

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

COMPLAINT NUMBER: GA.71/474/02

ENES TIMOTH LUFINGO.....COMPLAINANT

VERSUS

MBEYA WSSARESPONDENT

AWARD

***Made by the Board of Directors of EWURA at its 134th Ordinary meeting held at
Dodoma on 30th day of November, 2018)***

1.0 Background Information

On 3rd October, 2018, Enes Timoth Lufingo of Fine Maendeleo in Mbeya City, ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against Mbeya Water Sanitation and Sewerage Authority (Mbeya WSSA).

The Complainant is complaining against improper billing of the water flow meter with registration number 277467. The Complainant disputes the claims that she did not pay her water bills for three years from November, 2015 to August, 2018. On the contrary the Complainant states that she has been a faithful customer paying all the due bills that were sent to her by SMS through her mobile phone number 0766951768.

In August 2018, the Complainant went to pay for the bill after receiving the SMS requiring her to pay the debt for the month of July; but to her surprise she was told that there was an outstanding bill amounting to TZS 465,331.8, which she was supposed to pay. The Complainant asked the Respondent where the bill has emanated while she (the Complainant) had been paying all the bills. The Respondent told her that, a meter reader who was

assigned to read all meters in that area did not provide meter readings of that meter for the past three years, the accumulation of which has resulted to the said outstanding bill. This error was discovered by a new meter reader who was deployed by the Respondent at the area where the Complainant resides.

The Complainant averred that, the meter reader was the Respondent's employee, if he did not read the meter, it was not the Complainant's mistake and should not be punished for that. The Complainant claims that despite the fact that the meter reader was not reading the meter, he has been receiving the monthly bill and has been settling them accordingly. The Complainant claims that she was shocked when she subsequently received a bill from the Respondent showing that she owes the Respondent a debt of TZS 465,331.8 of unpaid water bills for the past three years. Despite the follow up on the matter to know the root cause, her efforts were futile. Consequently, the Complainant decided to file a complaint to the Authority praying for Orders against the Respondent that they be compelled:

- (a) to waive the outstanding debt amounting to TZS 465,331.8; and
- (b) not to disconnect the service until the matter is disposed of on merit.

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 31st October, 2018, the Respondent wrote to the Authority, stating that, the Complainant is their customer with meter number 277467 and account number 277467.

The Respondent further stated that, sometimes in August 2018, the Complainant visited the Respondent's office to pay for the bill and asked for the amount she was required to pay. After looking at the system, it was discovered that the Complainant's debt was TZS 463,780, and the Complainant was further told that from the date when the service was connected to her premises until August 2018, she had not paid the bill. The

Respondent alleges that, the meter was not read during all that time as the meter reader was denied access to the premises by the Complainant who used to close the gate. The outstanding debt is the result of the Complainant's consumption of 630 units of water. The Respondent further stated that, the Complainant has been paying service charges only and not the bill for the consumed service, therefore she was supposed to pay the debt because she has not paid for the service from the day the service was connected.

Mediation meetings involving both parties were conducted on 13th and 14th November 2018 at EWURA Zonal Office in Mbeya City. At the conclusion of the meeting, the matter was amicably settled and the parties agreed on the following:

- (a) that the Respondent shall waive the debt amounting to TZS 465,331.8 owed by the Complainant; and
- (b) that the Respondent shall not disconnect water supply services from the Complainant's premises.

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) at Dodoma on the 30th day of November, 2018.

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NZINYANGWA E. MCHANY
DIRECTOR GENERAL