

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

COMPLAINT NUMBER: GA.71/472/160

BURHAN K. KISHENYICOMPLAINANT

VERSUS

DAWASCORESPONDENT

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of Directors
of EWURA at its 84th meeting held in Dar es Salaam on 25th June 2018)*

1.0 Background Information

On 28th March 2018, Burhan K. Kishenyi of P. O. Box 78923 Kimara Baruti, Dar es Salaam ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Dar es Salaam Water and Sewerage Corporation of P. O. Box 5340 Dar es Salaam ("the Respondent"). The Complainant is disputing an extra and unjustifiable amount of TZS 77,809.40 imposed by the Respondent in his bill for the month of December 2017.

The Complainant claims that on 12th December 2017 he received from the Respondent a bill of TZS 216,679.95 indicating a current bill for December 2017 to be TZS 138,276.05 and the balance brought forward of TZS 594.5. Adding the December 2017 current bill of TZS 138,276.05 and the balance brought forward of TZS 594.5 gives a total of TZS 138,871.00 only. There is therefore an extra amount of TZS 77,809.40 which is what the Complainant claims it lacks justification.

The Complainant states to have written a letter to the Respondent on 12th December 2017 requesting removal of the imposed and unjustifiable bill of TZS 77,808.95 but there has been no response. On 20th January 2018 the Complainant wrote a reminder letter to the Respondent which was never replied as usual. On 23rd January, 2018 the Respondent disconnected water supply at the Complainant's premises leaving behind a notice that the Complainant should settle the outstanding bill of TZS 360,541.35.

The Complainant finally decided to file a formal complaint requesting the Authority to order the Respondent to;

- (i) remove the imposed and unjustifiable extra amount of TZS 77,809.95;
- (ii) unconditionally restore water supply;
- (iii) pay general damages;
- (iv) pay costs 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 2nd May, 2018, the Respondent wrote to the Authority admitting to have failed to supply the Complainant bill for the month of November 2017 amounting to TZS 78,403.90. The Respondent states that the Complainant bill for the month of December was TZS 138,276.05 adding to it the November bill of TZS 78,403.90 makes outstanding bill submitted in the month of December 2017 to be TZS 216,679.95. The Respondent apologized for failure to communicate with the Complainant and the inconvenience caused thereafter.

Mediation meetings involving both parties were conducted on 31st May 2018 and 8th June 2018 at EWURA Zonal Office in Dar es Salaam where the matter was settled on the following terms;

- (v) the Complainant shall pay the Respondent an outstanding bill of TZS 408,117.38 in installment of TZS 10,000.00 per month in addition to the monthly bill;
- (vi) the Respondent shall immediately restore water supply at the Complainant premises and without demanding re-connection fee;
- (vii) the Complainant waived demands for general damage and costs of the matter.

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 25th day of June, 2018.



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KAPWETE JOHN
SECRETARY TO THE BOARD