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

**COMPLAINT NUMBER: EWURA/33/4/210**

**BETWEEN**

**CSI CONSTRUCTION 1997 LTD.....COMPLAINANT**

**VERSUS**

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

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**AWARD**

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(Made by the Board of Directors of EWURA at its 162 Extra-Ordinary Meeting  
held at Dar es Salaam on 18<sup>th</sup> October 2016)

**1.0 Background information**

On 1<sup>st</sup> September 2015, CSI Construction 1997 Ltd ("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 (DAWASCO) ("the Respondent"). The Complainant claims that the Respondent has unreasonably been raising sewerage charges at their small industry premises located at Plot No. 137, Nyerere Road, Kipawa Area, in Dar es Salaam. The Complainant alleges that they have been the Respondent's customers for the past fifteen years. During the said period they

used to get inflated bills which may go up to 100%. The problem started in July 2014 when the Respondent, unilaterally, decided to increase sewerage charges from TZS 108,000 to TZS 217,356.00 and keep on increasing it until it reached TZS 500,000 per month. The Complainant claims to constantly been following up the matter with the Respondent but no help or response was received. The Complainant alleges that despite explaining to the Respondent that he uses water from the water tankers and asking them to fix a meter at the former's main tank in order to establish his consumption the Respondent did not heed to their request.

The Complainant prays for the following reliefs against the Respondent that:

- (a) the Complainant be allowed to continue paying monthly sewerage charges of TZS 108,692.15 per month although it is higher than the resulting bills on using the Respondent's approved tariff of TZS 275 per m<sup>3</sup> on actual monthly consumption; and
- (b) the Respondent be compelled to install meter at his water tanks in order to measure the amount of water supplied at their premises at their own costs which shall be used in computing sewer charges.

On its part the Respondent stated that the Complainant only receives sewerage services from the Respondent. The Respondent states that assessment of sewerage charges is made on the amount of water the Complainant consumes each month. One water tanker at the Complainant's premises contains 1000m<sup>3</sup> and the rate per one thousand cubic meters is TZS 273. Therefore the Complainant is charged correct bills for sewerage services in accordance with their consumption. The Respondent further undertook to make a new assessment in order to satisfy itself whether the imposed charges against the Complainant are justified.

Efforts to mediate the parties were taken under the supervision of the Complaint Unit of the Authority and proved futile and thus the matter was referred to the Division of the Authority for hearing. Hearing of the complaint was done in Dar es Salaam on 3<sup>rd</sup> March 2016.

## **2.0 Hearing Stage**

On 3<sup>rd</sup> March 2016 when the matter came for hearing before the Division of the Authority, the following issues were framed for determination:

- (a) whether the disputed monthly sewer bills imposed on the Complainant by the Respondent are justifiable; and
- (b) what are reliefs to the parties, if any?

Mr. Felix Mlolere, a Manager working with the Complainant's company, represented the Complainant and stood as the only witness for the Complainant (CW). On the other hand the Respondent was represented by two officers namely Mr. Alpha Ambukile, the Customer Care Officer who stood as the Respondent's Witness number 1(RW1) and Mr. Jamal Jimmy Chuma, the Business Officer who stood as the Respondent's Witness number 2 (RW2).

## **3.0 Decision**

In arriving to our decision, we have considered the applicable law including the EWURA Act Cap. 414, the DAWASA Act, Cap 273, the EWURA (Complaints Handling Procedure) Rules, GN No. 10/2013, the DAWASCO Customer Service Code of Practice, Standards and Procedures issued in October 2006 ("the Charter"), the Dar es Salaam Water Supply and Sewerage Authority (DAWASA) (Tariff Adjustment) Order, Number 12-013 and the DAWASA Tariff



Order of 2014 ("the Tariff Orders") and good water supply and sanitation practices. We have also considered oral testimonies of the witness together with the exhibits, and closing final submission. Our decisions on the issues raised during hearing of the matter are as follows:

**Issue No. 1: Whether the Disputed Monthly Sewer Bills Imposed to the Complainant by the Respondent are Justifiable**

CW testified to the effect that they have been the client of the Respondent for quiet long time. CW further stated that they have been paying monthly sewer bill of TZS 108,692.15 until July 2014 when the Respondent increased the monthly sewer charges from TZS 108,692.15 to TZS 216,356. CW further stated that they inquired the matter from the Respondent and were given a copy of a Tariff Order only to discover that actually they were paying a higher rate than what they were supposed to pay.

According to CW, the Complainant consumes between 29 and 30 water tankers (7m<sup>3</sup> each tanker) per month. CW stated that the Complainant informed the Respondent on the number of people who are staying and working at the site and the amount of water they consume but the Respondent never considered such explanation. CW further stated that the Complainant's premises comprise of three small house which are occupied by three unmarried people and the Complainant has a total of 135 employees. CW disputed the computation of sewer bills by the Respondent which is based on the number of latrines located at the premises.

On part of the Respondent, RW1 stated that it has been difficult to install meters at the Complainant's premises to assess its water consumption due to the fact that their water storage tanks are scattered and each tank stand as an individual tank. RW1 further stated that the Complainant allegation that they

consume only 7,000 litres per day is not correct. RW1 stated that at one time they visited the Complainant's premises and found seven water trucks arriving at the Complainant site to deliver water. RW1 stated that they compared the Complainant's statements on the alleged number of tankers bringing water to the site per day and the actual number of tankers they saw at the site on that day and concluded that the number do not tally. RW1 concluded by saying that, in the absence of the meters, the Respondent's officials looked at the chambers and toilets at the Complainant's premises and made some estimation on the amount of sewers produced. The amount they arrived at was 1,790 units per month which is equivalent to 6 water tankers per day.

RW2 testified that in computing the amount of sewers produced they either look at the amount of water consumed to the effect that 80% of the water consumed will ultimately constitute the sewers or look at the number of people living in the respective house/premises if the said premises receive no water from the Respondent. Since the Complainant does not receive water from the Respondent they decided to estimate sewer charges using latrines and number of people living in the site. RW2 stated that the charges computed were between TZS 800,000 and TZS 900,000, but the same was reduced to TZS 500,000 following the complaint by the Complainant who was insisting on paying TZS 108,692.15 per month. RW2 conclude by asserting that based on his experience it appears that a lot of water is consumed at the Complainant's site due to the fact that immediately after the disconnection of sewer services there was sewer overflow within a short time.

From the records it is undisputed fact that the Complainant only receives sewerage services from the Respondent and they get water services from private water operators using water tankers. The amount of water they are supplied/ consuming per month is unknown as there are no meters installed



at the premises. While the Complainant alleges that they consumes only one tanker of water per day, the Respondent alleges that the Complainant on averages consumes 7 to 8 tankers per day. From the outset if the amount of water consumed was known it could have been easy to compute the amount of sewerage based on the principle that 80% of water consumed turns into sewerage. In the absence of meters, we have to embark to other methods of computing the amount of water consumed by the Complainant. The Complainant asserts that they consume between 29 and 30 tankers per month while the Respondent alleged that on average the Complainant consumes 1,790 units per month which is equivalent to 6 water tankers per day. It was difficult to know between the Complainant and the Respondent who gives the correct figure, until members of the Division of the Authority visited the Complainant premises.

Based on the evidence tendered, the pleadings and the site visit report, we have noted that at the site there is one underground constructed concrete water tank with estimated volume of 63,000 litres which serves the entire site through a raised tank of 5,000 litres that has been constructed in order to create the required water pressure. The Complainant also owns two trucks with the capacity to carry ten thousand (10,000) and four thousand (4,000) litres, respectively. The said trucks are used in fetching water from the source to the site. The site visit report further revealed that the Complainant's premises is made up of three (3) domestic houses in the workshop and the remaining part of the buildings are offices and fabrication workshops. The report also revealed that there are 135 employees at the site out of which 50 are considered to be intensive water users. The said employees due nature of their work are said to use water for washing their duty clothes bi-weekly.

Since the Complainant was not supplied with water by the Respondent and the fact that even the water he purchased from other sources was not metered

therefore poses difficult in computing amount of water supply consumed by the Complainant.

Neither the EWURA Act, Cap. 414 nor the DAWASA Act, Cap. 273 has a mechanism of computing amount of water consumed by a consumer in absence of the meter. Faced with the aforesaid hurdle we resorted to the Ministry of Water Design Manual ("the Manual"), which provides some assumptions for calculating the amount of water consumed by an individual in absence of a meter. The Manual also provide assumptions for calculating sewerage. According to Table 4.9 at page 4.20 of the Manual the Complainant is categorized under institutional customers. According to the Manual and based on the number of employees at the Complainant's premises it is assumed that water demand per person is 70 litres per day. After making some calculations we have found that the Complainant consumes 12,990 litres of water per month. After computing 80% of the amount of water consumed as sewer it gives 10,392 litres which makes a total of 311,760 litres per month.

In view of the analysis above we have established that the monthly sewerage discharged by the Complainant is almost 311,760 litres. The next question now is what is a monthly charge the Complainant was liable to pay? In order to know the monthly charge the Complainant was liable to pay, we have to multiply the volume of sewers produced with the applicable tariff. The applicable tariff during the disputed period is divided into two periods:

The first applicable tariff was in the Dar es Salaam Water Supply and Sewerage Authority (DAWASA) (Tariff Adjustment) Order, Number 12-013 which was applicable from 1<sup>st</sup> July 2014 to 31<sup>st</sup> October 2015. This tariff existed for 16 months. The approved tariff was TZS 275. To get monthly sewerage charge that the Complainant was supposed to pay you have to multiply 311,760 litres with 275 per m<sup>3</sup> which is equivalent to TZS 85,734 per month.



However, the Complainant was paying TZS 108,692.15 therefore the Respondent overcharged the complainant TZS 22,958 per month. For the period of 16 months the Complainant overpaid the Respondent 367,330.

The second applicable tariff was in the Dar es Salaam Water Supply and Sewerage Authority (DAWASA) (Tariff Adjustment) (Amendment) Order, 2014 which was applicable from 1<sup>st</sup> November 2015 to date ( October 2016) . This tariff existed for 12 months. Under this tariff, the approved rate for sewerage service was TZS 386 per m<sup>3</sup>. Furthermore, in order to get monthly charges for sewerage we multiplied 311,760 litres with TZS 386 per m<sup>3</sup> which is equivalent to TZS 120,339.36. During this period the Complainant was undercharged by the Respondent at the tune of TZS 11,647.21 per month, which if computed for the period of 12 months, the Complainant underpaid the Respondent a total of TZS 139,767. From the computation above, if we offset the two periods, the Respondent remain indebted by the Complainant at the amount equal to TZS 227,564.

In conclusion our decision in the first issue is in the negative to the effect that the disputed monthly sewer bills imposed on the Complainant by the Respondent is unjustified.

**Issue No.2: What are Remedies to the Parties? If any?**

The Complainant claims for Orders that:

- (a) they be allowed to continue paying monthly sewerage charge of TZS 108,692.15 per month although it is on the higher side compared to the bills arising from using Respondent's approved tariff of TZS 275 per m<sup>3</sup>; and



(b) the Respondent should install meter at their water tanks at their site in order to get the correct measurements of water supplied therein which at the end shall be used in computing sewer charges.

As per our holding in the first issue above, it is evident that the Respondent erred in raising the estimated sewerage charges to the Complainant. And since the Complainant has overpaid the Respondent TZS 227,564, we are inclined to order the Respondent to credit the said amount into the Complainant's account. The Respondent is further ordered to calculate the sewer charges the Complainant is obliged to pay, based on 311,760 litres per month until when meters are installed at the Complainant's site. The Complainant is also awarded the costs of this complaint.

**GIVEN UNDER SEAL** of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 18<sup>th</sup> day of October 2016.



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**FELIX NGAMLAGOSI**  
**DIRECTOR GENERAL**