

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

COMPLAINT NUMBER: EWURA/33/4/267

BETWEEN

HAMID ABDI MAKAWA COMPLAINANT

AND

**DAR ES SALAAM WATER SUPPLY
AND SEWERAGE CORPORATION..... 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 30th August 2016, Mr. Hamid Abdi Makawa ("the Complainant") of P. O. Box 4525 Kibaha, Kwambonde Makaburini Area in Kibaha Municipality, lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Dar es Salaam Water Supply and Sewerage Corporation, (DAWASCO) ("the Respondent") for unlawful disconnection of water services at his premises. The Complainant stated that on 9th August 2016, the Respondent disconnected water supply from his premises on grounds of unpaid bill for the month of January 2016 amounting to TZS 93, 117.85. The Complainant further claimed that the said bill had been paid since 4th February 2016 through Maxmalipo and that this was the second time the Respondent had disconnected water supply at his premises on the same grounds. The Complainant claimed that payment for

the water consumed was made through the CRDB agent and proof of the payment was available. The Complainant prayed that the Respondent be ordered to:

- (a) restore water supply at the Complainant's premises immediately as there was no outstanding bill;
- (b) pay the Complainant the sum of TZS 400,000.00 for defamation and damage suffered; and
- (c) refund the Complainant costs incurred in obtaining water services from alternative sources. The amount of which will be determined after water has been restored to his premises.

On 8th September 2016, the Authority ordered the Respondent to submit its defense to the complaint within twenty-one [21] days as required by the EWURA (Consumer Complaints Settlement Procedures), Rules, GN 10/2013. On 5th October, 2016, the Respondent informed the Authority that the Complainant paid his water services bill for January 2016 through the CRDB agent but the said transaction had failed because the Respondent used an incorrect CRDB account which did not support customers who paid through CRDB agents. The Respondent stated that the necessary adjustments were made to the Complainant's account on 16th September 2016 and apologized for the inconveniences caused to the Complainant and promised that the same mistakes will not happen again.

A mediation meeting was held on 25th October 2016 and 27th December 2016, whereby the parties agreed to settle the matter on the following terms:

- (a) that the Respondent shall pay the Complainant a sum of TZS 400,000.00 as compensation to cover costs of water services obtained from alternative sources, inconveniences and damage suffered as a result of being denied water services;

- (b) that the agreed amount in (a) above (i.e. TZS 400,000. shall be credited into the Complainant's account in two installments namely in December 2016 and January 2017; and
- (c) the Complainant shall withdraw all his demands as contained in his complaint form.

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 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 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 NGAMLGOSI
DIRECTOR GENERAL