

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

**COMPLAINT NUMBER: EWURA/33/4/240**

**BETWEEN**

**BOARD OF TRUSTEES OF THE  
NATIONAL SOCIAL SSECURITY FUND..... COMPLAINANT**

**VERSUS**

**DAR ES SALAAM WATER SUPPLY  
AND SEWERAGE CORPORATION ..... RESPONDENT**

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**AWARD**

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**(Made by the Board's Legal and Corporate Affairs Committee at its 72<sup>nd</sup>  
Meeting held at Dar es Salaam on the 21<sup>st</sup> November 2016)**

**1.0 Background Information**

On 2<sup>nd</sup> May 2016, the Board of Trustees of the National Social Security Fund ("the Complainant") of P. O. Box 1322 Dar es Salaam lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Dar es Salaam Water Supply and Sewerage Corporation, ("DAWASCO") ("the Respondent") disputing sewer supplementary bills raised over its two properties namely Mwalimu Nyerere Pension Towers with demand note CVP No. A-2758 of TZS 204,724,664.55 and NSSF Waterfront House with demand note CVP No. A-2751 of TZS 142,303,546.00. The Complainant claims that they have been promptly paying bills as raised by the Respondent. The Complainant claims further that the supplementary bills cover a period of ten years which is too long and it was the Respondent's responsibility to raise the correct bills on time. The Complainant states that due to the threat of sewer disconnection, TZS 50,000,000 was paid to the Respondent under protest.

The Complainant requested the Authority to order the Respondent:

- (a) to cancel the demand for TZS 204,724,664.55 and TZS 142,303,546.00 in respect of Mwalimu Nyerere Pension Towers and NSSF Waterfront House;
- (b) to cancel the alleged Complainant's debt;
- (c) not block the sewerage system at the two mentioned properties; and
- (d) to refund the TZS 50,000,000 which was paid by under protest.

Following 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 7<sup>th</sup> June, 2016, the Respondent submitted his statement of defence, and stated the following:

1. that the Complainant had been underpaying its monthly sewerage bills for the period of June 2015 to December 2015;
2. that the Complainant was under billed because they had not disclosed the fact that they have been using an alternative source of water from boreholes which led to increased sewerage discharge; and
3. that following an assessment done by the Respondent of the entire period the Complainant was under paying its bills, the supplementary bill for both buildings was found to be TZS 347,028,206.55.

The mediation meeting involving both parties was conducted on 4<sup>th</sup> and 10<sup>th</sup> October 2016 and on 3<sup>rd</sup> November 2016. During mediation it was noted that the Complainant is no longer interested in being refunded the TZS 50,000,000 paid under protest for sewer charges for the two buildings and the matter was settled and the parties agreed on the following:

- a) that following re-calculation by the Respondent of the supplementary bill for NSSF Water Front House using an average of six months consumption during the period under dispute, the bill now stands at TZS 35,844,353.36 instead of TZS 142,303,546.00. The Respondent shall take into account the amount paid for the sewer paid by the Complainant for NSSF Waterfront House and shall credit or debit the Complainant's account accordingly; and
- b) that following re-calculation by the Respondent of the supplementary bill for NSSF Nyerere Towers based on two years' consumption instead of ten years, the outstanding bill now stands at TZS 37,691,878 instead of TZS 204,724,664.55. The Respondent shall take into consideration the amount for sewer paid by the Complainant for Mwalimu Nyerere Pension Towers and shall credit or debit the Complainant's account accordingly.

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 attached 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 cost.

**GIVEN UNDER SEAL** of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 21<sup>st</sup> day of November 2016.

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**FELIX NGAMLGOSI**  
**DIRECTOR GENERAL**