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**THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY**

**COMPLAINT NUMBER EWURA/33/2/166**

**BETWEEN**

**JOHN N. WALUYE ..... COMPLAINANT**

**VERSUS**

**GUDAL (T) LTD (Riverside Ubungo) ..... 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 24<sup>th</sup> December 2014, Mr. John N. Waluye of P.O. Box 19653 Dar es Salaam ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against Gudal (T) Limited located at Riverside Ubungo Dar es Salaam ("the Respondent") alleging to have been supplied with substandard morgas (petrol). The Complainant claims that on 23<sup>rd</sup> December 2014 at around 21:00 hours, on his way home, he was supplied with substandard morgas valued at TZS 30,000.00.

The Complainant claims further that shortly after leaving the Respondent's service station, his car started misfiring. The Complainant went back to the filling station but the attendant was not cooperative and he was even denied the manager's contact numbers upon request. On 24<sup>th</sup> December 2014, the Complainant filed a formal complaint with the Authority with the following demands:

1. that the Respondent be ordered to refund to the Complainant TZS 30,000.00 paid for substandard fuel;
2. that the Respondent be ordered to compensate the Complainant TZS 120,000.00 being the amount paid to automobile technicians to clean the fuel tank; and
3. that the Respondent be ordered to pay the Complainant TZS 60,000.00 as general damages and inconvenience caused.

Following receipt of the complaint, the Authority collected morgas (petrol) sample at the Respondent's service station on 24<sup>th</sup> December 2014 for laboratory testing. Concurrently, 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 Number 10/2013.

The ITS laboratory test results for the morgas sample on Research Octane Number (RON) parameter was found to be 92.9 against the required minimum of 93 according to TBS standards on morgas. The Respondent's service station was closed and ordered to pay a fine. The Respondent disputed the results and a re-testing was conducted at TBS laboratory on 27<sup>th</sup> December 2014 in the presence of the Respondent. The TBS re-testing showed the RON result of 93.2 passed the specification requirement of 93.

Furthermore, re-testing was also conducted at SGS laboratory at Mombasa which showed a RON result of 93. Both re-tests were paid for by the Respondent. Following the re-testing results which showed conformity with TBS standards, the Respondent's service station was allowed to continue with normal operations. The Respondent claims that that the Complainant's vehicle must have some other problems and unfortunately he did not meet the Complainant first, otherwise he would have helped him to find the root cause of the misfire.

On 9<sup>th</sup> June 2015, the parties attended a mediation meeting where the matter was settled and the parties agreed on the following:

- (a) that the Complainant willingly dropped all demands against the Respondent following the effort made by the Respondent in proving that that the products he was selling/offering for sale were within the required specifications; and
- (b) that this matter be marked settled and each party is satisfied.

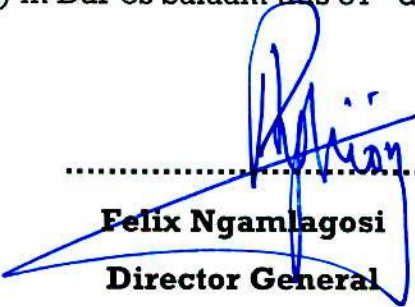
The above points of agreement were reduced into writing as required by Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013 and contained in the attached Settlement Form.

## **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.

Each party shall bear its own costs in pursuing this matter.

**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**