

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

COMPLAINT NUMBER: PN.71/135/36

**WANANCHI WA MTAA WA MPERA,
REPRESENTED BY KULWA SAID NASSORO..... 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 25th June 2021, twenty-four (24) residents of Mpera street, Ipuli Ward, P. O. Box 779 Tabora ("the Complainants") being represented by Mr. Kulwa Said Nassoro 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 Complainants claim against the Respondent for the compensation or repair of their home appliances that were damaged by alleged electric faults which emanated from the Respondent's electricity distribution infrastructure.

The Complainants state that, the incident occurred on 8th June 2021 following series of power cut off and on that were caused by a fault in power supply. The fault caused damage to Complainants' home appliances that were connected to the power supply.

The Complainants also claims that, on 8th June, 2021, they convened a meeting to identify all home appliances that were damaged by the electric fault. The meeting resolved that a complaint be filed against the Respondent where Mr. Kulwa Said Nassoro was elected the representative. They wrote a letter to the Respondent to report the incident and claimed compensation for their damaged home appliances.

The Complainants further proceeds that, they handed their complaint letter to the Respondent's office and requested to see the Manager. After the discussion, the Manager promised to send one of the officers to investigate the incident, verifying number of persons whose home appliances were damaged and provide a report. The Complainants claim that, until 25th June, 2021, the Respondent had not provided any report to the Complainants despite the follow ups made.

The Complainants decided to file a complaint with the Authority praying for orders that the Respondent be compelled to:

- (i) Pay compensation for the damaged home appliances and or;
- (ii) Make repair of the damaged home appliances to restore them to their normal working conditions.

After receipt of the complaint, on 25th June 2021, the Authority summoned the Respondent to submit their written defense to the complaint within twenty-one (21) days as required by Rules 6(1) and 7(1) of the Energy and Water Utilities Regulatory Authority (Consumer Complaints Handling Procedures), Rules, G.N. Number 428/2020.

The Respondent filed two different documents of written defenses. The first defense was filed on 16th July, 2021 signed by Engineer Respicius R. Ndyanabo as the Acting Zonal Manager TANESCO Western Zone. The

second defense was filed on 22th July 2021 and signed by Juliana William, the Zonal Legal Officer TANESCO Western Zone.

In the first defense document, the Respondent concedes to all claims of the Complainants and stated that, verification of persons whose appliances were damaged and compensation for the same was in progress. A list of 19 names of the persons whose damaged appliances were verified for compensation was attached to the defense

In the second defense, the Respondent repudiated liabilities on the ground that; Complainants have no proof of ownership of their damaged home appliances. The respondent proceeds to request the Authority to dismiss the complaint with cost.

During mediation meeting which took place at VETA Tabora Municipality on 13th August, 2021, the Respondent reported that, they made a second verification which involved both parties to confirm the exact number of persons whose appliances were damaged. It was confirmed by both parties that; the damaged home appliances belong to 24 persons only. A signed list of the names and types of the damaged appliances is attached to and forms part of this Award. The matter was settled on the following terms that;

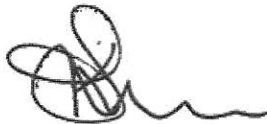
- (i) *the Respondent shall repair all Complainant's damaged home appliances in the agreed list.*
- (ii) *the Respondent shall pay compensation at the market price for the appliances that are damaged beyond repair.*
- (iii) *the Respondent shall only repair damaged appliances and or compensate the appliances listed in attached document signed by both parties; and*
- (iv) *the terms herein should be fully implemented on or before 30th September, 2021;*

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 OF THE BOARD

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

MALALAMIKO NAMBA. PN.71/135/36

BAINA YA

WANANCHI WA MTAU WA MPERA

WAKIWAKILISHWA NA KULWA SAID NASSORO..... MLALAMIKAJI

NA

SHIRIKA LA UGAVI WA UMEME TANZANIA (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 25 Juni, 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Wananchi wa Mtaa wa Mpera, Kata ya Ipuli, S.L.P 771 Tabora, wakiwakilishwa na ndugu Kulwa Said Nassoro. Wananchi hao wanalamikia Shirika la Ugavi wa Umeme Tanzania ("TANESCO") kuhusu tukio la kuungua kwa vifaa vyao vya nyumbani vinavyotumia umeme kutokana na hitilafu ya umeme iliyotokea katika mfumo wa miundombinu ya umeme inayomilikiwa Mlalamikiwa.

Walalamikaji wanaeleza kuwa tukio la kuungua kwa vifaa vyao lilitokea tarehe 8 Juni, 2021 kutokana na hitilafu ya mfumo wa umeme iliyokuwa inasababisha kukatika na kuwaka kwa umeme mara kwa mara katika eneo lao. Hali hii ilisababisha vifaa vilivyokuwa vimeunganishwa kwenye umeme kuungua.

Walalamikaji wanaeleza pia kwamba, baada ya tukio hilo tarehe 8 Juni, 2021, waliitisha mkutano ili kutambua idadi ya watu walioathiriwa na hitilafu na idadi ya vifaa vyao vilivyoungua. Mkutano uliazimia kufungua malalamiko dhidi ya Mlalamikiwa na ulimchagua ndugu Kulwa Said Nassoro kuwa mwakilikishi wao katika malalamiko hayo. Baada ya hapo Walalamikaji waliandika barua kwa Mlalamikiwa wakielezea tukio lililotokea na kutaka walipwe fidia ya vitu vyao vilivyoungua kutokana na hitilafu hiyo ya umeme.

Walalamikaji wanaendelea kuelezea kuwa, walipeleka barua ofisini kwa Mlalamikiwa na wakaomba kuonanan na Meneja. Baada ya majadiliano, Meneja aliwaahidi Walalamikaji kuwa atamtuma afisa mmoja aende kufanya uchunguzi wa tukio hilo, ahakiki idadi ya watu walioathirika pamoja na vifaa vyao vilivyoungua kisha atoe taarifa kamili. Walalamikaji wanadai hadi kufika tarehe 25 Julai, 2021, Mlalamikiwa alikuwa hajatoa taarifa yoyote kwao.

Walalamikaji waliamua kuleta maalalamiko yao hapa Mamlaka ya Udhubiti wa Huduma za Nishati na Maji (EWURA) wakiomba Mamlaka itoe amri kwamba;

- i. Mlalamikiwa atengeneze vifaa vyao vilivyoungua kutokana na hitilafuya umeme iliyoyotokea;
- ii. Mlalamikiwa anunue na kuwalipa Walalamikaji vifaa vilivyoungua ambavyo haviwezi kutengezeka na kuendelea kutumika.

Baada ya kupokea malalamiko ya Wananchi wa Mtaa wa Mpera, mnamo tarehe 28 Juni, 2021, Mamlaka (EWURA) ilimtaka Mlalamikiwa kuwasilisha utetezi wake kwa maandishi ndani ya siku ishirini na moja (21) kama ilivyoainishwa katika Kanuni ya 6(1) na 7 (1) ya Kanuni za EWURA za Taratibu za Kutatua Migogoro, Tangazo la Serikali namba 428 la 2020. "*Rule 7 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020*".

Mlalamikiwa alileta nakala mbili tofauti za utetezi wake. Utetezi wa kwanza ulioletwa tarehe 16 Julai, 2021 ulikuwa umesainiwa na Mhandisi Respicius R. Ndyanabo kama Kaimu Meneja TANESCO Kanda ya Magharibi. Utetezi wa pili ulipokelewa tarehe 22 Julai, 2021, huu ulisainiwa na Bi Juliana William kama Mwanasheria wa Mlalamikiwa Kanda ya Magharibi.

Katika utetezi wa kwanza, Mlalamikiwa anakiri kupokea malalamiko kutoka kwa Wananchi wa Mtaa wa Mpera na kueleza kuwa, Ofisi yao imechukua hatua ya kutambua nyumba za wateja walioleta malalamiko ili kujiridhisha kama wanatumia umeme kupitia njia iliyopata hitilafu. Mlalamikiwa anaeleza pia kuwa, taratibu za kulipa fidia kwa vifaa vya wateja vilivyoathirika zinaendelea vizuri.

Katika utetezi wa pili, Mlalamikiwa anapinga madai ya Walalamikaji na anaeleza kuwa, hakukuwa na uthibitisho wowote kuwa Walalamikaji walikuwa wakimiliki wa vifaa hivyo. Mlalamikiwa anaeleza pia kwamba hakuna uthibitisho kuwa vifaa hivyo vina thamani ya kiasi cha fedha kinachodaiwa na Walalamikaji. Mlalamikiwa alimalizia kwa kuomba Mamlaka (EWURA) iyatupilie mbali malalamiko haya na Walalamikaji walipe gharama za shauri.

Wakati wa kikao cha usuluhishi kilichofanyika tarehe 13 Agosti, 2021 ukumbi wa VETA, Tabora Mjini Mlalamikiwa aliitaarifu Mamlaka kuwa walifanya uhakiki wa pili wa watu na vifaa viliovyoungua kutokana na hitilafu hiyo. Uhakiki huo uliofanyika, ulihusisha pande zote mbili za Mlalamikaji na Mlalamikiwa. Uhakiki ulibaini kwamba, idadi ya watu ambao vifaa vyao viliungua ilikuwa ni 24 tu. Orodha hiyo ilithibitishwa na kusainiwa na pande zote mbili na itakuwa sehemu ya Tuzo hii. Pande zote zilifikia muafaka kwa makubaliano yafuatayo;

- i. Mlalamikiwa atatengeneza vifaa vyote vya Walalamikaji vilivyoungua/kuathiriwa na hitilafu hiyo ya umeme iliyotokea;
- ii. Mlalamikiwa atanunua ili kuwafidia Walalamikaji vifaa vilivyoungua ambavyo haviwezi kutengezeka na kurudi katika hali yake ya kawaida.

- iii. vifaa vitakavyotengenezwa au kununuliwa ili kuwafidia Walalamikaji ni vile tu ambavyo vimeorodheshwa kwenye orodha iliyokubaliwa na kutiwa sahihi na pande zote mbili; na
- iv. makubaliano haya yataipaswa kuwa yametetelezwa kabla au ifikapo tarehe 30 Septemba, 2021.

Makubaliano haya yamewekwa katika maandishi kama Kanuni ya 14(4) ya Kanuni za Taratibu za Kutatua Migogoro, Tangazo la Serikali namba 428/2020 inavyoelekeza na kama ilivyoelezwa kwenye fomu ya muafaka.

2.0 **Makubaliano**

Pande zote mbili zimefikia muafaka na kwa mujibu wa kanuni ya 14(5) ya Kanuni za Taratibu za Kutatua Migogoro, Tangazo la Serikali namba 428/2020, makubaliano haya yamekubaliwa na Mamlaka na kuandikishwa kama Tuzo ya Mamlaka. Kila upande utabeba gharama zake za uendeshaji wa shauri hili.

IMETOLEWA KWA LAKIRI ya Mamlaka ya Udhubiti wa Huduma za Nishati na Maji (EWURA) Dodoma tarehe 27 Agosti, 2021.



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KAPWETE LEAH JOHN
KATIBU WA BODI