

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

COMPLAINT NUMBER: EWURA/33/1/437

BETWEEN

DOMITIAN Z. MAGOMBA COMPLAINANT

AND

**TANZANIA ELECTRIC SUPPLY
COMPANY LIMITED..... RESPONDENT**

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of
Directors of EWURA at its 73rd Meeting held at Dar es Salaam on the 2nd
day of March 2017)*

1.0 Background Information

On 3rd November 2016, Mr. Domitian Z. Magomba ("the Complainant") lodged a complaint to the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Tanzania Electric Supply Company Limited, ("TANESCO") ("the Respondent") complaining on unfair billing of electric power at his house located at Kivule Mashariki in Dar es Salaam ("the premise"). The Complainant alleges that he has been the Respondent's customer since August 2013 as a customer under tariff category T1. The Complainant disputes being placed in that category as it does not correspond to his actual consumption. The Complainant alleges that his consumption is on average of kWh 75, hence his customer category should be D1 and not T1. The Complainant alleges that on 7th May 2015, he realized that the Respondent has been unlawful charging him for the

to his consumption. After realizing such anomaly, the Complainant wrote a letter to the Respondent requesting for the change in the tariff category.

The Complainant states that, on 22nd June 2015, the Respondent responded to his letter informing him that his complaint is baseless because he is in the right customer tariff category. The following day, 23rd June 2015, the Complainant wrote another letter to the Respondent expressing his disappointments and weaknesses on customer service offered by the Respondent and customer rights.

The Complainant further stated that on 2nd October 2015 the Respondent changed his tariff category from T1 to T4 and on 13th October he wrote another letter to request for a refund of the money as a result of being placed in a wrong tariff category. The Complainant stated further that the Respondent replied his letter on 5th February 2016, where he was requested to visit their office at Ilala Room No. 2 for clarification of the matter and compensation of units charged by tariff T1 instead of tariff T4. The Complainant said that when he went to meet the Respondent's officers, he was surprised to find out that the compensation units were calculated from 2nd June 2015 instead of August 2013 when he was first connected with power and the Respondent. The Complainant requested the Authority to order the Respondent to:

- (a) pay him compensation for the overcharged bill from August 2013, the date he was connected with power and not 2nd June 2015 ;
- (b) effect payment in (a) in a form of cash and not in terms of units of power; and
- (c) satisfy any other relief as shall be determined by the Authority.

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 EWURA (Consumer Complaints Settlement Procedures) Rules, GN 10/2013. On 21st December, 2016, the Respondent submitted

their statement of defense disputing the Complainant's claim. The Respondent stated in their defence that all LUKU Meters are initially registered as customer tariff category T1 so as to assess the consumption trend of the client. The Respondent further stated that upon confirmation of the actual consumption that a client can then be transferred to the appropriate tariff category and it is the responsibility of the client to request for the change in tariff category. Further the Respondent acknowledges that the Complainant requested for change of his tariff on the 7th May 2015 and the Respondent confirmed that he qualified to be transferred from tariff T1 to tariff T4 after visiting and auditing the premises of the Complaint. The Respondent stated that on 2nd October 2015 the Complainant's tariff was changed and the Respondent decided to give the Complainant 247.1 units as compensation for the delay in changing the tariff.

The Respondent concluded its defense by stating that based on the policy and the circumstance of the situation it is only practicable that the Complainant be compensated in terms of units of power and not cash. The Respondent prays for the complaint to be dismissed with costs and further prays for other remedies that the Authority deems fit to grant.

On 18th January, 2017, the parties attended a mediation meeting where the matter was settled and the parties agreed on following:

- (a) that the Complainant accepted to receive the 247.1 units of power offered by the Respondent to cover extra cost incurred due to the delay in changing the tariff ; and
- (b) that each party shall bear its own costs.

The terms of agreement 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 of 2013.

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 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 2nd day of March 2017.



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FELIX NGAMLAGOSI
DIRECTOR GENERAL