

**MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI**

**(EWURA)**

**MALALAMIKO NAMBA. QN.71/474/80**

**ARUSHA CORRIDOR SPRINGS HOTEL LIMITED ..... MLALAMIKAJI**

**DHIDI YA**

**MAMLAKA YA MAJISAFI NA USAFI WA**

**MAZINGIRA JIJI LA ARUSHA (AUWSA) ..... MLALAMIKIWA**

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**TUZO YA MAKUBALIANO**

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*(Imetolewa na Bodi ya Wakurugenzi ya EWURA kwenye kikao chake cha 166  
kilichofanyika tarehe 29 Julai, 2021)*

**1.0 Maelezo ya Awali**

Mnamo tarehe 24 Machi 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. John W. Urrio kwa niaba ya Hoteli ya Arusha Corridor Springs Limited iliyopo barabara ya Ingira, Kata ya Them, S. L. P. 519 Jijini Arusha akilalamikia Mamlaka ya Maji Safi na Usafi wa Mazingira Jiji la Arusha ("AUWSA") (Mlalamikiwa).

Mlalamikiwa amelalamikia kutozwa na Mlalamikiwa ankara ya majitaka ya TZS 476,000 kwa mwezi licha ya kuomba punguzo la kulipa nusu ya ankara hiyo. Mlalamikaji ameeleza kwamba tarehe 17 Aprili 2020 aliwasilisha barua wa Mlalamikiwa akiomba punguzo la kulipa nusu ya ankara ya majitaka TZS 238,000 badala ya TZS 476,000 kwa mwezi waliyokubaliana. Mlalamikaji alieleza sababu ya kuomba punguzo inatokana na kutofanya biashara kwa kipindi cha Aprili 2020 hadi Julai 2020 sababu ya mlipuko wa ugonjwa wa corona (COVID 19). Mlalamikaji anaendelea kueleza kwamba alifuatilia majibu ya barua yake kwa Mlalamikiwa mara kadhaa bila mafanikio.

Mlalamikaji alileta malalamiko yake EWURA na kuiomba Mamlaka imuamuru Mlalamikiwa kuridhia maombi ya punguzo la ankara ya majitaka kwa mwezi kutoka TZS 476,000 na alipe nusu yake TZS 238,000 kwa mwezi kwa miezi ya Aprili 2020 hadi Julai 2020.

Baada ya kupokea malalamiko ya Mlalamikaji, Mamlaka (EWURA) tarehe 29 Machi, 2021 ilimwandikia Mlalamikiwa na kumuamuru kuwasilisha utetezi ndani ya siku ishirini na moja (21) kwa mujibu wa kanuni ya 7 (1) ya 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 23 Aprili 2021, Mlalamikiwa aliwasilisha utetezi wake na kuieleza Mamlaka (EWURA) kwamba Mlalamikaji alishajibiwa suala yake kupitia barua yao ya tarehe 22 Machi 2021. Mlalamikiwa aliifahamisha EWURA kwamba Mlalamikaji alijibiwa katika barua tajwa hapo juu kwamba ombi lake halitekelezeki kwani kiasi hicho cha ankara ya majitaka kwa mwezi walichokubaliana, kiliwekwa kwa kuzingatia hali zote za uchumi. Mlalamikiwa aliendelea kueleza kwamba Mlalamikaji anaombwa kuzingatia majibu ya barua yao ya tarehe 22 Machi 2021 inayoeleza msimamo wao. Mwishoni, Mlalamikiwa

alimtaka Mlalamikaji kulipia ankara anayodaiwa kwa miezi husika kwani hakuna makubaliano ya kulipa nusu ankara yaliyofanyika baina yao.

Vikao vya usuluhishi baina ya pande zote mbili vilifanyika tarehe 4 Mei 2021 na 14 Julai 2021 katika Ofisi za Kanda za EWURA, jijini Arusha. Muafaka kati ya Mlalamikaji na Mlalamikiwa ulifikiwa kwa makubaliano yafuatayo:

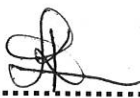
- (a) Kwamba Mlalamikaji atamlipa Mlalamikiwa kiasi cha TZS 714,000 ikiwa ni malipo kamili ya deni bishaniwa; na
- (b) Kwamba Mlalamikaji atalipa deni katika kipengele (a) hapo juu kwa awamu mbili (2) kabla ya tarehe 30 Septemba 2021.

Makubaliano haya yamefupishwa kimaandishi kama ilivyoainishwa kwenye kanuni ya 14(4) ya Kanuni za Taratibu za Utatuzi wa Migogoro TS. Na. 428/2020 na kama ilivyoainishwa katika fomu ya makubaliano.

## **2.0 Makubaliano**

Pande zote mbili zimefikia muafaka na kwa mujibu wa kanuni ya 14(5) ya Kanuni za Taratibu za Utatuzi wa Migogoro TS. Na. 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 29 Julai, 2021.

  
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**KAPWETE LEAH JOHN**  
**KATIBU WA BODI**

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

**COMPLAINT NUMBER: QN.71/474/80**

**ARUSHA CORRIDOR SPRINGS HOTEL LIMITED ..... COMPLAINANT**

**VERSUS**

**ARUSHA WATER SUPPLY AND  
SANITATION AUTHORITY (AUWSA)..... RESPONDENT**

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**SETTLEMENT AWARD**

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*(Made by the EWURA Board of Directors at its 166<sup>th</sup> Ordinary Meeting held on the  
29<sup>th</sup> day of July, 2021)*

**1.0 Background Information:**

On 24<sup>th</sup> March, 2021, Mr. John W. Urio represented Arusha Corridor Springs Hotel Limited of Ingira Road in Themu Ward, P. O. Box 519, Arusha City ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Arusha Water Supply and Sanitation Authority (AUWSA) ("the Respondent"). The Complainant is complaining against sewerage service billings for the months of April 2021 to July 2021 amounting to TZS 952,000.00 charged by the Respondent.

The Complainant states that due to corona pandemic (COVID 19) the hotel bookings were cancelled by the guests and therefore there were no business activities for the period from April 2020 to July 2020. The Complainant further

states that they informed the Respondent about the shutdown through letter dated 17<sup>th</sup> April 2020 and requested the monthly sewerage charges of TZS 476,000 be adjusted to half i.e. TZS 238,000/month. The Complainant states that they made several follow ups to the Respondent but no responses were provided.

Consequently, the Complainant filed a complaint with the Authority praying for orders that the Respondent be compelled to adjust their monthly sewerage bills from TZS 476,000 to TZS 238,000 for months of April 2020 to July 2020.

Upon receipt of the complaint, on 29<sup>th</sup> 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 23<sup>rd</sup> April, 2021, the Respondent submitted its defense to the Authority informing that the Complainant's letter was responded through letter dated 22<sup>nd</sup> March 2021. The Respondent further informed that in their reply they informed the Complainant that their request for bill adjustments cannot be implemented since the agreed rate for sewerage charges considered all economic aspects. The Respondent urged the Complainant to focus on their reply in the letter dated 22<sup>nd</sup> March 2021 which clearly states their position. Finally, the Respondent further urges the Complainant to pay the outstanding debt since there is no agreement reached between them to pay half of monthly sewerage bills.

Mediation meetings involving both parties were conducted on 4<sup>th</sup> May 2021 and 14<sup>th</sup> July 2021 at EWURA Northern Zone Offices, Arusha. At the conclusion of the mediation meeting, the matter was settled on the following terms:

- (i) that the Complainant shall pay the outstanding debt of TZS 714,000.00;
- and

- (ii) that the Complainant shall pay the amount stated in number (i) above in two (2) instalments whereas the last installment shall be paid on or before 30<sup>th</sup> September 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, 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 29<sup>th</sup> day of July, 2021.



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**KAPWETE LEAH JOHN**  
**SECRETARY TO THE BOARD**