

**THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)**

COMPLAINT NUMBER. GA.71/135/333

ISSA KWEZI KIDAYI.....COMPLAINANT

VERSUS

TANZANIA ELECTRIC SUPPLY COMPANY LIMITED.....RESPONDENT

SETTLEMENT AWARD

*(Made by the EWURA Board of Directors through its Circular Resolution No. 8
of 22 June, 2021)*

1.0 Background Information:

On 20th April 2021, the Energy and Water Utilities Regulatory Authority (“the Authority”) received a complaint from Mr. Issa K. Kidaya of Sima- Machine ya Karanga Street, Bariadi District, Simiyu Region (“the Complainant”) against the Tanzania Electric Supply Company Limited (“TANESCO”) (“the Respondent”). The Complainant is complaining against the undue delay by the Respondent in connecting electricity supply services at his premises.

The Complainant alleges that he has been writing letters and visiting the Respondent’s offices several times since 2018 but since then he has not been connected with the said electricity supply services. The Complainant explained that only his 1st June 2020 letter which was directed to the Respondent’s Zonal offices received a reply on 12th June 2020. The said reply requested him to be patient while the Respondent is handling the matter. The Complainant claims further that it had been ten Months now since he

followed up the matter with the Respondent, in vain, in a bid to know when he will be connected with power without success. Consequently, the Complainant filed this complaint praying for Orders that the Respondent be compelled to provide the Complainant an invoice of TZS 27,000.00 for electricity supply services and after payments, immediately connect his premises to electricity supply services.

Upon receipt of the complaint, on 22nd April 2021, the Authority wrote to the Respondent instructing them to present their defense to the complaint in terms of Rule 6 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020. On 13th May 2021, the Respondent filed its defense and informed the Authority the following;

- a) the Respondent acknowledge receipt of EWURA summons regarding Mr. Issa K. Kidayi's claims on undue delay of the Respondent to connect electricity services at his premises,
- b) the Complainant requested an application form for electricity supply services on 21st February 2021 and the Complainant returned the application form on 19th March 2021. Moreover, The Respondent's surveyor engineer visited the Complainant's premises and realized that his premises located more than 30metres away from the Respondent's infrastructure;
- c) as per Government directives, Simiyu Region is considered as rural area as per TANESCO Regions. Therefore, the connection fee for electricity supply services is TZS 27,000.00 for residents who are located within 30metres from TANESCO infrastructure. However, all the connections are depending on the budgeted and availability of funds; and
- d) unfortunately, the current budget did not consider the area where the Complainant is located. The said Area is budgeted for the year 2021/2022. Therefore, the Respondent is requesting a Complainant to be patient while the Respondent is working on the matter.

Mediation meeting involving both parties was conducted on 8th June 2021 at Mlashi Hotel Hall, Bariadi District, Simiyu Region. At the end of the mediation session the matter was settled and the parties agreed on the following terms;

- i. that, the Respondent shall move its single-phase infrastructure near the Complainant's premises and provide an invoice of TZS 27,000.00 to the Complainant being charges for electricity supply services connection;
- ii. that, after the Respondent's receipt of payment of TZS 27,000.00 from the Complainant, the Respondent shall immediately connect the Complainant's premises with electricity supply services; and
- iii. that, the agreement in (i) and (ii) above shall be completed not later than 30th August 2021.

The agreed terms were reduced into writing as required by Rule 14 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020 and contained in the Settlement Form.

2.0 Decision

The parties have reached an agreement and, pursuant to Rule 14 (5) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428 of 2020, the said agreement is registered as an award of the Authority. Each party shall bear its own costs.

GIVEN UNDER THE SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) at Dodoma this 22nd day of June 2021.



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GERMANA QORRO

For: **SECRETARY TO THE BOARD**

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

MALALAMIKO NAMBA. GA.71/135/333

KATI YA

ISSA KWEZI KIDAYIMLALAMIKAJI

NA

SHIRIKA LA UMEME TANZANIA (TANESCO).....MLALAMIKIWA

TUZO YA MAKUBALIANO

*(Imetolewa na Bodi ya Wakurugenzi ya EWURA kupitia Waraka wake
namba 8 wa tarehe 22 Juni, 2021)*

1.0 Maelezo ya Awali

Mnamo tarehe 20 Aprili 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Issa K. Kidaya wa Mtaa wa Sima- Machine ya Karanga, Wilaya ya Bariadi, Mkoa wa Simiyu dhidi ya Shirika la Umeme Tanzania ("TANESCO") (Mlalamikiwa). Mlalamikaji analalamikia kitendo cha Mlalamikiwa kuchelewa kumuunganishia huduma ya nishati ya umeme nyumbani kwake.

Mlalamikaji anadai kuwa amekua akiandika barua mara kadhaa na kufanya ufuatiliaji wa kuunganishiwa huduma ya umeme kwenye ofisi za TANESCO-Bariadi tangu mwaka 2018. Mlalamikaji anadai kuwa barua aliyoandika mara ya mwisho ya kwenda kwa Meneja wa Kanda wa TANESCO ya tarehe 1 mwezi wa 6 mwaka 2020 ndio ilijibiwa tarehe 12 mwezi wa 6, mwaka 2020

ikimtaka kuwa mvumilivu kwani suala lake linashughulikiwa. Mlalamikaji ameendelea kueleza kuwa sasa yapata miezi kumi imepita bila kujua hatua gani zimechukuliwa. Hivyo, Mlalamikaji anaomba Mamlaka imuamuru Mlalamikiwa kumpa ankara ya gharama za maunganisho ya umeme TZS 27,000.00, akishailipa Mlalamikiwa kumfungia huduma ya umeme haraka iwezekanavyo kwani ni muda mrefu sasa amekua akifuatilia bila mafanikio.

Baada ya kupokea malalamiko ya Bw. Issa K. Kidayi, tarehe 22 Aprili 2021 Mamlaka ilimwandikia Mlalamikiwa na kumuamuru kuleta utetezi ndani ya siku ishirini na moja (21) kwa mujibu wa Kifungu cha 6 (1) cha Kanuni za EWURA za Taratibu za Kutatua Migogoro '*Rule 6 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020*'.

Mnamo tarehe 13 Mei 2021 Mlalamikiwa aliwasilisha utetezi wake na kuiambia Mamlaka yafuatayo;

- i. Mlalamikaji anakiri kupokea wito wa EWURA kuhusu Mlalamikaji Bwana Issa K. Kidayi wa Sima mashine ya karanga, Bariadi Simiyu kuhusu kutopatiwa huduma ya umeme nyumbani kwa Mlalamikaji,
- ii. Mlalamikaji aliomba kupewa fomu ya kuomba huduma ya umeme tarehe 21 mwezi Februari maka 2019 ambapo alikamilisha taratibu na kuirejesha fomu kwenye ofisi ya Mlalamikiwa tarehe 19 mwezi Machi mwaka 2019. Wataalamu walifika katika eneo lake na kukuta nyumba ya mlalamikaji ipo umbali unaozidi mita 30 kutoka kwenye miundombinu ya Mlalamikiwa
- iii. Kwa mujibu wa maelekezo ya Serikali Mkoa wa Simiyu ki TANESCO ni mkoa kama kijiji ambao wateja wake wote hulipia gharama za kuingiza umeme kiasi cha Tsh. 27,000.00 tu na hawa wateja ni wateja waliopo umbali usiozidi mita 30 kutoka kwenye nguzo ndogo ya TANESCO. Mkoa hutekeleza majukumu yake kulingana na bajeti iliyotengwa kwa mwaka husika wa fedha. Hivyo kutokana na mahitaji makubwa na ufinyu wa bajeti bado hatujafanikiwa kuwafikia watu wote akiwemo Bwana Issa Kwezi Kidayi wa Sima Bariadi; na

- iv. Ofisi ya TANESCO inaomba Mlalamikaji aendelee kuwa na subira wakati tunafanya taratibu za kufikisha umeme katika eneo lake. Atapata huduma kama bajeti itapatikana kwa mwaka ujao wa fedha wa 2021-22.

Kikao cha usuluhishi baina ya pande zote mbili kilifanyika tarehe 8 Juni 2021 katika Hoteli ya Mlashi iliyopo katika Wilaya ya Bariadi, Mkoa wa Simiyu. Mwisho wa kikao cha usuluhishi pande zote mbili zilikubaliana yafuatayo;

- a) Mlalamikiwa atasogeza miundombinu ambayo ni nguzo moja ya line ndogo ya umeme na kumpatia Mlalamikaji ankara ya gharama ya maunganisho ya umeme kiasi cha shilingi TZS 27,000 ili Mlalamikaji aweze kulipia kwa ajili ya kupata huduma ya umeme; na
- b) Mlalamikiwa akishapokea malipo ya ankara namba (a) hapo juu, kuunganisha huduma ya umeme kwenye nyumba ya Mlalamikaji haraka iwezekanavyo; na
- c) Makubaliano namba (a) na (b) hapo juu yanatarajiwa kukamilika kabla ya Agosti 30 mwaka 2021.

Makubaliano haya yamefupishwa kimaandishi kama inavyoainishwa kwenye Kanuni ya 14 (4) ya Kanuni za EWURA za Utatuzi wa Migogoro TS. 428 la 2020 (*the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020*) 'Rule 14 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020' na kama inavyoainishwa kwenye fomu ya muafaka.

2.0 Makubaliano

Pande zote mbili zimefikia muafaka na kwa mujibu wa Kanuni ya 14 ya Kanuni za EWURA za Utatuzi wa Migogoro TS.428 la 2020 yaani (*the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428 of 2020*), makubaliano haya yameandikishwa kama Tuzo ya Mamlaka. Kila upande utabeba gharama zake katika shauri hili.

IMETOLEWA KWA LAKIRI ya Mamlaka ya Udhibiti wa Huduma za Nishati
na Maji Dodoma tarehe 22 Juni, 2021.



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GERMANA QORRO
Kny: **KATIBU WA BODI**