

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

COMPLAINT NUMBER: EWURA/33/1/479

BETWEEN

BAKARI ISSA..... COMPLAINANT

VERSUS

**TANZANIA ELECTRIC SUPPLY
COMPANY LIMITED..... RESPONDENT**

AWARD

*(Made by the Board of Directors of EWURA at its 170th Extra-Ordinary Meeting
held at Dar es Salaam on the 7th day of June 2017)*

1.0 Background Information

On 13th March 2017, Mr. Bakari Issa of Tarakwa, Siwandet, Arusha ("the Complainant"), lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Tanzania Electric Supply Company Limited, ("TANESCO") ("the Respondent") for erecting a three phase electricity line on top of his site. The Complainant states that on 10th February 2017, through Tarakwa Local Government Office he wrote a letter to the Respondent Office in Arusha requesting them to remove/shift electricity poles and conductors which are within his area as he wants to develop the said site. The Complainant claims further that the Respondent cheated the community around the disputed area that they will be supplied with electric power while in fact the line was dedicated to

serve communication tower owned by Vodacom (T) Ltd. The Complainant claims that after several follow-up visits at the Respondent offices he was informed that the said line will not be removed/shifted. The Complainant prayed that the Respondent be ordered to remove/shift the poles and conductors from his site in order to allow him develop his land.

Upon receipt of the Complaint, on 17th March 2017, the Authority ordered the Respondent to submit its defence to the complaint within twenty-one [21] days as required by the EWURA (Consumer Complaints Settlement Procedures), Rules, GN 10/2013. On 4th April 2017, the Respondent submitted its defence and stated that the said line of 11Kilovolt was constructed in 2003 by Misterlight Company Ltd., the contractor, engaged by Vodacom (T) Ltd to supply power to their communication tower known as Vodacom Siwandeti Tower. The line which is about 4 km was constructed by the contractor under the Respondent's supervision from Ngateu Cooperative Society through some plantations to the tower. The Respondent stated that at the earlier stages of the project farmers disapproved it and in order to settle the matter the contractor, Misterlight Company Ltd., offered a compensation for their plants which were to be affected by the line. Since then there have never been any complaint received by the Respondent against the said line until when the Complainant turned up to their office with his first letter dated 10th February 2017.

Two mediation meetings involving both parties were conducted on 27th April and 2nd May 2017 at EWURA Northern Zone Office in Arusha, where it was noted that, Misterlight Company Ltd., the contractor of Vodacom (T) Ltd and not the Respondent, was involved in acquiring the way leave for the said line. At the end the matter was settled and the parties agreed that:

- (a) the Complainant may file a case against Misterlight Company Ltd., at the relevant bodies established under the law; and
- (b) the complaint be withdrawn.

The agreed points were reduced into writing as required by Rule 13 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 10/2013 and contained in the Settlement Form.

2.0 Decision

The parties have reached an agreement and, pursuant to Rule 13 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 10 of 2013, the said agreement is registered as award of the Authority. Each party shall bear its own cost.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 7th day of June 2017.


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EDWIN KIDIFFU
SECRETARY TO THE BOARD