

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

MALALAMIKO NAMBA. GA.71/135/342

MICHAEL RWEGOSHORA BENSON.....MLALAMIKAJI

DHIDI YA

SHIRIKA LA UMEME NCHINI (TANESCO).....MLALAMIKIWA

TUZO YA MAKUBALIANO

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

3.0 Maelezo ya Awali

Mnamo tarehe 15 Julai 2021, Mamlaka ya Udhambi wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Michael Rwegasora Benson wa Itahwa Butahanju, Karabagaine, Bukoba Vijijini, Mkoa wa Kagera dhidi ya Shirika la Umeme Tanzania ("TANESCO") (Mlalamikiwa). Mlalamikaji analalamikia kitendo cha Mlalamikiwa kumbadilisha kutoka daraja la watumiaji wadogo D1 na kumpeleka kwenye daraja la watumiaji wa kati T1 ilihali matumizi ya Mlalamikaji yako chini ya uniti 75 kwa mwezi.

Mlalamikaji ambaye dira yake ni namba 54183728259 anaeleza kwamba mwanzoni mwa 2019 Mlalamikiwa alimhamisha kutoka kundi la watumiaji

wadogo D1 hadi kundi la watumiaji wa kati T1 akidaiwa kutumia umeme zaidi ya unit 75 kwa mwezi. Mlalamikaji hakuelewa kwa nini matumizi ya umeme yamepanda wakati matumizi yake ni yale yale ya kawaida hajaongeza matumizi mengine. Hivyo aliamua kumuita fundi umeme akague miundombinu ya umeme kwenye nyumba yake. Mlalamikaji anaendelea kueleza kuwa Fundi umeme aligundua kuwa dira ya Mlalamikaji ilikua ikivujisha umeme hivyo aliitengeneza na matumizi yakarudi kuwa chini ya unit 75 kwa mwezi. Mlalamikaji ameendelea kueleza kuwa alienda kwenye ofisi ya Mlalamikiwa kumjulisha kwamba tatizo la kuvuja kwa umeme limerekebishwa hivyo anaomba kurudishwa kwenye kundi la watumiaji wadogo D1 lakini Mlalamikiwa hakufanya chochote. Baada ya Mlalamikiwa kutomrejesha kundi la watumiaji wadogo D1, Mlalamikaji aliamua kuleta malalamiko yake EWURA na kuiomba Mamlaka imuamuru Mlalamikiwa kumrejesha kwenye kundi la watumiaji wadogo wa umeme D1.

Baada ya kupokea malalamiko ya Bw. Michael R. Benson, Mamlaka (EWURA) tarehe 18 June 2021 ilimwandikia Mlalamikiwa na kumuamuru kuwasilisha utetezi kwa maandishi ndani ya siku ishirini na moja (21) kwa mujibu wa Kifungu cha 6 (1) cha Kanuni za EWURA za Taratibu za Kutatua Migogoro *'Rule 6 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020'*.

Mnamo tarehe 19 July 2021 Mlalamikiwa alileta utetezi wake na kuiambia Mamlaka yafuatayo;

- a) Tunakiri kupokea waraka wako kuhusiana na Mlalamikaji Bw. Michael Rwegoshora Benson mkazi wa Kagera, Bukoba Vijijini, Karagabaine,
- b) Mlalamikiwa anaeleza kwamba hokusababisha tatizo la kuvuja umeme kwa Mlalamikaji na ni jukumu la Mlalamikaji kuhakikisha miundo mbinu yake ya umeme ya ndani ipo salama na ina kidhi vigezo kwa ajili ya matumizi sahihi ya umeme;na

- c) Mlalamikiwa anaomba kumfahamisha Mlalamikaji kuwa, kwa kuwa amevunja masharti ya kuwa katika daraja la D1 na kwenda T1 kwa mujibu wa sheria hawezi tena kurudi daraja la D1.

Kikao cha usuluhishi baina ya pande zote mbili kilifanyika tarehe 3 Agosti 2021 katika ukumbi wa ELCT Hoteli ,katika Manispaa ya Bukoba Mjini, mkoa wa Kagera. Mwisho wa kikao cha usuluhishi pande zote mbili zilikubaliana kwamba Mlalamikiwa atamrejesha Mlalamikaji kwenye kundi la watumiaji wadogo la D1 kabla ya tarehe 15 Septemba 2021.

Makubaliano haya yamefupishwa kimaandishi kama inavyoainishwa kwenye '*Rule 14 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020*' na kama inavyoanishwa kwenye fomu ya makubaliano.

4.0 Makubaliano

Pande zote mbili zimefikia muafaka na kwa mujibu wa Kanuni ya 14 '*Rule 14 (5) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428 of 2020*', makubaliano haya yameandikishwa kama Tuzo ya Mamlaka. Kila pande itabeba 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

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

COMPLAINT NUMBER. GA.71/135/342

MICHAEL RWEGOSHORA BENSON.....COMPLAINANT

VERSUS

TANZANIA ELECTRIC SUPPLY COMPANY LIMITEDRESPONDENT

SETTLEMENT AWARD

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

1.0 Background Information

On 15th June 2021, the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") received a complaint by Mr. Michael R. Benson of Itahwa Butahanju Village, Karabagaine Ward, Bukoba Rural Area, Kagera Region ("the Complainant") against the Tanzania Electric Supply Company Limited ("TANESCO") ("the Respondent"). The Complainant is complaining against the Respondent for being transferred from customer tariff category D1 to customer tariff category T1.

The Complainant whose meter number is 54183728259 alleges that early 2019 the Respondent transferred him to tariff category T1 for allegedly purchasing more than 75kwh per month for three consecutive months. The Complainant disputed the Respondent's action claiming that his consumption was the same. However, the complainant hired the Electrical contractor to check his electricity infrastructure at his premises. The

Contractor discovered that the Complainant meter had a leakage causing the complainant to consume electricity excessively. The Complainant repaired the meter and informed the Respondent. The Complainant claims that he visited the Respondent's office several times to request the Respondent to transfer him back to customer tariff category D1 as the problem has been resolved and also on the ground that his monthly consumption is still below 75 units but no response was received from the Respondent. Following the Respondent's reluctance to resolve the matter, the Complainant filed this complaint praying for Orders that the Respondent be compelled to restore his account to tariff category D1 because his average monthly consumption is below 75kWh.

Upon receipt of the complaint, on 18th June 2021, the Authority wrote to the Respondent instructing 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 19th July 2021, the Respondent, filed its defense and informed the Authority the following;

- a) that, the Respondent acknowledges receipt of a summons of a complaint for Mr. Michael Rwegashora Benson located at Itahwa Butahanju Village, Karagabaine Ward in Bukoba rural areas,
- b) that, the Respondent did not cause an electricity leakage at the Complainant's meter. Therefore, it is the Complainant's responsibility to ensure that all electrical infrastructure at his premises are well secured; and
- c) that, the Respondent transferred the Complainant's account to customer tariff category T1 because the Complainant did not meet the minimum requirement for customer tariff category D1.

Mediation meeting involving both parties was conducted on 3rd August 2021 at ELCT Bukoba Hotel in Kagera Region. At the end of the mediation session, the matter was settled and parties agreed that the Respondent shall restore

the Complainant account from customer tariff category T1 to D1 by 15th September 2021.

The agreed term was 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 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