

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

MALALAMIKO NAMBA. QN.71/474/82

JOACKIM LESIYO MUSHI MLALAMIKAJI

MAMLAKA YA MAJISAFI NA USAFI WA

MAZINGIRA MJINI MOSHI (MUWSA) 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 29 Machi 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Joackim Lesiyo Mushi wa Mtaa wa Bonite, Kata ya Shirimatunda, Manispaa ya Moshi ("Mlalamikaji") akiilalamikia Mamlaka ya Maji Safi na Usafi wa Mazingira Mjini Moshi ("MUWSA") ("Mlalamikiwa"). Mlalamikaji amelalamikia ongezela la ghafla la ankara aliyotozwa na Mlalamikiwa kwa matumizi ya maji ya mwezi ya Januari 2021 kiasi cha TZS 1,494,778 uniti 117.

Mlalamikaji ameeleza kwamba toka ameunganishiwa huduma ya maji amekua akilipa ankara zake kwa wakati na matumizi yake kawaida ni kati ya TZS 35,000 na TZS 70,000 kwa mwezi. Mlalamikaji aliendelea kueleza kwamba alimwandikia barua Mlalamikiwa tarehe 17 Februari 2021 na 8 Machi 2021 akiomba afutiwe ankara hiyo kubwa. Mlalamikaji amefahamisha kwamba Mlalamikiwa alimsisitiza aliye ankara hiyo ili kuepusha kusitishiwa

huduma ya maji hivyo tarehe 15 Machi 2021 alisaini mkataba wa kulipa deni hilo kwa awamu.

Mlalamikaji alileta malalamiko yake EWURA na kuiomba Mamlaka imuamuru Mlalamikiwa kumuondolea ankara hiyo kubwa kwa kuzingatia matumizi yake halisi.

Baada ya kupokea malalamiko ya Bw. Joackim Lesiyo Mushi, Mamlaka (EWURA) tarehe 30 Machi, 2021 ilimwandikia Mlalamikiwa na kumuamuru kuleta waraka wa utetezi ndani ya siku ishirini na moja (21) kwa mujibu wa Kifungu cha 7 (1) cha Kanuni za EWURA za Taratibu za Kutatua Migogoro '*Rule 7 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020*'.

Mnamo tarehe 16 Aprili 2021, Mlalamikiwa aliwasilisha utetezi wake akathibitisha kwamba Mlalamikaji alichajiwa ankara inayolalamikiwa ya mwezi Januari 2021. Mlalamikiwa alieleza EWURA kwamba sababu ya ankara hiyo kubwa ni uvujaji katika miundombinu ndani ya makazi ya Mlalamikaji. Mlalamikiwa aliendelea kueleza kwamba walifanya ukaguzi kwenye miundombinu ya maji ya Mlalamikaji na kubaini uvujani katika mabomba. Mlalamikiwa alimfahamisha Mlalamikaji kwamba kimsingi anawajibika kulipia uvujaji wowote unaotokea baada ya dira ya maji. Hatimaye, Mlalamikiwa alifafanua kwamba Mlalamikaji alielimishwa na kupatiwa utaratibu wa kulipa deni kwa awamu ambapo tarehe 15 Machi 2021 alisaini makubaliano ya kulipa deni kwa mkataba.

Vikao vya usuluhishi baina ya pande zote mbili vilifanyika tarehe 23 Aprili 2021 na 4 Juni 2021 katika Ukumbi wa Chuo cha Uhamiaji Moshi, Kilimanjaro. Katika kikao cha usuluhishi, Mlalamikaji aliwafahamisha Wadaawa kwamba dira yenye ankara kubwa namba 19528 ipo kwenye nyumba yake anayopangisha na yeye anatumia dira tofauti yenye namba 23933. Mlalamikaji alikiri kwamba kulikua na uvujaji kwenye nyumba hiyo inayotumiwa na Wapangaji na alisema aliwasilisha malalamiko haya ili kuomba huruma ya Mlalamikiwa kwani uwezo wake mdogo na ni mzee pia amestaafu kazi.

Mwishoni, muafaka ulifikiwa kati ya Mlalamikaji na Mlalamikiwa kwa makubaliano yafuatayo:

- (i) Kwamba Mlalamikaji atalipa deni lililobaki la TZS 1,368,809.11 kwa awamu kila mwezi TZS 10,000 hadi litakapokwisha;
- (ii) Kwamba Mlalamikiwa atahamisha deni kutoka akaunti ya dira ya namba 19528 kwenda kwenye akaunti ya dira yake nyingine namba 23933; na
- (iii) Kwamba Mlalamikaji atalipa deni sambamba na ankara za matumizi yake ya kila mwezi.

Makubaliano haya yamefupishwa kimaandishi kama inavyoainishwa kwenye kifungu cha 14(4) cha Kanuni za Taratibu za Kutatua Migogoro namba 428/2020 na kama inavyoainishwa kwenye fomu ya makubaliano.

2.0 Makubaliano:

Pande zote mbili zimefikia muafaka na kwa mujibu wa kifungu cha 14(5) cha Kanuni za Taratibu za Kutatua Migogoro namba 428/2020, 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 (EWURA) Dodoma tarehe 22 Juni, 2021.


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GERMANA QORRO
Kny: **KATIBU WA BODI**

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

COMPLAINT NUMBER: QN.71/474/82

JOACKIM LESIYO MUSHI COMPLAINANT

VERSUS

**MOSHI WATER SUPPLY AND
SANITATION AUTHORITY (MUWSA) RESPONDENT**

SETTLEMENT AWARD

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

1.0 Background Information

On 29th March 2021, Mr. Joackim Lesiyo Mushi (RtdLt) of Bonite Street in Shirimatunda Ward, Moshi Municipality ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Moshi Water Supply and Sanitation Authority (MUWSA) ("the Respondent"). The Complainant is complaining against sudden increase of his water consumption bills for the months of January 2021 of TZS 1,494,778.

The Complainant states that since he was connected to the services was paying his bills promptly and his monthly bills ranges from TZS 35,000 to TZS 70,000. The Complainant further states that he wrote a letter to the Respondent on 17th February 2021 and 8th March 2021 requesting them to waive the high bill issued to him in the month of January 2021. The Complainant states that he also visited Respondent's office for assistance

but he was insisted to settle the alleged bill. The Complainant further states that on 15th March 2012 reluctantly he entered an agreement to pay the debt to avoid service disconnection. Consequently, the Complainant filed a complaint with the Authority praying for orders that the Respondent be compelled to waive the high bill and issue an average bill that reflects his actual consumption.

Upon receipt of the complaint, on 30th March 2021 the Authority ordered the Respondent to submit its defense to the complaint within twenty-one [21] days as required by the EWURA (Consumer Complaints Handling Procedures) Rules, GN 428/2020.

On 16th April, 2021, the Respondent wrote to the Authority acknowledging that the Complainant was issued with high bill in the month of January 2021. The Respondent informed the Authority that the reason for high bill was a leakage in the Complainant premises distribution infrastructure. The Respondent stated that their Technician conducted inspection in the Complainant's house that revealed leakage in the pipes. Additionally, the Respondent states that the Complainant is responsible for any leakage after the meter therefore the Complainant is liable to pay that bill. Finally, the Respondent clarifies that they educated the Complainant and provided a relief scheme to pay the bill in installments whereas on 15th March 2021 he signed a contract to pay the debt in installments.

Mediation meetings involving both parties were conducted on 23rd April 2021 and 4th June 2021 at Immigration Regional Training Academy conference room in Moshi, Kilimanjaro Region. At the conclusion of the mediation the matter was settled on the following terms:

- (a) that the Complainant shall pay the balance which is TZS 1,368,809.11 by installments of TZS 10,000/month concurrently with his monthly consumption bills; and
- (b) that the Respondent shall remove the debt from the Complainant's account for meter number 19528 and transfer it to the account for meter number 23933 with immediate effect;

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, G.N. 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, G.N. 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**