

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

**COMPLAINT NUMBER: EWURA/33/1/369**

**BETWEEN**

**GASTOR SAPULA..... COMPLAINANT**

**VERSUS**

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

\_\_\_\_\_  
**AWARD**  
\_\_\_\_\_

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

**1.0 Background Information**

On 8<sup>th</sup> January 2016, Mr. Gastor Sapula of Mbezi Juu, Dar es Saam (“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 connecting a power line through his plot in which there was an ongoing construction. The Complainant states that he cannot continue with the construction of his house since it will be difficult for him to complete its roofing with the power line in place. The Complainant claims that he reported the matter to the Respondent, and after several visits with them, he was issued with a letter requiring him to pay a total cost of TSZ 1,073,023.00 to cover cost of shifting the wire and VAT. The Complainant

claims further that since he could not pay the Respondent the money claimed, the matter remained unattended despite issuing them with a demand notice and a notice of intention to sue them. Consequently, the Complainant sought Orders from the Authority that the Respondent:

- (a) remove the power line on top of his house which is under construction;
- (b) pay him damages amounting to TZS 25,000,000.00;
- (c) pay the costs of his advocates' amounting to TZS 25,000,000.00; and
- (d) pay humiliation cost of TZS 50,000,000.00.

Upon receipt of the Complaint, on 8<sup>th</sup> January 2016, 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.

In their defence which was submitted to EWURA on 19<sup>th</sup> February 2016, the Respondent claimed that the electricity infrastructure existed before the Complainant started to construct his house and that according to their policies, a customer who wishes to move an electricity infrastructure is required to pay the cost for re-allocating them VAT inclusive. The Respondent prayed that the Complainant's claim be dismissed.

Three mediation meetings involving both parties were conducted on 24<sup>th</sup> March 2016, 14<sup>th</sup> April 2016 and 3<sup>rd</sup> May 2017 where the matter was settled and the parties agreed that:

- (a) the Respondent shall remove the power line in collaboration with the Complainant and Local Government before Thursday 11<sup>th</sup> May 2017; and
- (b) the Complaint be marked as settled.

The agreed terms 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 of 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 14<sup>th</sup> day of June 2017.



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**NZINYANGWA MCHANY**  
**ACTING DIRECTOR GENERAL**