

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

COMPLAINT NUMBER: EWURA/33/1/428

BETWEEN

ISAAC PUNGUZA COMPLAINANT

VERSUS

TANZANIA ELECTRIC SUPPLY

COMPANY LIMITED RESPONDENT

AWARD

*(Made by the Board of Directors of EWURA at its 117th Meeting held at
Dar es Salaam on the 18th day of April 2017)*

1.0 Background Information

On 13th October 2016, Mr. Isaack A. Punguza ("the Complainant") of P. O. Box 215 Sumbawanga, Rukwa lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against the Tanzania Electric Supply Company Limited, ("TANESCO") ("the Respondent"). The Complainant is disputing a supplementary bill raised as a result of an error in the meter observed during meter audit exercise. The Complainant stated that he is a customer of the Respondent with meter number 07068232384. The Complainant claims that on 12th July 2016, the Respondent conducted an audit exercise at his premises without his knowledge. The Complainant further stated that two days following the audit exercise, he unsuccessfully tried to purchase power worth TZS 30,000 only to be told that the funds were insufficient. The Complainant stated further that, following the said failure he paid an extra TZS 50,000 but still could not get the power tokens. The Complainant stated that he visited the Respondent's office to raise his concern, only to find the supplementary bill of TZS 2,217,533.98 credited into his account. The Complainant was told

that the supplementary bill was raised as a result of an error of -14.04% in his meter as observed during the meter audit exercise implying that 14.04% of the power consumed by the Complainant was not paid for.

The Complainant disputed the supplementary bill on the grounds that the error that was observed in the meter was not his fault and therefore the burden should be shared between him and the Respondent. The Complainant further stated that on 15th July 2016, the Respondent disconnected power at his premises as a means of compelling him to pay the debt. The Respondent informed the Complainant that in order for power to be restored to his premises, he had to pay the first installment of TZS 450,000 as part of the five installments agreed to settle the supplementary bill. Consequently, the Complainant sought an Order from the Authority that the Respondent be compelled to cancel the supplementary bill of TZS 2,217,533.98.

The Complainant stated further that, after filing a formal complaint with the Authority and after paying several installments towards settling the supplementary bill, the Respondent tested the meter again and found the meter to have an error of 0.22% which is within acceptable limits. By that time the Complainant had already paid TZS 960,000 as part payment of the supplementary bill. The Complainant requested the Respondent to refund him in cash the amount he had paid for the alleged bill raised by the Respondent.

After receipt of the complaint, the Authority ordered the Respondent to submit 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 8th November 2016, the Respondent wrote to the Authority stating that after receiving the complaint they forwarded the meter number 07068232384 to the Respondent's Dar es Salaam Meter Workshop for re-testing. The Respondent states that, after re-testing, the meter was found to have an error of 0.22% which was within the acceptable limits of + or - 2%. The Respondent showed willingness to refund the Complainant the sum of money already paid towards settling the supplementary bill of TZS

2,217,533.98. However, the refund shall be in terms of power token and not in cash as requested by the Complainant.

The mediation meeting involving both parties was held on 19th and 20th January 2017 at Holland Hotel, Sumbawanga where the parties could not reach a settlement. The matter was then referred to the Division of the Authority as required by Rule 15 (1) of the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedures), Rules, GN Number 10/2013. The hearing was conducted on 23rd March 2017 at Holland Hotel Sumbawanga. During the hearing session, the Respondent's representative prayed to the Division to be allowed to further mediate with the Complainant. The Division granted parties an opportunity to mediate and the matter was settled on the terms that the Respondent shall refund the Complainant a total of TZS 960,000 less 18% VAT which is TZS 813,559, to be paid in cash by the end of March 2017.

The agreed points were reduced into writing as required by Rule 13 (4) of the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement 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 (Consumer Complaints Settlement 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 18th day of April 2017.



.....
FELIX NGAMLAGOSI
DIRECTOR GENERAL