

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

COMPLAINT NUMBER: EWURA/33/4/271

BETWEEN

DR. PIUS AENDA..... COMPLAINANT

VERSUS

**MUSOMA WATER SUPPLY AND
SANITATION AUTHORITY..... 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 17th October 2016, Dr. Pius Aenda of P.O. Box 430 Musoma ("the Complainant"), lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Musoma Water Supply and Sanitation Authority ("the Respondent") for wrongful disconnection of water services at his house. The Complainant states that on 7th September, 2016 he visited the Respondent's office and reported on meter leakage at his house but nothing was done by the Respondent. The Complainant visited the Respondent's office again on 30th September, 2016 and reminded the Respondent about meter leakage at his house and instead of resolving the matter, the Respondent went on to disconnect water services at his house. The Respondent further served the Complainant with the notice requiring him to pay a bill amounting to TZS 907,500.00 being the charges for unlawful consumption of water. The Complainant prayed that the Respondent be ordered to:

- (a) withdraw the bill of TZS (907,500.00) being the charges for unlawful consumption of water;
- (b) pay the Complainant the sum of TZS 5,000,000.00, being the compensation for inconveniences caused by the Respondent; and
- (c) restore water services to the Complainant's house immediately.

After receipt of the complaint, the Authority ordered the Respondent to submit its 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 17th November, 2016, the Respondent wrote to the Authority informing the Authority that the Complainant is indeed their customer with account number B03-231-1-1 and that it has verbally received from the Complainant, the complaint on lack of access to water supply services. The Respondent explained further that on 1st October, 2016, they sent a team of inspectors to the Complainant's house and during the inspection it was discovered that there was sabotage as such the meter's seal was broken and its propeller was tampered with so as to prevent proper reading of water consumption. The Respondent served the Complainant with a notice to pay the sum of TZS 907,500.00 being the penalty for meter tempering. The Respondent claimed that the Complainant agreed to pay the penalty as ordered.

On 16th December, 2016 the parties attended a mediation meeting held at Musoma Municipal hall in Musoma where the matter was settled and parties agreed on the following:

- (a) that the Respondent shall waive the charges of TZS 907,500.00;
- (b) that the Respondent shall restore water supply services at the Complainant's house before closure of business on 16th December, 2016; and
- (c) that the Complainant shall withdraw all his demands as prayed in the complaint form.

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 2nd day of March 2017.



FELIX NGAMLAGOSI
DIRECTOR GENERAL