

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

COMPLAINT NUMBER EWURA/33/2/141

BETWEEN

JOB DAUDI MASIMA..... COMPLAINANT

VERSUS

PUMA MSAMVU FILLING STATION..... RESPONDENT

AWARD

**(Made by the Board of Directors of EWURA at its XX Ordinary Meeting held
at Dar es Salaam on the XX May 2013)**

1.0 Background Information

On 23th January 2013, Mr. Job Daudi Masima ("the Complainant") lodged a complaint at EWURA against PUMA Msamvu Filling Station ("the Respondent") for supplying him with off-specification petroleum products which damaged his vehicle, a Mercedes Benz with registration number T 734 BDC.

The Complainant submitted that on 30th December 2012, he travelled to Dodoma from Dar es Salaam by his vehicle with a full fuel tank. Upon arrival at Morogoro, he refueled his vehicle at the Respondent's filling station. The Respondent supplied him with 17.7 litres of petrol worth TZS 38,000/-. The Complainant further submitted that after refueling his vehicle at the Respondent's filling station, the vehicle started malfunctioning by losing power and he had to hire breakdown services to pull the car to Dodoma at a cost of TZS 1,047,840/-. The Complainant further submitted that as a result, he incurred TZS 1,584,389.74 being costs for repair and

replacement of damaged parts and replaced the 70 liters of petrol worth TZS 150,290/-. The Complainant demands payment of TZS 10 million damages as a result of the Respondent supplying him with substandard petrol.

The Complainant called an EWURA official on 30th December 2012 and on 31st December 2012, one EWURA Petroleum Inspector collected two petroleum samples from the Respondent for laboratory analysis. After receipt of a formal complaint on 23rd January 2013, EWURA wrote to the Respondent on 1st February 2013 requesting them to submit a reply to the complaint within twenty one (21) days.

Laboratory results indicated that both samples did not conform to Tanzania Bureau of Standards (TBS) specifications according to TZS 672:2012 – EAS 158:2012. The first sample failed on one parameter namely Research Octane Number (RON) with Laboratory result of 92.6 against the minimum requirement of 93.0. The second sample failed on two parameters namely Research Octane Number (RON) with Laboratory result of 92.5 against the minimum requirement of 93.0 and also failed on Distillation Final Boiling Point (FBT) with Laboratory result of 215 °C against a maximum requirement of 210 °C.

On 20th February 2013, the Respondent wrote to EWURA disputing the allegation claiming that it did not make sense that 17.7 liters of petrol added in a tank that contained 52.3 liters to make a full tank of 70 liters could cause damage to the Complainant's vehicle. The Respondent stated that more than a hundred cars refueled at his filling station and no other complaint was received. The Respondent claims further that the amount of TZS 12,782,519.74 demanded by the Complainant is unjustifiable.

On 2nd and 3rd April 2013, the parties attended a mediation meeting and the matter was settled. From the mediation meeting, parties agreed on the following:

- (a) that the Respondent was apologetic for what happened to the Complainant and the inconvenience caused;
- (b) that within seven (7) days from the day of signing of this agreement, the Respondent shall pay the Complainant TZS 2,103,156.05, which are the direct costs incurred on fuel, breakdown and repair of the car; and
- (c) that the matter is closed and each party is satisfied.

The above points of agreement were reduced into writing as required by Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013 and contained in the attached Settlement Form.

2.0 **Decision**

The parties have reached an agreement and we, under the provisions of Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013, hereby register as the Award of the Authority the agreement contained in the Settlement Form attached hereto.

Each party shall bear its own costs in pursuing this matter.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this XX May 2013.

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Mr. Haruna Masebu
(Director General)