

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

COMPLAINT NUMBER: EWURA/33/2/194

BETWEEN

ISSA MNASHACOMPLAINANT

VERSUS

TOTAL MLIMANI CITY SERVICE STATION..... RESPONDENT

AWARD

**(Made by the Board of Directors of EWURA at its 162nd Extra-Ordinary Meeting
held at Dar es Salaam on 18th October 2016)**

1.0 Background Information

On 7th January, 2016, Mr. Issa M. Mnasha ("the Complainant") a resident of Tegeta in Dar es Salaam filed a complaint at the Energy and Water Utilities Regulatory Authority ("the Authority") against Total Mlimani City Service Station ("the Respondent"). The Complainant claims for a refund of excess charges he incurred on fuel as a result of being over charged by the Respondent when he purchased fuel of the value of TZS. 60,000.00, on the 6th January, 2016. The Complainant alleges that on Wednesday 6th January, 2016 at around 08:40 in the morning he entered the Respondent's station with a view to purchasing fuel. The Complainant further alleges that having fueled

The Complainant appeared in person and testified as the only Complainant witness ("CW1"). The Complainant also tendered an electronic receipt of the fuel purchased ("C1") and a print out of the Public Notice REF: PPR/16-01/1 ("C2"). He further tendered several receipts for claim for transport and legal consultation costs on pursuing the complaint ("C3").

3.0 The Decision

In arriving at our decision, we have considered the applicable laws which include the EWURA Act, Cap. 414, the Petroleum Act, Cap. 131, the EWURA (Petroleum Products Price Setting) Rules, GN No. 5/2009 and the EWURA (Complaints Handling Procedure) Rules, GN No. 10/2013. We have also considered the oral testimony of the witnesses together with documentary evidence tendered during the proceedings and good petroleum industry practices. Our decision on the issues raised is as follows:

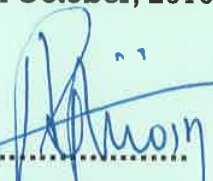
Issue no.1: Whether the Respondent violated the Authority's Public Notice REF: PPR/16-01/1

The complaint is mainly made of oral testimony of the Complainant and documentary evidence produced. At the hearing CW stated that on the Wednesday morning of 6th January, 2016 he was heading to City Centre when he decided to fuel at the Respondent's station. Having fueled his car with petrol worth 60,000.00 he was given an electronic receipt which he realized he had bought fuel at a price above the cap price announced by the Authority. CW stated that the Authority had announced via Public Notice No. REF: PPR/16-01/1 which provided for indicative fuel prices with effect from Wednesday 6th January, 2016.

the difference in price for the total number of litres purchased which is
 $79 \times 30.35 = \text{TZS } 2397.65$

We have also considered the conduct of the Complainant who has shown a commendable character of a good citizen who is ready to follow up on his right no matter how small it is. We have also considered the conduct of the Respondent who has shown the opposite and no wonder they did not even bother to respond to the summons to file a defence on this matter. Considering the conducts of both parties we have decided to, as we hereby do, award the Complainant, as general damages, TZS 1,000,000.00. The Complainant is also awarded the costs of this complaint.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) at Dar es Salaam this 18th day of October, 2016



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FELIX NGAMLAGOSI
DIRECTOR GENERAL