

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

COMPLAINT NUMBER: EWURA/33/1/401

BETWEEN

JOACHIM ALEX NDAMALYA..... COMPLAINANT

AND

**TANZANIA ELECTRIC SUPPLY
COMPANY LIMITED RESPONDENT**

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of Directors
of EWURA at its 73rd Meeting held at Dar es Salaam on the 2nd day of March
2017)*

1.0 Background Information

On 27th July 2016, Joachim Alex Ndamalya of P. O. Box 1784 Moshi, Kilimanjaro, ("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") complaining against the erection of the high tension (HT) pole by the Respondent at his farm located at Pumwani Area in Moshi District. The Complainant claims that the said HT pole was erected 80 metres from the main road inside his farm contrary to the law. The Complainant claims further that the rest of the poles were located 30 meters from the main road. The Complainant claims also to have made several visits to the Respondent's Moshi office without receiving any response and on 9th May 2016, he wrote a letter to the Respondent

requesting them to shift the pole but no response was received. The Complainant states to have failed to develop the plot due to the presence of the HT pole inside the said plot. As a result of the foregoing, the Complainant request the Authority to order the Respondent to:

- (a) shift the HT pole from his plot at the Respondent's cost;
- (b) pay the Complainant the sum of TZS 1,000,000.00 per month from the date of filing this complaint to the date of delivery of the award; and
- (c) pay the Complainant the costs of pursuing this complaint.

After receipt of the complaint, the Authority ordered the Respondent to submit their defence to the complaint within twenty one (21) days as required by the Energy and Water Utilities Regulatory Authority (Consumer Complaints Handling Procedures), Rules, GN Number 10/2013. On 5th August, 2016, the Respondent wrote to the Authority acknowledging receipt of the Complainant's request to shift the HT 33kV pole transmitting power from Bomambuzi substation to the Old Rombo feeder. The Respondent states that the said transmission line was constructed in 1980 and the Complainant purchased the farm in 2013 with the said HT pole in place. The Respondent claims to have responded to the Complainant's request of shifting the HT pole by the letter dated 17th May 2016 which provided the quotation of TZS 13,672,613.46 as the cost of shifting the HT pole. The Respondent claims to have called the Complainant to pick up the quotation but he did not show up.

The mediation meeting involving both parties was conducted on 8th and 9th November 2016 at Lutheran Hostel in Moshi Municipality. During the mediation meetings, the Complainant indicated his willingness to cooperate with the Respondent by paying part of the costs of shifting the HT pole. The matter was settled on the following terms:

- a) that the Respondent shall be given time to conduct a survey and liaise with TANROADS and the Complainant's neighbors and determine the cost of shifting the HT pole ;

- b) that the Respondent shall follow up and establish the rationale behind the erection of the said pole more than 80 meters from the main road;
- c) that the Respondent shall, on or before 8th January 2017, provide feedback to the Complainant and EWURA on the survey in (a) above and the cost of shifting the pole. Failure to provide such feedback by 8th January 2017 shall mean that shifting the pole and the cost thereof shall be borne by the Respondent; and
- d) that the Complainant shall withdraw his demand for compensation.

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 an Award of the Authority. Each party shall bear its own costs.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 2nd day of March 2017.



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FELIX NGAMLAGOSI
DIRECTOR GENERAL