

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI

(EWURA)

MALALAMIKO NAMBA. QN.71/309/23

ABRAHAM WILLIAM OLEMBALELO MLALAMIKAJI

DHIDI YA

BAMPRASS PETROLEUM LIMITED - MBULU MLALAMIKIWA

TUZO YA MAKUBALIANO

*(Imetolewa na Bodi ya Wakurugenzi ya EWURA kupitia Waraka wake Na.
10 wa tarehe 15 Julai, 2021)*

1.0 Maelezo ya Awali:

Mnamo tarehe 17 Mei 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Abraham William Olembalelo wa Mtaa wa Uhuru, S. L. P. 239, Halmashauri ya Mji wa Mbulu, Mkoa wa Manyara ("Mlalamikaji") akilalamikia Kituo cha Mafuta Bamprass Petroleum Limited – Mbulu kilichopo Imboru, Halmashauri ya Mbulu Mji ("Mlalamikiwa"). Mlalamikaji anadai fidia kutokana na kuwekewa mafuta yasiyo na ubora na hivyo ku[eplekea gari lake kuharibika.

Mlalamikaji anadai kuwa mnamo saa 12:33 jioni tarehe 15 Mei 2021 aliwekewa mafuta ya Petroli lita 8.1 yasiyo na ubora kwenye gari Lake Lenye usajili namba T 148 BGH aina ya Toyota Platz mafuta yenye thamani ya TZS 20,000. Mlalamikaji anaeleza kwamba mara baada ya kuwekewa mafuta

gari yake ilianza kutetemeka palepale kwenye pampu ya mafuta na kupunguza mwendo. Mlalamikaji amefahamisha kwamba aliitoa gari yake kituo cha mafuta cha Mlalamikiwa kwa taabu sana upande mmoja na kurudia upande mwingine na alimjulisha Mfanyakazi aliyemuuzia mafuta kwamba anahisi mafuta aliyomwekea hayana ubora madai ambayo mfanyakazi huyo aliyakana. Mlalamikaji anaendelea kueleza kwamba siku iliyofuata alimtafuta fundi magari ili afanye uchunguzi zaidi wa tatizo la gari lake.

Mlalamikaji alileta malalamiko yake Mamlaka na kuomba nafuu zifuatazo:

- a) Kulipwa gharama za mafuta kiasi cha TZS 20,000;
- b) Kulipwa gharama za matengenezo ya gari na gharama za fundi 34,000;
- c) Gharama nyingine ambazo Mamlaka itaona anastahili.

Baada ya kupokea malalamiko ya Bw. Abraham William Olembalelo, Mamlaka (EWURA) tarehe 19 Mei, 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*'.

Wakaguzi wa EWURA walienda kuchukua sampuli za mafuta kwenye kituo cha Mlalamikiwa tarehe 20 Mei 2021. Majibu ya vipimo vya sampuli kutoka kituo cha Mlalamikiwa yaliyopimwa yalionyesha mafuta (yaani Petroli na Diseli) yamekidhi viwango vilivyopitishwa na Shirika la Viwango Tanzania (TBS).

Mnamo tarehe 27 Mei 2021, Mlalamikiwa alileta utetezi wake akaieleza Mamlaka kwamba kabla ya kununua mafuta hufanya uhakiki wa ubora na usalama wa mafuta na kuyasafirisha katika magari yanayotakiwa kwa usafirishaji wa bidhaa za mafuta. Pia Mlalamikiwa alieleza matenki na pampu zinazotumika zina ubora na viwango vilivyowekwa kwa mujibu wa sheria na hufanyiwa ukaguzi mara kwa mara. Mlalamikiwa aliendelea kueleza yafuatayo:

1. Siku ya tukio tarehe 15 Mei 2021 kituo kilifunguliwa saa 12 na kuuza mafuta kwa wateja wengi wakiwemo wateja wao wenye mikataba ya kudumu. Mlalamikiwa aliendelea kueleza kwamba hadi saa 12 jioni waliuza mafuta kwa wateja zaidi ya 50 na hakuna aliyelalamika;
2. Mhudumu wa Pampu aliyemhudumia Mlalamikaji alieleza gari ya Mlalamikaji ilifika kituoni hapo ikiwa inatetemeka hata kabla ya kuwekewa mafuta;
3. Hawezi kujua mafuta yaliyokuwemo katika gari ya Mlalamikaji kabla ya kununua mafuta kwake yalikua na ubora kiasi gani na haingekua rahisi kuhafahamu hali ya usafi wa tenki la mafuta la gari ya Mlalamikaji;
4. Vituo vyake vyote vya mafuta hununua mafuta kwenye ghala moja la kuhifadhi mafuta (*depots*) na hajawahi kupata malalamiko popote.

Mwisho, Mlalamikiwa aliomba Mamlaka kutupilia mbali malalamiko ya Mlalamikaji kwa kuzingatia Mlalamikiwa anafuata taratibu na kanuni zote zinazotolewa za masuala ya ubora na usalama wa mafuta.

Kikao cha usuluhishi baina pande zote mbili kilifanyika tarehe 30 Juni 2021 na 01 Julai 2021 katika Ukumbi wa Mikutano wa Jimbo Katoliki Mbulu, eneo la Sanu, Halmashauri ya Mbulu Mji. Katika kikao hicho muafaka kati ya Mlalamikaji na Mlalamikiwa ulifikiwa kwa makubaliano kwamba Mlalamikaji amefuta madai yake yote aliyowasilisha katika fomu yake ya malalamiko. Pia Mlalamikaji amefuta madai ya gharama za mafuta na matengenezo ya gari jumla ya TZS 54,000.

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 15 Julai, 2021.



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GERMANA QORRO
KATIBU WA BODI

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

COMPLAINT NUMBER QN.71/309/23

ABRAHAM WILLIAM OLEMBALELO COMPLAINANT

VERSUS

BAMPRASS PETROLEUM LIMITED - MBULU..... RESPONDENT

SETTLEMENT AWARD

*(Made by the EWURA Board of Directors through its Circular Resolution No. 10
of 15th July, 2021)*

1.0 Background Information:

On 17th May 2021, the Energy and Water Utilities Regulatory Authority (“the Authority”) received a complaint from Mr. Abraham William Olembalelo of Uhuru Street P.O. Box 239, Mbulu Town Council (“the Complainant”) against the Bamprass Petroleum Limited at Imboru, Mbulu Town Council in Manyara Region (“the Respondent”) complaining about being supplied with off spec petroleum products.

The Complainant claims to have been supplied with alleged off-specifications Petrol fuel 8.51 liters worth TZS 20,000 in his vehicle with registration number T 148 BGH, Toyota Platz around 06:33pm on 15th May, 2021. The Complainant states that immediately after filling his vehicle with the alleged fuel the vehicle failed to move and stopped a few meters from the dispensing machine. The Complainant states further that he immediately informed the Respondent’s staff that he suspected that the fuel

supplied to him was adulterated, the fact which was denied by the Respondents staff. The Complainant informed the Authority that on the next day he contacted a Motor vehicle Technician to perform thorough investigation on the encountered problem and thereafter files this complaint with the Authority praying for orders that the Respondent be compelled to:

- a) Refund TZS 20,000 being money spent to purchase the fuel;
- b) Refund for repair and labour charges at the tune of TZS 34,000; and
- c) Pay any other compensations that the Authority may consider appropriate/applicable.

Upon receipt of the complaint, on 19th May 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.

The Respondent submitted its defense on 27th May 2021 informing the Authority that they purchased fuel from single Supplier for all her Retail Outlets and no complaint about quality has been reported. The Respondent further insisted that at all times they supplied fuel which is within the approved specifications, the pumps and tankers are inspected frequently by the respective Authorities.

The Respondent states that on incident day, they served many customers about 50 customers up to around 6.00pm if the supplied products had problem they had expected to receive complaints from other customers. Further the Respondent stated the following:

- (i) on the day of the incident i.e. 15th May 2021 the Retail Outlet was opened at 6:00am sold fuel for normal customers and those with long term contracts totaling 50 customers up to 6.00pm until the time the Complainant purchased fuel there were no complaints reported;

- (ii) the pump attendant who attended the Complainant reported that the Complainant's vehicle arrived at the Outlet while wobbled.
- (iii) the Respondent suspects that the Complainant's vehicle breakdown was not directly caused by their supplied fuel product.
- (iv) it would not be possible to verify the condition of fuel tank of the Complainant's vehicle before purchasing fuel from their Retail Outlet.

Finally, the Respondent pleads the Authority to dismiss the Complaint considering that their retail outlet adheres to procedures, rules for quality and safety of supplied fuel products to their Customers.

'The Inspectors from the Authority collected fuel samples from the Respondent station for testing on 20th May 2021. The laboratory test results released on 27th May 2021 respectively showed both samples (i.e. petrol and diesel) that were collected at the Respondent's retail outlet do conform to the Tanzania Bureau of Standards (TBS) specifications.

Mediation meetings involving both parties were conducted on 30th June 2021 and 1st July 2021 at Mbulu Catholic Diocese Conference Room, Sanu in Mbulu Town Council. At the end of the mediation, the matter was settled on the agreement that the Complainant shall waive all his demands contained in the complaint form against the Respondent including the refund of total costs of TZS 54,000 for repair of the vehicle.

The agreed term was 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 15th day of July, 2021.



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GERMANA QORRO
SECRETARY TO THE BOARD