

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI

(EWURA)

MALALAMIKO NAMBA. SN.71/472/77

VICTORIA JOSEPH MWAULAMBO..... MLALAMIKAJI

DHIDI YA

DAWASA.....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 11 Juni 2021, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bi. Victoria Joseph Mwaulambo ("Mlalamikaji") wa Mbezi Beach "B" Mtaa wa Zahanati, Kinondoni Dar es Salaam dhidi ya Mamlaka ya Majisafi na Majitaka Dar es Salaam- DAWASA ("Mlalamikiwa"). Mlalamikaji analalamikia deni lisilo halali la kiasi cha TZS 210,500.00 alilowekewa katika ankara ya maji ya mwezi Mei 2020.

Mlalamikaji anaeleza kuwa mwezi wa tano (Mei) 2020, alipokea ankara ambayo ilikua na deni hilo kinyume na matumizi halisi yanayotokana na

ukubwa wa familia yake. Tatizo hili anahisi lilitokana na mita kufukiwa chini na kusababisha mvujo ambao haukuwa unaonekana, hadi pale Mlalamikiwa alipoitoa na kuifunga juu ya ardhi na ndipo ankara ya kuanzia mwezi Juni 2020 ilianza kupungua kuendana na matumizi halali ya Mlalamikaji.

Mlalamikaji alileta malalamiko yake EWURA na kuiomba Mamlaka kumtaka Mlalamikiwa yafuatayo:

- a. Amfungie Mlalamikaji dira ya malipo kabla ya matumizi;
- b. Ampatie Mlalamikaji dira ya ziada; na
- c. Afute deni hilo lisilo halali la Ankara ya mwezi Mei 2020 kiasi cha TZS 210,500.00

Baada ya kupokea malalamiko ya Bi. Victoria Joseph Mwaulambo, Mamlaka (EWURA) tarehe 15 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 23 Julai 2021 akieleza kwamba, amepitia shauri hilo na kufikia maamuzi kwamba dira ya mteja haina tatizo lolote na hivyo haina haja ya kubadilishwa. Mlalamikiwa alieleza pia kuwa Mlalamikaji atawekewa dira ya ziada mara baada ya kufuata utaratibu wa maombi ya dira; na kwamba deni la kiasi cha shilingi 210,500.00 litafutwa.

Kikao cha usuluhishi kilifanyika tarehe 16 Agosti 2021, katika Ofisi za EWURA Kanda ya Mashariki. Mlalamikaji alikiarifu kiako kuwa utaratibu wa dira za matumizi kabla haupo kwa sasa. Mwisho wa kikao cha usuluhishi muafaka ulifikiwa kwa makubaliano yafuatayo;

- (i) Mlalamikaji anaweza kuomba dira ya ziada kwa kufuata taratibu zote ikiwemo kujaza fomu maalum;
- (ii) Mlalamikiwa atafuta deni hilo la ankara ya mwezi Mei 2020 kiasi cha TZS 210,500.00 ifikapo tarehe 30 Agosti 2021; na

- (iii) kwamba dira ya Mlalamikaji haina tatizo lolote na hivyo haitabadilishwa.

Makubaliano haya yamefupishwa kimaandishi kama inavyoainishwa kwenye kifungu cha 14(4) cha Kanuni za Taratibu za Kutatua Migogoro namba 428/2020 na kama inavyoanishwa kwenye fomu ya makubaliano.

2.0 Makubaliano

Pande zote mbili zimefikia muafaka kwamba, Mlalamikiwa atafuta deni lote la ankara ya mwezi Mei 2020 kufikia tarehe 30 Agosti 2020 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 Septemba, 2021.



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KAPWETE LEAH JOHN
KATIBU WA BODI

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

COMPLAINT NUMBER. SN.71/472/77

VICTORIA JOSEPH MWAULAMBO.....COMPLAINANT

VERSUS

DAWASA.....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 11th June 2021, the Energy and Water Utilities Regulatory Authority (“the Authority”) received a complaint from Mrs. Victoria Joseph Mwaulambo, (“the Complainant”) a resident of Mbezi Beach ‘B’ Zahanati Street, Kinondoni District - Dar es Salaam Region against the Dar es Salaam Water and Sewerage Authority - DAWASA (“The Respondent”). The Complainant is complaining against an alleged abnormal water bill for May 2020 amounting to TZS 210,500.00.

The Complainant states that in May 2020, she received a bill with the alleged amount contrary to the trend of her monthly average water consumption and to the size of her small family. The Complainant further explained that, the alleged high-water bill may have happened during the time when the meter was buried under the surface and caused leakages until it was repositioned above the surface that stopped leakages. The Complainant says after such

repositioning of the meter, the water bill of June 2020 started to indicate there is decline in water consumption to a normal use.

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

- a. Provide the Complainant with a pre- paid meter;
- b. Provide the Complainant with an extra water meter; and
- c. Waive the disputed bill amount of TZS 210,500.00

Upon receipt of the complaint, on 15th 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 23rd July 2021, the Respondent filed its defense and informed the Authority on the following:

That, the Respondent current water meter has no defect and hence there is no need for replacement. The Respondent stated further that the Complainant shall be issued with an extra meter upon request; and that the Respondent shall waive the alleged high-water bill and unlawful debt amounting to TZS 210,500.00 of May 2020.

Mediation meeting involving both parties was conducted on 16th August 2021 at EWURA Eastern Zone Office. At the end of mediation session, parties agreed on the following:

- i. that, there is no system of pre- paid water meter at the moment;
- ii. that, the Complainant may be issued with an extra water meter upon request; and
- iii. Respondent shall waive the alleged abnormal bill and the unlawful debt of TZS 210,500.00 of May 2020 by 30th August 2021; and

iv. that, the current water meter has no defects hence no need for replacement.

Parties agreed to settle on such terms. 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, the Respondent shall waive the alleged bill of May 2020 amounting to TZS 210,500.00 by 30th August 2021 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