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**THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY**

**COMPLAINT NUMBER EWURA/33/2/159**

**BETWEEN**

**FORTUNATUS B. MAGANGA ..... COMPLAINANT**

**VERSUS**

**NEW MSIMBAZI KEROSENE LTD-  
MBAGALA ZAKHEIM FILLING STATION..... RESPONDENT**

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**AWARD**

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**(Made by the Board of Directors of EWURA at its 147<sup>th</sup> Extra-  
Ordinary Meeting held at Dar es Salaam on this 31<sup>st</sup> day of August  
2015)**

**1.0 Background Information**

On 21<sup>st</sup> March 2014, Mr. Fortunatus B. Maganga ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against New Msimbazi Kerosine Ltd-Mbagala Zakheim Filling Station ("the Respondent") for ill-treatment when he demanded an Electronic Fiscal Device receipt ("EFD receipt") and challenged the accuracy of the Liquefied

Petroleum Gas (LPG) weighing scale located at the Respondent's station.

The Complainant claims that on 20<sup>th</sup> March 2014, he went to New Msimbazi Kerosine Ltd., Mbagala Zakheim, to buy LPG, and asked for an EFD sale receipt and was denied the same. The Complainant claims further that when he queried about the accuracy of the LPG weighing scale at the station, which started its reading at 1.5 instead of 0, the Respondent's salesperson responded back using bad language. Consequently, the Complainant demanded an EFD receipt and an apology from the Respondent for embarrassment caused due to the use of bad language towards him. He also claims payment of four million Shillings (TZS 4,000,000) being general damages for the humiliation caused by the Respondent's salesperson and an unstated amount as costs of this matter.

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 Handling Procedures), Rules, GN 10/2013. On 28<sup>th</sup> March, 2014, the Respondent informed the Authority that they received the summons through their Mbagala Zakheim Station Manager, and immediately conducted a thorough investigation including interrogation of all staff who were on duty on the day of the incident and reported the following;

- (a) that the LPG weighing scale was in order;
- (b) that an EFD receipt was not issued because there was no network on the EFD machine; and

(c) that it is not true that the Complainant was insulted, but he is the one who used abusive language towards the station staff.

The Respondent stated further that they value their customers and they are in the process of installing CCTV cameras at their petrol stations to monitor among other things, the conduct of their employees. The Respondent attached written statements from staffs who were interrogated during the investigation.

On 7<sup>th</sup> October 2014, parties attended a mediation meeting and the Complainant appreciated the efforts taken by the Respondent in trying to settle the matter amicably. Furthermore, the Respondent apologized for any other inconveniences suffered by the Complainant and the apology was accepted. After the conclusion of the meeting the matter was marked settled on the following terms:

- (a) that the Complainant agreed to withdraw his demand for an EFD receipt and allegations on the accuracy of the LPG weighing scale;
- (b) that the Complainant further agreed to withdraw his claim of TZS 4,000,000 for being humiliated;
- (c) that the Respondent paid the Complainant TZS one hundred thousand (TZS 100,000.00) being the cost of following this matter; and
- (d) that the matter be closed and each party is satisfied.

The above points of agreement were reduced into writing as required by Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013 and contained in the attached Settlement Form.



2.0 **Decision**

The parties have reached an agreement and, we, under the provisions of Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013, hereby register as the Award of the Authority the agreement contained in the Settlement Form attached hereto.

**GIVEN UNDER SEAL** of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 31<sup>st</sup> day of August 2015.



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**Felix Ngamlagosi**  
**Director General**