

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

COMPLAINT NUMBER: SN.71/309/49

POLOT COMMERCIAL INVESTMENT CO. LTD.....COMPLAINANT

VERSUS

GAPCO/TOTAL (T) LIMITED.....RESPONDENT

RULING

*(Made by the EWURA Board of Directors of at its 167th Ordinary meeting held
on the 30th day of August, 2021)*

On 29th March, 2020, Dr. Evans Mela on behalf of POLOT INVESTMENT COMPANY LIMITED of P.O Box 196 Morogoro ("the Complainant") filed a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against GAPCO/TOTAL (T) Limited of P.O Box 9103 Dar es Salaam ("the Respondent") complaining of being supplied by the Respondent with petroleum products at the price above approved whole sale cap price.

The Complainant filed a complaint at the Authority praying for orders to be reimbursed excess payments made in respect of the petroleum products supplied by the Respondent, general damages, interest and any other relief the Authority may deem fit to grant.

Upon receipt of the complaint the Authority wrote to the Respondent on 1st April, 2020 and received by the Respondent on 9th April, 2020 requiring

them to submit their defence to the complaint. On 30th April 2020 the Respondent company submitted her statement of defence which was accompanied with a notice of preliminary objection on the point of law that the complaint was brought under the wrong provisions and that it was time barred.

The complaint was therefore scheduled for hearing of the Preliminary objection on 12th July, 2021. When the complaint came for hearing of the Preliminary objection, parties were informed that the Complainant had filed a prayer for withdrawal of the complaint on 5th July, 2021. The Respondent's counsel was asked if he had any objection and he said he had none.

We have considered the Complainant's prayer which was not objected to by the Respondent and have decided to grant the same as prayed for. The Complainant is at liberty to withdraw his complaint as he is at liberty to bring such complaints.

Based on the foregoing and for the reasons stated above we allow the Complainant's prayer and mark the matter as withdrawn at the instance of the Complainant and without costs.

GIVEN UNDER THE SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) at Dodoma this 30th day of August, 2021.



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KAPWETE LEAH JOHN
SECRETARY TO THE BOARD