

(22)

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

COMPLAINT NUMBER: EWURA/33/2/222

BETWEEN

MAKINI SERVICE STATION..... COMPLAINANT

VERSUS

TOTAL TANZANIA LIMITED RESPONDENT

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of Directors
of EWURA at its 77th meeting held in Dar es Salaam on 23rd August 2017)*

1.0 Background Information

On 16th December 2016, William Abraham Shayo trading as Makini Service Station of P. O. Box 84 Moshi ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against TOTAL Tanzania Limited of P. O. Box 1503 Dar es Saalam ("the Respondent"). The Complainant is complaining against the Respondent for being supplied with petroleum products at a higher price of TZS 2,093 for MSP and TZS 1,938 for AGO instead of TZS 1,861.1 for MSP and TZS 1,676.8 for AGO. The Complainant claims that the Respondent issued an invoice on 30th June 2015 with the price for the month of July 2015 and thus causing an overpayment of TZS 9,253,915.00 for the ordered MSP 27,000 litres and AGO 11,000 litres. The Complainant further claims to have made several communications with the Respondent, both verbally and in writing, without positive response and in turn the Respondent decided to terminate their marketing license agreement. The Complainant finally decided to file a formal complaint requesting the Authority to order the

Respondent to refund the Complainant the overpaid amount of TZS 9,253,915.00 .

Upon receipt of the complaint, the Authority ordered the Respondent to submit their defense 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 18th January, 2017, the Respondent wrote to the Authority stating that the Complainant made two orders on the period under dispute. The first order was made on 26th June 2015 where the Complainant ordered 21,000 litres of MSP sold at TZS 1,855.00 per litre and 17,500 litres of AGO sold at TZS 1,670.00 per litre through Purchase Order number 14648 amounting to TZS 68,427,100.00. The Respondent claims that the said order was loaded into the Complainant truck with registration number T 371 BUZ on 28th June 2015. The Respondent claims further that the second Complainant's order was made on 29th June 2015 for 27,500 litres of MSP at the price of TZS 2,086.93 and 11,000 litres of AGO priced at TZS 1,931.44 through Purchase Order number 14747 and an invoice amounting to TZS 78,878,985.00 was issued on 1st July 2015. The Respondent states that the second order was loaded in the same truck after it had travelled to Moshi on 28th June 2015 and returned back to Dar es Salaam. The Respondent concluded by stating that they committed nothing wrong but exercising their right to sell products at competitive price while adhering to cap prices as issued by the Authority.

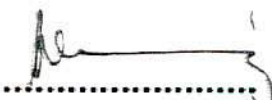
Mediation meetings involving both parties were conducted on 21st March 2017, 23rd June 2017, 14th July 2017, 19th July 2017 and 11th August 2017 and finally the matter was settled and the parties agreed that the Respondent shall refund the Complainant a total of TZS 5,000,000.00.

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 23rd day of August, 2017.


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EDWIN KIDIFFU
SECRETARY TO THE BOARD