

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

COMPLAINT NUMBER. SN.71/135/120

FULGENCE PAUL MDEDECOMPLAINANT

VERSUS

TANZANIA ELECTRIC SSUPPLY COMPANY LIMITED.....RESPONDENT

SETTLEMENT AWARD

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

1.0 Background Information

On 24th June 2021, the Energy and Water Utilities Regulatory Authority (“the Authority”) received a complaint from Mr. Fulgence Paul Mdede, (“the Complainant”) a resident of Machinjioni ‘A’ Street, Charambe ward, Temeke District - Dar es Salaam Region against Tanzania Electric Supply Company Limited – TANESCO (“The Respondent”). The Complainant is complaining on the unlawful debt credited to his LUKU meter, amounting to TZS 987,226.75 that however belong to Mr. Mohamed Tuwile who is unknown to the Complainant.

The Complainant claims that on 25th April 2019, the Respondent credited the alleged unlawful debt amounting to TZS 987,226.75 of which its bill was by the name of Mohamed Tuwile. The Complainant further claims that despite all efforts to settle the complaint, the Respondent continues to deduct 50%

of every electricity token purchase by the Complainant until the whole alleged debt was recovered by the Respondent.

The Complainant filed this complaint praying for orders that, the Respondent be compelled to;

1. refund the Complainant all the amount of money deducted from the Complainant's electricity purchase transactions;
2. compensate the Complainant the sums of TZS 2,000,000.00 on disturbance caused during the entire period of following up the matter;
3. not to enter the Complainant residence since the Respondent is causing disturbances to the Complainant.

Upon receipt of the complaint, on 28th June 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 9th July 2021, the Respondent filed its defense and informed the Authority that, he objects information provided on item 3 of the complaint form and that the alleged debt is a lawful debt.

Mediation meeting involving both parties was conducted on 20th August 2021 at EWURA Eastern Zone Office. At the end of mediation session, parties agreed on the following:

- a) that the Respondent shall waive the unlawful debt amounting to TZS 987,226.75 and shall refund the deducted amount in terms of token to the Complainant meter;
- b) the Respondent shall also refund the Complainant electricity token amounting to TZS 400,000.00 (a correct amount to be established) after acquiring correct data back to office) which was mistakenly deducted during payment of the debt when the Complainant purchased the house

- c) the Respondent shall complete implementation of refund of token to Complainant LUKU meter no. 07046275603 by 27th August 2021; and
- d) that, the Complainant has foregone the demand for compensation of TZS 2,000,000.00 after being satisfied with the agreement reached.

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 that;

- i. the Respondent shall waive the unlawful debt amounting to TZS 987,226.75 and shall refund the deducted amount in terms of token to the Complainant meter;
- ii. the Respondent shall also refund the Complainant electricity token amounting to TZS 400,000.00 (a correct amount to be established) after acquiring correct data back to office. This amount was mistakenly deducted during payment of the debt when the Complainant purchased the house
- iii. the Respondent shall complete implementation of refund of token to Complainant LUKU meter no. 07046275603 on 27th August 2021
- iv. the Complainant has foregone the demand of compensation of TZS 2,000,000.00 after being satisfied on agreement reached.

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 27th day of August, 2021.



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KAPWETE LEAH JOHN
SECRETARY TO THE BOARD

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

MALALAMIKO NAMBA. SN.71/135/120

FULGENCE PAUL MDEDE..... MLALAMIKAJI

DHIDI YA

TANESCO.....MLALAMIKIWA

TUZO YA MAKUBALIANO

*(Imetolewa na Bodi ya Wakurugenzi ya EWURA kupitia waraka wake Na.16 wa
tarehe 27 Agosti, 2021)*

1.0 Maelezo ya Awali

Mnamo tarehe 24 Juni 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Fulgence Paul Mdede ("Mlalamikaji") wa Mtaa wa Machinjioni 'A' Kata ya Charambe, Wilaya ya Temeke, Mkoa wa Dar es Salaam dhidi ya Shirika la Umeme Tanzania (TANESCO) ("Mlalamikiwa"). Mlalamikaji analalamikia kubambikiwa deni la umeme lisilokuwa lake katika mita yake ya umeme kiasi cha TZS 987,226.75 deni ambalo kimsingi ni la Bw. Mohamed Tuwile ambaye Mlalamikaji hamfahamu.

Mlalamikaji anaeleza kuwa mnamo tarehe 25 Aprili 2019, Mlalamikiwa alimbambikia deni la TZS 987,226.75 ambalo ankara yake ilionyesha jina la

Mohamed Tuwile. Mlalamikaji anasema juhudi zote za kutafuta suluhu hazikufanikiwa na badala yake Mlalamikiwa aliendelea kumkata asilimia 50 kwa kila manunuzi ya LUKU aliyofanya hadi deni hili likamalizika.

Mlalamikaji alileta malalamiko yake EWURA na kuiomba Mamlaka;

- a) kumtaka Mlalamikiwa amrejeshee fedha zote alizomkata kimakosa kutokana na deni alilobambikiwa;
- b) kulipwa kiasi cha TZS 2,000,000.00 kama gharama ya usumbufu alioupata katika kipindi chote
- c) Mlalamikiwa arekebishe mita na kuonyesha kuwa haidaiwi deni lolote; na
- d) Mlalamikiwa azuiwe kuingia kwenye nyumba na (Permanent stop) kusababisha usumbufu kwa Mlalamikaji.

Baada ya kupokea malalamiko ya Bw. Fulgence Paul Mdede, Mamlaka (EWURA) tarehe 28 Juni 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*'.

Mlalamikiwa alileta utetezi wake tarehe 09 Julai 2021 akieleza kwamba, amepitia shauri hilo na kuifahamisha Mamlaka kwamba anapinga maelezo ya Mlalamikaji kipengele cha 3 cha malalamiko na kwamba deni analodaiwa Mlalamikaji ni halali.

Kikao cha usuluhishi kilifanyika tarehe 20 Agosti 2021, katika Ofisi za EWURA Kanda ya Mashariki. Mwisho wa kikao cha usuluhishi pande zote zilikubaliana yafuatayo:

- i. Mlalamikiwa atafuta deni lote la TZS 987,226.75 na kurejesha uniti za umeme zenye thamani ya kiasi hiki cha pesa kwa Mlalamikiwa kupitia dira ya LUKU.
- ii. Mlalamikiwa atarejesha uniti za umeme wa kiasi cha TZS 400,000 (Hesabu sahihi itaangaliwa) kulingana na takwimu zilizopo ofisi ya

- Mlalamikiwa baada ya kumkata kiasi hiki cha pesa katika deni alilorithi kutoka kwa muuzaji wa nyumba na mmiliki wa awali;
- iii. zoezi la kurejesha unit za umeme kwa Mlalamikaji litakamilika kufikia tarehe 27 Agosti 2021 kupitia dira ya LUKU namba 07046275603 yenye jina la Fulgence Paul Mdede; na
 - iv. Mlalamikaji ameondoa madai yake ya fidia ya kiasi cha TZS 2,000,000.00 baada ya kuridhika na suluhu iliyopatikana.

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.

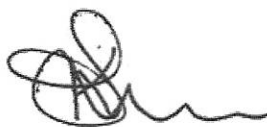
2.0 Makubaliano:

Pande zote mbili zimefikia muafaka kama ifuatavyo:

- I. Mlalamikiwa atafuta deni lote la TZS 987,226.75 na kurejesha uniti za umeme zenye thamani ya kiasi hiki cha pesa kwa Mlalamikiwa kupitia dira ya LUKU.
- II. Mlalamikiwa atarejesha uniti za umeme wa kiasi cha TZS 400,000 (Hesabu sahihi itaangaliwa) kulingana na takwimu zilizopo ofisi ya Mlalamikiwa baada ya kumkata kiasi hiki cha pesa katika deni alilorithi kutoka kwa muuzaji wa nyumba na mmiliki wa awali;
- III. zoezi la kurejesha unit za umeme kwa Mlalamikaji litakamilika kufikia tarehe 27 Agosti 2021 kupitia dira ya LUKU namba 07046275603 yenye jina la Fulgence Paul Mdede; na
- IV. Mlalamikaji ameondoa madai yake ya fidia ya kiasi cha TZS 2,000,000.00 baada ya kuridhika na suluhu iliyopatikana.

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