

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

**COMPLAINT NUMBER QN.71/309/25**

**TOP MAASAI LIMITED .....COMPLAINANT**

**VERSUS**

**MANJIS LOGISTICS LIMITED ..... RESPONDENT**

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**SETTLEMENT AWARD**

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

**1.0 Background Information:**

On 25<sup>th</sup> June 2021, the Energy and Water Utilities Regulatory Authority ("the Authority") received a complaint from Mrs. Mary J. Lukumay representing Top Maasai Limited of Plot 192 DD, Sakina P.O. Box 8010 in Arusha City ("the Complainant") against the Manjis Logistics Limited of PO Box 3110 Themu Industrial Area in Arusha Region ("the Respondent") complaining against Respondent's malpractices which is sabotaging the Complainant's Liquefied Petroleum Gas (LPG) Cylinders business.

The Complainant claims that the Respondent has been distributing LPG cylinders to unauthorized dealers and ordering less LPG cylinders contrary to the Super Dealership Agreement. The Complainant further claims that the Respondent has also been supplying outdated/dirty LPG Cylinders not fit for sale and selling the good/clean LPG cylinders to counterfeit super dealers. The Complainant states that communications

and relationship with the Respondent as a wholesaler and super dealer is not good. The Complainant informs the Authority that discussions and meetings with the Respondent in several occasions have been conducted with the aim to resolve the matter but the efforts were futile.

Consequently, the Complainant filed a complaint with the Authority praying for orders that:

- (i) the Respondent to remain in wholesaler business only and not to engage in super dealer business activities;
- (ii) the Authority to discontinue issuing licence to counterfeit super-dealers who do not meet conditions for license;
- (iii) the Authority to give them protection so as to compete/sustain in the business and eradicate poverty;
- (iv) the Respondent to improve quality of LPG cylinders; and
- (v) the Authority to assist reinstate communications and relationship with the Respondent.

Upon receipt of the complaint, on 26<sup>th</sup> June 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.

The Respondent submitted its defense on 9<sup>th</sup> July 2021 and informed the Authority that they are licensed Wholesaler for importation, storage, filling, refilling, distribution or selling of Liquefied Petroleum Gas (LPG) cylinders. The Respondent further informed that they are licensed to LPG wholesale business in bulk and retail to Super dealers or a bulk customer as well as consumers respectively. The Respondent states that as a business entity, intends to extend markets and grow throughout the country therefore have arrangements for new centers, conduct promotions, support the dealer network and look for prospective super dealers. The Respondent further states that they promote competition and drives the growth of LPG

(c) that the Complainant and Respondent agreed the communications and relationship issues have been resolved.

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 27<sup>th</sup> 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. QN.71/309/25**

**TOP MAASAI LIMITED ..... MLALAMIKAJI**

**DHIDI YA**

**MANJIS LOGISTICS LIMITED ..... 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 Bi. Mary J. Lukumay kwa niaba ya Top Maasai Limited wa Kiwanja namba 192 DD Sakina, S. L. P. 8010, Jijini Arusha ("Mlalamikaji") akimlalamikia Manjis Logistics Limited wa eneo la Viwanda Themi, S. L. P. 3110 Jijini Arusha ("Mlalamikiwa"). Mlalamikaji analalamikia kitendo cha Mlalamikiwa kuhujumu soko la Mlalamikaji la biashara ya mitungi ya gesi ya kupikia (*Liquefied Petroleum Gas (LPG) Cylinder*).

Mlalamikaji anadai kwamba Mlalamikiwa amekua akifanya biashara ya kusambaza mitungi ya gesi ya kupikia (LPG) kwa Wasambazaji wasio na vigezo/leseni huku akimpa yeye idadi pungufu ya mitungi ya gesi ya kupikia anayoagiza. Mlalamikaji anaendelea kudai kwamba Mlalamikiwa

amekua akimuuzia mitungi ya gesi ya kupikia chakavu/michafu na kuwapa wauzaji wasio na sifa mitungi ya gesi ya kupikia iliyo safi. Mlalamikaji anaendelea kueleza kwamba mawasiliano na mahusiano kati yake na Mlalamikiwa sio mazuri. Mlalamikaji anafafanua kwamba jitihada za kutafuta suluhu kati yake na Mlalamikiwa kupitia majadiliano na mikutano mara kadhaa hazijafanikiwa.

Hatimaye, Mlalamikaji alileta malalamiko yake EWURA na kuiomba iamuru yafuatayo:

- (i) Mlalamikiwa atoke sokoni kama Msambazaji Mkuu (Super Dealer) na abaki kwenye biashara yake ya Muuzaji wa Jumla (*Wholesaler*);
- (ii) Mamlaka isitishe huduma ya utoaji leseni kwa Wasambazaji (Super dealer) wasio na sifa, wasio kidhi vigezo vya Usambazaji;
- (iii) Mamlaka impatie Mlalamikaji uangalizi ili aweze kudumu katika biashara na kutokomeza umaskini;
- (iv) Mlalamikiwa aboreshe hali ya mitungi ya gesi ya kupikia; na
- (v) Mamlaka isaidie kurudisha uhusiano mwema kati ya Mlalamikaji na Mlalamikiwa.

Baada ya kupokea malalamiko ya Top Maasai Limited, Mamlaka (EWURA) tarehe 26 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*'.

Mnamo tarehe 9 Julai 2021, Mlalamikiwa aliwasilisha utetezi wake akaieleza Mamlaka kwamba Manjis Logistics Limited ina leseni ya kufanya biashara ya Usambazaji, Usafirishaji, Uhifadhi, Ujazaji na Uuzaji wa mitungi ya gesi ya kupikia (*Liquefied Petroleum Gas (LPG) Cylinders*). Pia Mlalamikiwa alieleza kwamba hufanya biashara ya jumla na rejareja kwa Wasambazaji (dealers), wanunuzi wa jumla na mteja mmoja mmoja.

Mlalamikiwa aliendelea kueleza kwamba amelenga kuongeza masoko nchini kwa kuanzisha vituo zaidi vya mauzo, kutangaza na kukuza ushindani sawia baina ya Wasambazaji wa mitungi yake ya gesi ya kupikia akizingatia Sheria na Kanuni. Mlalamikiwa anamjulisha Mlalamikaji kwamba amekua akimpa huduma ya kipekee kwenye mauzo ya mitungi ya gesi ya ujazo wa kilo 6 ambapo imeongeza mauzo na masoko katika biashara ya Mlalamikaji. Mlalamikiwa anajulisha kwamba amepanga gari maalum kwa ajili ya mauzo ya Mlalamikaji ili kukidhi idadi/mahitaji ya mitungi ya gesi atakayohitaji.

Mlalamikiwa anafafanua kwamba hivi karibuni Mlalamikaji amekua akichelewesha malipo ya mitungi ya gesi aliyochukua, kinyume na makubaliano ya Mkataba wa Mauziano (*Super Dealer Agreement*) na kusababisha kuchelewa kwa Oda zake. Mlalamikiwa anamuomba Mlalamikaji kutekeleza vigezo na masharti ya mkataba ili biashara kati yao ifanyike vizuri. Kuhusu suala la ubora wa mitungi, Mlalamikiwa anaeleza kwamba kabla ya ujazaji, mitungi inaoshwa, inakaguliwa na kuhakikiwa ubora wake kabla ya kurudi sokoni kwa mauzo. Mlalamikiwa anaeleza zaidi kwamba, wataendelea kushamirisha mtandao wa Wasambazaji kwa kuzingatia nidhamu na usawa. Mwishoni, Mlalamikiwa anamjulisha Mlalamikaji kwamba amempangia Mwakilishi kwa ajili yake tu awasiliane naye wakati wowote kupitia simu namba 0769 633468.

Kikao cha usuluhishi baina pande zote mbili kilifanyika tarehe 23 Julai 2021 katika Ofisi za EWURA Kanda ya Kaskazini zilizopo jijini Arusha. Katika kikao hicho muafaka kati ya Mlalamikaji na Mlalamikiwa ulifikiwa kwa makubaliano yafuatayo:

- (a) Mlalamikiwa atampatia Mlalamikaji idadi yote ya mitungi ya gesi ya kupikia atakayohitaji kulingana na Mkataba wa Mauziano;
- (b) Mlalamikaji atalipia mitungi ya gesi ya kupikia atakayochukua kwa Mlalamikiwa ndani ya muda usiozidi siku saba (07) toka kuchukua mitungi hiyo; na

(c) Mlalamikaji na Mlalamikiwa wamekubaliana kwamba tofauti zao za mawasiliano na mahusiano zimetatuliwa na kumalizika; na

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**