

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

COMPLAINT NUMBER EWURA/33/2/149

BETWEEN

NYIHITA WILFRED NYIHITA COMPLAINANT

VERSUS

TAWAQAL & Co. Ltd (OILCOM Namfua, Singida) RESPONDENT

AWARD

(Made by the Board of Directors of EWURA at its 124th Extra-Ordinary Meeting held at Dar es Salaam on the 8th August 2014)

1.0 Background Information

On 21st March 2014, Mr. Nyihita Wilfred Nyihita ("the Complainant") lodged a complaint at EWURA against Tawaqal & Co. Ltd, Oilcom Namfua Filling Station ("the Respondent") located at Singida Municipality for being supplied with morgas (petrol) mixed with water. The Complainant claims that on 9th March 2014, on his way to Musoma to attend his sister's funeral, he was supplied with 41.72 liters of morgas mixed with large quantities of water by the Respondent contrary to approved TBS specifications. The Complainant claims further that immediately after being supplied with petrol, his car failed to start while he was at the Respondent's retail outlet.

The Complainant admits that the Respondent was cooperative to the extent of engaging an automobile technician. The automobile technician washed the fuel tank, replaced the fuel filter, fuel pump and refilled the car with fuel. The Complainant admitted that after the replacements, the car functioned normally and without problems. However, the Complainant

stated that the entire exercise took ten hours and the delay led to extra costs on the journey. The Complainant claims from the Respondent a total of TZS Three Million (3,000,000.00). The Complainant stated that TZS One Million (1,000,000.00) is the extra cost for food for 33 people who were accompanying him to the funeral, TZS Five Hundred Thousand (500,000.00) for car maintenance and TZS One Million Five Hundred Thousand (1,500,000.00) being costs for another engine if the need arises.

Following 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 Consumer Complaints Settlement Procedures, Rules, GN Number 10/2013. On 9th April, 2014, the Respondent informed the Authority that claims of TZS 3,000,000 made by the Complainant are unjustifiable and therefore not acceptable. The Respondent further claims that the exercise of repairing the Complainant's car took three hours only contrary to 10 hours claimed by the Complainant and that the costs for spares and labour charges including fuel replacement were borne by the Respondent.

A Mediation meeting involving the parties was held on 3rd and 4th June 2014 at Lake Hill Hotel, Singida and the parties agreed on the following;

- (a) that the Respondent shall compensate the Complainant a total of TZS 800,000.00 being the extra cost incurred by the Complainant as a result of the delay caused by the Respondent's supply of petroleum mixed with water;
- (b) that the Respondent shall pay the Complainant, the amount in (a) above by the 4th day of June, 2014; and
- (c) that 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 EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013 and contained in the attached Settlement Form.

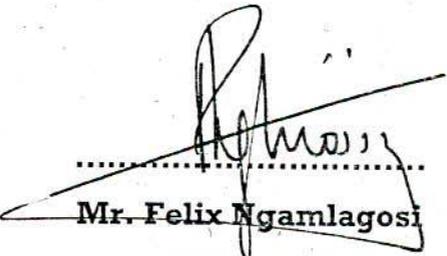
2.0

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 8th day of August 2014.


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Mr. Felix Ngamlagosi
(Director General)