji amefikisha malalamiko yake katika taasisi nyingine kwa lengo la kupata msaada?

Ndio

27

Hapana

Kama ndio, taja jina la taasisi husika, nafuu zilizoombwa na matokeo husika
(Karatasi ya ziada inawezakutumika):

(7) Je nyaraka zote muhimu kwenye shauri hili zimeambatanishwa?

Ndio

Hapana

Kama ndio zitaje: (Karatasi ya Ziada inawezakutumika)

(8) Maelezo mengine yeyote muhimu kwenye shauri hili:

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

GN NO. 428 (Contd)

(9) Nathibitisha kwamba maelezo yote yaliyotolewa kwenye malalamiko haya
ni kweli tupu kwa ufahamu wangu.

Saini ya Mlalamikaji/Ofisa Mkuu wa Mlalamikaji

Tarehe _____
Siku Mwezi Mwaka

Kwa Matumizi ya Mamlaka tu:

Tarehe Iliyopokelewa: _____ Namba ya
Faili: _____

SECOND SCHEDULE

(Made under rule 6 (1))

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

(EWURA)

Complaint Number.....

TO:

.....
.....
.....

1. -
COMPLAINANT

2. -
RESPONDENT

SUMMONS TO FILE A DEFENCE

TAKE NOTICE that Mr./Ms./Dr.("the Complainant") of P.O. Box has lodged a complaint against you at EWURA, details of which are attached herewith.

PURSUANT to rule 6 (6) of the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure) Rules, GN. No..... You are required to submit to EWURA, within twenty one (21) days from the date of this notice, a written reply to the complaint together with all relevant documents you will rely upon in support of your defense. Copy of the reply should be served to the Complainant.

TAKE FURTHER NOTICE that failure to submit a reply within the stipulated period above will imply that you have waived your right to be heard and

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

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EWURA shall proceed determining the matter in your absence as provided for
in GN. No.

GIVEN with stamp of EWURA this..... day of
20.....

.....
DIRECTOR GENERAL/SECRETARY TO THE BOARD

COPY TO BE SERVED UPON:

.....
.....
.....
.....

JEDWALI LA PILI

(Limetengenezwa chini ya kanuni ya 6(1))

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI

(EWURA)

Malalamiko Namba.....

KWA:

.....
.....
.....

1. -
Mlalamikaji

2. -
Mlalamikiwa

WITO WA KUWASILISHA UTETEZI

UNATAARIFIWA KUWA Bw./Bi./Bibi/Dkt.wa
S. L. P. (“Mlalamikaji”) amewasilisha malalamiko yake
hapa EWURA dhidi yako, nakala ya fomu ya malalamiko na nyaraka
alizowasilisha zimeambatanishwa kwa rejea.

KWA MUJIBU wa kanuni ya 6 (6) cha Kanuni za Taratibu za Kutatua
Migogoro za EWURA [The Energy and Water Utilities Regulatory Authority
(Consumer Complaints Settlement Procedure) Rules, GN. No.....,
unatakiwa kuwasilisha majibu dhidi ya hoja zilizotolewa na Mlalamikaji
pamoja na vielelezo vyote muhimu utakavyotumia katika utetezi wako ndani ya
siku ishirini na moja (21) tokea tarehe ya kuandikwa kwa waraka huu hii.
Mlalamikaji apewe nakala ya majibu yako.

*Energy And Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

GN NO. 428 (Contd)

ZINGATIA KUWA kushindwa kuwasilisha utetezi wako ndani ya muda uliotajwa hapo juu kutakuondolea haki yako ya kusikilizwa na EWURA itaendelea kufanya uamuzi katika shauri hili kwa kuzingatia hoja za upande mmoja kama ilivyoanishwa katika Tangazo la Serikali Na.....

IMETOLEWA na muhuri wa EWURA leo tarehe.....ya mwezi..... mwaka 20.....

.....
MKURUGENZI MKUU/KATIBU WA BODI YA EWURA

NAKALA KWA:

.....
.....

THIRD SCHEDULE

(Made under rule 14 (4))

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)

SETTLEMENT FORM

*(This form should be filled in by all the parties and each party shall retain one
copy and the other copy shall be submitted to the Authority)*

1.0 DETAILS OF THE COMPLAINT

1.1 Name of the Complainant(s):

.....

1.2 Name of the Respondent (s):

.....

1.3 Name of the Third Party (if any):

.....

1.4 Name of the Intervener (if any):

.....

1.5 Number of the Complaint:

.....

1.6 Date of Filing the Complaint to EWURA:

.....

1.7 Nature of the Complaint:

.....

.....

.....

.....

.....

2.0 DETAILS OF THE MEDIATION MEETING

2.1 Date (s) of the mediation meeting:

.....

2.2 Place of the mediation meeting:

.....

2.3 Names of the participants (See the names and signature of the participants in the annex sheet)

2.4 What are the terms and conditions of the settlement?

The parties hereto have agreed as follows;

[illegible]

3.0 VERIFICATION

- 3.1 I....., being the Complainant/
Complainant's Representative (a donee, administrator, executor,
administratrix or executrix) hereby verify that all the information
contained in this form are true and the same reflects what the parties
hereto have agreed.

Name: Signature:
.....

Date:

- 3.2 I....., being the Respondent/ Principal
Officer hereby verify that all the information contained in this form are
true and the same reflects what the parties hereto have agreed.

Name: Signature:
.....

Date:

- 3.3 I....., being the Third Party/ Third Party's
Representative (a donee, administrator, executor, administratrix or
executrix) hereby verify that all the information contained in this form
are true and the same reflects what the parties hereto have agreed.

Name: Signature:
.....

Date:

- 3.4 I....., being the Intervener/ Intervener's
Representative (a donee, administrator, executor, administratrix or
executrix) hereby verify that all the information contained in this form
are true and the same reflects what the parties hereto have agreed.

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GN NO. 428 (Contd)

Name: Signature:

.....

Date:

- 3.5 I,....., being the Mediator in this matter hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: Signature:

.....

Date:

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI
(EWURA)

FOMU YA MUAFAKA

(Fomu hii ijazwe na pande zote na kila upande upate nakala moja na nakala
inayobaki iwasilishwe EWURA)

1.0 MAELEZO YA MALALAMIKO

1.1 Jina la Mlalamikaji:

.....

1.2 Jina la Mlalamikiwa:

.....

1.3 Jina la Mlalamikiwa Mbadala (Kama yupo):

.....

1.4 Jina la Mlalamikiwa Mwombaji Kuunganishwa (Kama yupo):

.....

1.5 Namba ya Malalamiko:

.....

1.6 Tarehe ya Kuwasilisha Malalamiko

EWURA.....

1.7 Aina ya

Malalamiko.....

.....

.....

.....

.....

.....

2.0 MAELEZO YA KIKAO CHA UPATANISHI

2.1 Tarehe ya Kikao cha Upatanishi:

.....

.....
.....
.....
.....
.....
.....

3.0 UTHIBITISHO

3.1 Mimi,....., nikiwa ni Mlalamikaji/Mwakilishi wa Mlalamikaji (Mrithi/mnufaika, msimamizi wa mirathi pale ambapo kuna wosia au la) nathibitisha kwamba yote yaliyoandikwa katika Fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande husika katika mgogoro huu.

Jina:.....

Saini:.....

Tarehe:.....

3.2 Mimi,....., nikiwa ni Mlalamikiwa/Afisa Mkuu nathibitisha kwamba yote yaliyoandikwa katika Fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande husika.

Jina:.....

Saini:.....

Tarehe:.....

3.3 Mimi,....., nikiwa ni Mlalamikiwa Mbadala (Thrid Party)/Mwakilishi wa Mlalamikiwa Mbadala (Mrithi/mnufaika, msimamizi wa mirathi pale ambapo kuna wosia au la) nathibitisha kwamba yote yaliyoandikwa katika Fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande husika.

Jina:.....

Saini:.....

Tarehe:.....

3.4 Mimi....., nikiwa ni Mtu anayeingilia kati (Intervener/mwakilishi wa anayeingilia kati katika mgogoro huu nathibitisha kwamba yote yaliyoandikwa katika Fomu hii ni sahihi na

GN NO. 428 (Contd)

kwamba haya ndiyo makubaliano yaliyofikiwa kati ya pande mbili
husika katika mgogoro huu.

Jina:.....

Saini:.....

Tarehe:.....

- 3.5 Mimi,....., nikiwa ni patanishi katika mgogoro
huu nathibitisha kwamba yote yaliyoandikwa katika Fomu hii ni
sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande
husika.

Jina:

.....Saini.....

Tarehe:

FOURTH SCHEDULE

(Made under rule 16 (2))

SUMMONS TO APPEAR

IN THE DIVISION OF THE ENERGY AND WATER UTILITIES
REGULATORY AUTHORITY AT

Complaint Number: / 20.....

To:

.....
.....
.....

1. - COMPLAINANT
2. - RESPONDENT

NOTICE OF DATE OF HEARING

TAKE NOTICE that the above complaint has been fixed for hearing at..... in.....District..... Region, on theday of 20..... at 10:00 hours before the ENERGY AND WATER UTILITIES REGULATORY AUTHORITY DIVISION.

YOU ARE hereby required to appear in person or by an authorized representative without fail and submit to the other party and EWURA all evidence you intend to rely on in defending your case before day of20..... You may also wish to bring witnesses if any.

GIVEN with the stamp of EWURA thisday of20....

.....
DIRECTOR GENERAL/SECRETARY TO THE BOARD

KATIKA DIVISHENI YA MAMLAKA YA UDHIBITI WA HUDUMA ZA
NISHATI NA MAJI (EWURA), YA.....

Malalamiko Namba:...../20.....

Kwa:

.....
.....
.....

1. -
Mlalamikaji
2. -
Mlalamikiwa

NOTISI YA KUSIKILIZA MALALAMIKO

UNATAARIFIWA KWAMBA malalamiko tajwa hapo juu yatakuja kwa ajili
ya kusikilizwa mbele ya DIVISHENI YA MAMLAKA YA UDHIBITI WA
HUDUMA ZA NISHATI NA MAJI, katika ukumbi wa
wilaya ya..... Mkoa wa..... mnamo
saa..... tarehe.....

UNAAMRIWA kufika wewe mwenyewe au mwakilishi wako pasipo kukosa
katika muda, siku na eneo tajwa hapo juu na pia kuwasilisha kwa upande wa
pili pamoja na EWURA, nakala ya nyaraka zote utakazoitumia katika utetezi
wa shauri lako. Nakala hizo zifikie upande wa pili pamoja na EWURA kabla ya
tareheUnaelekezwa pia kuja na mashahidi wako,
kama unao, utakaowatumia katika kutetea shauri lako.

IMETOLEWA na muhuri wa EWURA leo tarehe.....ya
mwezi..... mwaka 20.....

.....
MKURUGENZI MKUU/KATIBU WA BODI YA EWURA

FOURTH SCHEDULE

(Made under rule 26 (1))

LIMITATION PERIODS

PART I
COMPLAINTS

S/N	NATURE OF COMPLAINT	PERIOD OF LIMITATION
1	Unlawful disconnection of service	Twenty-four months
2	Improper Billing/improper assessment of connection costs	Twenty-four months
3	Failure or refusal to connect the service	Twelve months
4	Sell or supply of Specification Petroleum Products	Seven days
5	Sell or supply of Petroleum Product above the Cap Price	Six months
6	Poor quality of service	Twenty-four months
7	Damage to property as a result of supply of regulated service	Thirty-six months
8	Other	Twenty-four months

PART II
APPLICATIONS

S/N	NATURE OF APPLICATION	PERIOD OF LIMITATION
1	Application to set aside an <i>ex-parte</i> Order or an order of dismissal	Thirty days
2	Application for registration of the Award at the High Court in terms of Rule 22	Twelve months
3	Other	Thirty days

Dodoma,
19th May, 2020

NZINYANGWA E. MCHANY
Director General