

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

COMPLAINT NUMBER: GA.71/472/175

AFUA HAJI KALILI.....COMPLAINANT

VERSUS

DAWASARESPONDENT

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of Directors
of EWURA at its 87th Meeting held at Dar es Salaam on 8th December, 2018)*

1.0 Background Information

On 14th September 2018, Afua Haji Kalili of Kibaha, Picha ya Ndege in Coast Region ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Dar es Salaam Water and Sewerage Authority (DAWASA) ("the Respondent"). The Complainant is complaining for dispossession of the flow meter with registration number 1516D00057413 on the claims of having done meter by-pass. The Complainant further complains against the demand by the Respondent to pay TZS 540,000 as penalty charges for the alleged meter by-pass.

The Complainant states that she has been a faithful customer of the Respondent and she has always been taking care of the said meter and making prompt payment of the water bills as well. The Complainant claims that sometimes in January 2018, the pipes connecting water to the Complainant's premises were cut during road construction causing lack of

the water services at the Complainant's premises. Despite reporting the matter to the Respondent, three months passed without the Respondent taking any initiative to restore water supply apart from getting a text message via mobile phone on the monthly bill which also read 00. On 4th April 2018 the Complainant hired a plumber to restore the broken pipes and provided him with all the necessary equipment in order to restore water supply services to the premises. Afterwards the Complainant received a phone call from the Respondent's officer informing that the plumber had by-pass meter and the Complainant was required to pay TZS 540,000 as the penalty charge for said meter by-pass. The Complainant filed this complaint to the Authority praying for the order against the Respondent compelling it to:

- a. restore water service to her premises without any condition;
- b. waive the penalty charges amounting to TZS 540,000; and
- c. pay the cost of the complaint.

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 19th October 2018, the Respondent wrote to the Authority that the Complainant is their customer with meter number 15-16 customer-D00057413 and account number 9000997900. The Respondent claims that on April 2018, one of its officials found that the Complainant had connected water service through a by-pass. The Respondent claims that its officer found one artisan at the scene who introduced himself as a plumber from Dar es Salaam being sent by the Complainant, who by the time was not at the premises. The Respondent further claims that the Complainant was called by the plumber at the site and was notified on what had happened at his house via cell phone with number 0754389184 and she promised to visit the Respondent's Offices at Kibaha Municipality. Upon visiting the

Respondent's office, the complainant failed to satisfy the Respondent on her justification to connect the services on her own. The Respondent asked the Complainant the following questions:

- a. if water supply services was disconnected during road construction why the pipes are still connected to the Complainant's premises?;
- b. was there any proof to support the claim that the matter had been reported to the Respondent's office?; and
- c. is there any receipts to show that the connection equipment were actually bought in order to replace the broken ones?

The Respondent claims that upon the Complainant's failure to answer the Respondent's questions and provide the necessary documents to support her statement; the Respondent was satisfied that the Complainant has done a meter by-pass hence they prepared an invoice for illegal connection amounting TZS 540,000 which she agreed to pay and signed it. The Respondent claims that on 8th June 2018, the Complainant visited the Respondent's office and reached an agreement that on 11th June 2018 she shall pay 50% of the penalty so that the service can be restored. Unfortunately, The Complainant failed to do so and was not responding to the Respondent's office and instead reported the matter to the Authority.

Mediation meeting involving both parties was conducted on 2nd November 2018 at Njuweni Hotel in Kibaha Municipality where the matter was settled on the following terms:


- (a) that the Respondent shall restore water supply services at the Complainant's premises;
- (b) that the Respondent shall reconnect water supply service at the Complainant's premises without reconnection fee; and
- (c) that Complainant shall pay to the Respondent TZS 200,000 as supplementary bill.

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) at Dar es Salaam on the 8th day of December, 2018.


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NZINYANGWA E. MCHANY
DIRECTOR GENERAL.

