

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

COMPLAINT NUMBER: GA.71/135/0118 (EWURA/33/1/484)

BETWEEN

RICHARD KASIANO LUPASHA..... COMPLAINANT

VERSUS

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

AWARD

*(Made by the Board of Directors of EWURA at its 122nd Meeting held at Dar es
Salaam on the 15th day of September 2017)*

1.0 Background Information

On 6th April 2017, Mr. Richard Kassiano Lupasha of Kasu B Village in Namanyere, Nkasi District (“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 the high voltage electricity lines that passes over his site.

The Complainant stated that the Respondent constructed a Medium Voltage Distribution infrastructure (33kV) which passes over his residence which is a threat to his life and his family. The Complainant claims that he has been living in the area before the start of the project by the Respondent and that although he had requested the Respondent to shift the line to an unoccupied area, the Respondent ignored his request. However,

the Respondent promised to compensate the Complainant. The Complainant further stated that the project was commissioned in February 2016 but he was not compensated as promised. Furthermore, the Complainant claimed to have no other means of income to enable him to acquire a new land for his residence. The Complainant attached three letters to the Respondent Region Office in Sumbawanga complaining on the matter. The Respondent did not respond to his letters.

The Complainant prayed that the Respondent be ordered to:

- (a) shift the Medium Voltage Distribution infrastructure from his site as they pose a threat to his life and his family and hinder further development of his land; and
- (b) if the said line cannot be shifted then the Complainant be compensated accordingly to enable him relocate to another area and construct a new house.

Upon receipt of the Complaint, on 10th April 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 3rd May 2017, the Respondent submitted its defence and stated that the Complainant presented the matter to their office through the three mentioned letters and that the Respondent visited the Complainant residential area and discovered that the Medium Voltage Distribution infrastructure has been erected adjacent to his house and not on top of the house. Furthermore, the Respondent stated that the said project was constructed by the Government of Tanzania through the Rural Energy Agency (REA) Phase Two. The Respondent further stated that before the commencement of REA Phase Two, the Government announced that it has not set aside funds to compensate any person who will be affected by the project. The Government requested citizen through their Local Government leaders to offer 'way leave' in support of the said projects. The

Respondent stated further that during implementation of the project, Local Government Authorities were required to provide appropriate maps to REA contractors' to guide them on where the construction of line should take place and the Respondent was there to supervise the quality of work and not otherwise. The Respondent concluded that if there is any claim, it should be directed to the Government through REA which facilitated implementation of the said project.

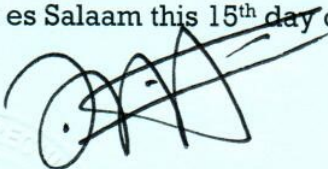
Mediation meeting involving both parties together with the chairperson and the secretary of Kasu 'B' Village was conducted on 23rd May 2017 at Kasu 'B' village. During the meeting it was noted that, the Government through REA was involved in facilitating implementation of rural electrification projects including acquiring the way leave for the said project. At the end of mediation the matter was settled and the Complainant agreed to withdraw the complaint.

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 10/2013 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 15th day of September, 2017.


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ENG. GODWIN SAMWEL
DIRECTOR GENERAL