

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

COMPLAINT NUMBER: EWURA/33/4/272

BETWEEN

ENOCK D. MAKENGE COMPLAINANT

AND

MWANZA 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 19th October 2016, Mr. Enock D. Makenge represented by Morris J. Matias of P.O. Box 6233, Mwanza, ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Mwanza Water Supply and Sanitation Authority ("the Respondent") disputing a two years debt amounting to TZS 267,000.00 incurred by his tenant Ms Shani Makoye. In the effort to resolve the matter, the Complainant visited the Respondent's Office and discussed the matter with Ms. Kusekwa, the Respondent's Revenue Collection Manager who advised him to put his complaint in writing. The Complainant lodged a complaint at the Respondent's Office in November 2015 but to date no response has been received. The Complainant requests the Authority to order the Respondent to:

- (a) refund the Complainant the sum of TZS 267,000.00 paid to the Respondent under protest for restoration of water supply services; and
- (b) collect the outstanding debt of TZS 267,000.00 from the tenant Ms Shani Makoye who is the actual consumer of the water services.

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 21st November, 2016, the Respondent wrote to the Authority informing the Authority that the Complainant's claims have no legal basis and that the Respondent has the mandate to disconnect water services due to unpaid water bills. Moreover, the Respondent claims further that it has no legal powers to demand debt payment from a person with whom it has no contractual relationship.

On 1st December, 2016, the parties attended a mediation meeting held at EWURA's Lake Zone Office in Mwanza where both parties took cognizance of the need to improve communication between themselves particularly on issues related to meter readings, bill issuance and payments in line with the Respondent's Customer Service Charter. The parties also took note of Regulation 22(2) of the Water Supply Regulations, 2013 which state that the owner of the premises where the meter is located shall be responsible for paying water bills. At the end the matter was settled on the following terms:

- (a) that the Complainant shall register his mobile number at the Respondent's office in order to receive invoices via the short messages service ("sms") and pay bills in time; and
- (b) that the Complainant shall withdraw all claims against the Respondent as listed 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.



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FELIX NGAMLAGOSI
DIRECTOR GENERAL