

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

MALALAMIKO NAMBA. QN.71/135/123

BAINA YA

**ARTHUR EDWIN LYATUU KWA NIABA YA MLALAMIKAJI
REUBEN EDWIN LYATUU**

NA

SHIRIKA LA UGAVI WA UMEME NCHINI (TANESCO).....MLALAMIKIWA

TUZO YA MAKUBALIANO

*(Imetolewa na Bodi ya Wakurugenzi ya EWURA kupitia Waraka wake
namba 16 wa tarehe 27 Agosti, 2021)*

1.0 Maelezo ya Awali:

Mnamo tarehe 19 Aprili, 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Arthur Edwin Lyatuu wa Mahoma, Kata ya Old Moshi Mashariki S. L. P 4269, Moshi Vijijini, Kilimanjaro kwa niaba ya Bw. Edwin Reuben Lyatuu akilalamikia Shirika la Ugavi wa Umeme Nchini ("TANESCO") (Mlalamikiwa).

Mlalamikaji amelalamikia makato ya asilimia hamisini (50%) kwenye manunuzi ya umeme wa LUKU ambapo Mlalamikiwa amedai makato hayo ni malipo ya deni la ankara za matumizi ya umeme ambazo hazikulipwa. Mlalamikaji ameeleza kwamba Mlalamikiwa amemjulisha anadaiwa deni la TZS 9,929,821.67 ambalo limetokana na matumizi kwenye dira yake ya zamani namba AY81086. Mlalamikiwa ameendelea kueleza kwamba

Mlalamikiwa amehamishia deni la dira namba AY81086 la nyumba yake iliyoko kitalu namba 13 Barabara ya Kibong'oto na kupeleka kwenye nyumba yake nyingine iliyoko Mahoma Old Moshi Mashariki. Mlalamikaji amefahamisha kwamba amegundua Mlalamikiwa anafanya makato ya asilimia hamsini (50%) kwenye dira yake ya malipo baada (LUKU) namba 54130251926 tokea Juni 2016. Mlalamikaji anaeleza kwamba amejaribu mara kadhaa kutatua malalamiko haya na Mlalamikiwa lakini hakuna muafaka ulioweza kufikiwa hadi sasa.

Hatimaye, Mlalamikaji alileta malalamiko yake EWURA na kuiomba Mamlaka imuamuru Mlalamikiwa yafuatayo:

- (i) Kurudisha hela yote aliyomkata kiuonevu kwenye dira yake ya LUKU namba 54130251926; na
- (ii) Mlalamikiwa amdai mpangaji aliyesababisha deni; na kwamba kesi isikilizwe kuhusiana na madai na ufumbuzi utolewe.

Baada ya kupokea malalamiko ya Bw. Arthur Edwin Lyatuu, Mamlaka (EWURA) tarehe 20 Aprili, 2021 ilimwandikia Mlalamikiwa na kumuamuru kuwasilisha utetezi wake 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 25 Mei 2021, Mlalamikiwa alileta utetezi wake na kuiambia Mamlaka kwamba anamdai Mlalamikaji deni la tokea tarehe 31 Mei 1999 hadi Juni 2019 jumla TZS 9,929,821.67. Mlalamikiwa alieleza kwamba Bw. Edwin Reuben Lyatuu ndiye mmiliki wa dira namba SCH/AY81086 yenye kumbukumbu namba G62/09/44701 iliyopo Barabara ya Kibong'oto Moshi Mjini. Mlalamikiwa liendelea kueleza kwamba deni analodaiwa Mlalamikiwa ni TZS 3,274,787.64 na riba ni TZS 6,655,034.03. Mlalamikiwa alifafanua katika zoezi la kuhakiki madeni walibaini nyumba ya Mlalamikiwa yenye kumbumbuku G62/09/44701 ina dira nyingine yenye jina la Allen Mrisho ambaye alikua mpangaji wa Bw. Edwin Reuben Lyatuu.

Mlalamikiwa alidai kwamba deni la TZS 9,929,821.67 lilihamishiwa katika dira ya Mlalamikiwa namba 54130251926 Old Moshi tarehe 17 Oktoba 2020 kwa sababu zifuatazo:

- (a) Mlalamikaji ndiye aliyekua mmiliki halali wa nyumba na wa dira namba SCH/AY81086 yenye deni la umeme TZS 9,929,821.67;
- (b) Mlalamikaji alipaswa kumjulisha Mlalamikiwa taarifa za wapangaji wake kila wakati;
- (c) Mlalamikaji hakutoa ushirikiano ili deni linalodaiwa katika dira hiyo lihamishiwe katika akaunti ya Bw. Allen Mrisho.
- (d) Mlalamikaji alipaswa kutoa maelekezo ya ni nani kati ya Wapangaji wake anapaswa kulipa deni husika.

Mlalamikiwa alihitimisha kwa kumshauri Mlalamikaji kwamba akilipa TZS 3,274,787.64 atamsamehe riba kiasi cha TZS 6,655,034.03. Pia, Mlalamikiwa alimshauri Mlalamikiwa ikiwa deni halimhusu amjulishe kwa maadishi ni mpangaji yupi anapaswa kulipa deni hilo ili litolewe katika dira ya Old Moshi Mahoma. Mwishoni, Mlalamikiwa alimtaka Mlalamikaji endapo deni halimhusu yeyote basi amjulishe Mlalamikiwa ili asitishe huduma ya umeme katika nyumba iliyokua inadaiwa deni ya Kitalu na. 13 Kibong'oto.

Kikao cha usuluhishi baina ya pande zote mbili kilifanyika tarehe 3 na 4 Juni 2021 na 26 Julai 2021 katika Ukumbi wa Chuo cha Uhamiaji Moshi, Kilimanjaro. Katika kikao cha usuluhishi pande zote zilifikia muafaka kwa makubaliano yafuatayo:

- (i) kwamba Mlalamikaji atamlipa deni la TZS 2,874,349.20;
- (ii) kwamba Mlalamikaji atalipa deni hilo ndani ya miezi mitatu (3) kuanzia mwezi Agosti 2021 TZS 1,000,000; Septemba 2021 TZS 1,000,000 na Oktoba 2021 TZS 874,349.20;
- (iii) kwamba Mlalamikiwa atafuta madai mengine yote ikiwemo riba dhidi ya Mlalamikaji;
- (iv) Mlalamikiwa atasitisha mara moja makato ya asilimia 50 (50%) kwenye manunuzi ya LUKU katika dira ya Mlalamikaji namba 54130251926; na

- (v) baada ya kumaliza malipo ya deni, Mlalamikaji atamwandikia barua Mlalamikiwa ya maombi ya kubadilisha jina la akaunti ya mita husika kutoka jina la Mpangaji na kuweka jina lake Mlalamikaji.

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 27 Agosti, 2021.



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KAPWETE LEAH JOHN
KATIBU WA BODI

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

COMPLAINT NUMBER: QN.71/135/123

**ARTHUR EDWIN LYATUU FOR AND ON
BEHALF OF EDWIN REUBEN LYATUU COMPLAINANT**

VERSUS

TANZANIA ELECTRIC SUPPLY COMPANY LIMITED.....RESPONDENT

SETTLEMENT AWARD

*(Made by the EWURA Board of Directors through its Circular Resolution No. 16
of 27th August, 2021)*

1.0 Background Information:

On 19th April 2021, Mr. Arthur Edwin Lyatuu of Mahoma in Old Moshi East Ward, P. O. Box 4269 Moshi Rural in Kilimanjaro Region ("the Complainant") on behalf of Mr. Reuben Edwin Lyatuu lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Tanzania Electric Supply Company Limited, ("TANESCO") ("the Respondent"). The Complainant complains against fifty percent (50%) deductions done by the Respondent from his LUKU purchases in settlement of the alleged unpaid previous energy bills amounting to TZS 9,929,821.67.

The Complainant claims that the Respondent transferred debt from his conventional meter number AY81086 of his house located at Plot No. 13 Kibong'oto Road, Moshi Municipality to another house located in Mahoma Old Moshi East in Rural Moshi District. The Complainant further states that the fifty percent (50%) deductions in his prepaid meter (LUKU) number

54130251926 was noted since June 2016. The Complainant further states that he tried to resolve the matter with the Respondent in several occasions but no amicable settlement has been reached.

Consequently, the Complainant filed a complaint with the Authority praying for orders that the Respondent be compelled to:

- (i) refund all the monies unlawfully deducted from the prepaid meter number 54130251926; and
- (ii) demand the debt from the Tenant and the Authority to determine on the submitted dispute.

After receipt of the complaint, on 20th April 2021 the Authority ordered the Respondent to submit their defense to the complaint within twenty-one (21) days as required by the Energy and Water Utilities Regulatory Authority (Consumer Complaints Handling Procedures), Rules, G.N. Number 428/2020.

On 25th May 2021, the Respondent filed its defense and stated that the Complainant has a debt amounting to TZS 9,929,821.67 being outstanding debt on the use of conventional meter number AY81086 with property reference number G62/09/44701 at Plot No. 13 Kibong'oto Road owned by Mr. Edwin Reuben Lyatuu. The Respondent further states that the debt being the principal amount TZS 3,274,787.64 and interest TZS 6,655,034.03 for the period from 31st May 1999 to June 2019. The Respondent informs that they discovered that property reference G62/09/44701 with meter number SCH/AY81086 for Edwin Lyatuu had another meter in name of Allen Mrisho who was the Tenant in that house. The Respondent further informs that the outstanding debt amounting to TZS 9,929,821.67 was transferred into Mr. Edwin Lyatuu meter number 54130251926 at Old Moshi Mahoma on 17th October 2020 for the following reasons:

- (a) the Complainant was the Owner of meter SCH/AY81086 where the debt was generated;
- (b) the Complainant did not inform the Respondent about the identity of the users in his property;
- (c) the Complainant did not authorize Respondent to transfer the debt to meter of any of his Tenants who are more than one; and
- (d) the Complainant was obliged to direct the Respondent which Tenant is responsible for the outstanding debt since the house was used by number of tenants.

Finally, the Respondent advised the Complainant the following options:

- (aa) to pay the debt of TZS 3,274,787.64 and get waiver of the interest of TZS 6,655,034.03;
- (bb) to direct the Respondent in writing about which Tenant is responsible for the payment of the outstanding debt; or
- (cc) to inform the Respondent to disconnect electricity service in the house at Plot no. 13 Kibong'oto Road where the debt was generated.

Mediation meetings involving both parties were conducted on 3rd and 4th June, 2021, and 26th July 2021 respectively at Immigration Regional Training Academy conference room in Moshi Municipality. At the conclusion of the mediation, the matter was settled on the following terms:

- (i) that the Complainant shall pay the Respondent the supplementary bill of TZS 2,874,349.20 in three months from August 2021 TZS 1,000,000; September TZS 1,000,000 and October 2021 TZS 874,349.20;
- (ii) that the Respondent shall waive all other demands including the interest relating to the Complainant's conventional meter AY81086;
- (iii) that the Respondent shall cease with immediate effect, the fifty percent (50%) deductions in the Complainant's meter number 54130251926; and
- (iv) that the Complainant shall submit a letter to the Respondent requesting change of his name for the meter by removing the name of the tenant and inserting the Complainant's name.

The agreed terms were reduced into writing as required by Rule 14 (4) of the EWURA (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 27th day of August, 2021.



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KAPWETE LEAH JOHN
SECRETARY TO THE BOARD