

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

(EWURA)

COMPLAINT NUMBER EWURA/33/2/167

BETWEEN

LINAH BONAVENTURA SHAYO COMPLAINANT

VERSUS

SALMEEN PETROL STATION (OILCOM Mdaula) RESPONDENT

AWARD

**(Made by the Board of Directors of EWURA at its 95th Ordinary Meeting
held at Dar es Salaam on the 9th April, 2015)**

1.0 Background Information

On 19th January 2015, Mr. Alphonse Gerion Fuko on behalf of Ms Linah Bonaventura Shayo ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority (EWURA) ("the Authority") against Salmeen Petrol Station, Oil Com Mdaula ("the Respondent") located at Mdaula area, Coast Region for being supplied with substandard petroleum products (Morgas). The Complainant claims that on 18th January 2015, while travelling to Dar es Salaam from Morogoro, he stopped at the Respondent's outlet

facility and refueled to his vehicle 25.43 liters of Morgas equivalent to TZS 50,000.00. The Complainant states that after driving for a short distance the car experienced some mechanical faults technically known as "a misfire" and they had to drive back to the filling station to discuss with the owner of the station on the matter. The Complainant claims that the pump attendant (a lady) could not handle the matter and called her manager. The Complainant further claims that both the pump attendant and the Manager insisted that their products were within standard and they used bad and unacceptable language to him. The retail station Manager went further by telling the Complainant that they are at liberty to complain anywhere including to the Authority.

The Complainant states that she had no other option but to hire another car and pull their car to Dar es Salaam and consequently filed a complaint to the Authority praying for the following orders:

- (a) that the Respondent be ordered to repair the damaged vehicle;
- (b) that the Respondent be ordered to pay the cost of transporting the damaged vehicle from Mdaula to Dar es Salaam;
- (c) that the Respondent be ordered to pay damages for the inconveniences caused; and
- (d) that the Respondent be ordered to apologize to the Complainant for not being cooperative and for poor customer service.

After receipt of the complaint, the Authority ordered the Respondent to submit a defense to the complaint within twenty one (21) days as required by the Energy and Water Utilities Regulatory Authority

(Complaints Settlement Procedure), Rules, GN Number 10/2013. On 2nd February, 2015, the Respondent admitted to have sold Morgas to the Complainant on 18th January 2015 around 21:30 hours. The Respondent states that the Complainant left the filling station and returned few minutes later complaining about being supplied with substandard fuel which the Respondent disputed. The Respondent claims that they usually test their fuel before releasing to public and that they have not received any similar complaint from other customers. The Respondent also disputed allegations of using bad and unacceptable language and allegations of being uncooperative to the Complainant. The Respondent explains that the reasons for attending the Complainant with tension is due to the fact that the incident happened at night about 21:30 hours and they have been victims of bandits in the past.

A Mediation meeting involving the parties was held on 11th March 2015 at the Authority's office. During the meeting it was noted that the samples collected by the Authority from the Respondent's retail outlet for testing purposes were found to be within Tanzania Bureau of Standards specifications. At the conclusion of the meeting a settlement was reached and the Respondent apologized for the misunderstanding which occurred between them. The parties further agreed that:

- (a) as a customer service gesture, the Respondent volunteered to repay part of the Complainant's costs (amounting to TZS 750,000.00) which include repair costs and the costs for pulling the car from Mdaula to Dar es Salaam; and
- (b) this matter be marked settled and each party is satisfied.

The above points of agreement 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 attached Settlement Form.

2.0 Decision

The parties have reached an agreement and, we, under the provisions of Rule 13 (4) of the Energy and Water Utilities Regulatory Authority (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 9th day of April, 2015.



Mr. Felix Ngamlagosi
(Director General)