

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

COMPLAINT NUMBER: EWURA/33/4/189

BETWEEN

MANENO KAVICHE KINANZAROCOMPLAINANT

VERSUS

**DAR ES SALAAM WATER SUPPLY AND
SEWERAGE CORPORATION..... 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 29th April, 2015, Mr. Maneno Kaviche Kinanzaro (“the Complainant”) resident of Kibaha Maili Moja in Coast Region, filed a complaint with the Energy and Water Utilities Regulatory Authority (“the Authority”) against the Dar es Salaam Water and Sewerage Corporation (“the Respondent”). The claim is for restoration of water supply services and compensation for disturbances. The service to be restored is for the supply of water to two accounts of the Complainant one belonging to his residence (Acct

1. whether disconnection of water supply services at the Complainant's residence (Account No. 2829140000011) and at his restaurant (Account No. 90015885) was justifiable; and
2. what remedies are the parties entitled to? If any?

During the hearing, the Complainant called three (3) witnesses to testify and tendered five (5) exhibits. The exhibits include the Water and Sewerage bills for the separate accounts ("exhibits "C1" and "C2"), a Water Disconnection Notice (exhibit "C3"), a letter by the Complainant dated 14th December, 2014 addressed to the Chief Executive Officer of the Respondent Corporation (exhibit "C4"), and a Restaurant Sale Agreement (exhibit "C5"). The Complainant also filed final written submissions in support of their case.

3.0 The Decision:

In arriving at our decision, we have considered the applicable laws which include the EWURA Act, Cap. 414, DAWASCO Client Service Charter ("the Charter") 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. Our decision on the issues raised is as follows:

Issue No.1: Whether disconnection of water supply services to the complainant's residence Account No. 2829140000011 and at his restaurant Account No. 90015885 was justifiable

In his testimony, the Complainant who stood as CW1 stated that he owns two accounts; one for his residence, with account number 2829140000011 and another one for his restaurant, with account number 90015885. When asked why the two accounts were under different names he said he purchased the

disconnected the Complainant owed the Respondent nothing. CW1 produced the bill dated 1st July, 2014 which is a bill for the month of June, 2014. The said bill which was admitted as exhibit C2 was paid by the Complainant via tax receipt number 03018311 through the service of selcommobile. The said tax receipt though faded had been affixed on the bill. Based on this evidence we are satisfied that by the time the Respondent disconnected water supply services at the Complainant's restaurant, that is 25th August 2014, the Complainant had a pending bill for the month of July, 2014.

Having gone through the admitted exhibits we made one important observation in relation to the Complainant's conducts. We have observed that in a number of occasions, the Complainant's accounts had a balance of funds which were carried forward to the next month. For example, exhibits C1 and C2 show that by the end of April, 2014 the Complainant had a balance of TZS.1594.70 in his residential account. Furthermore the said exhibits show that by the end of May, 2014, the Complainant had a balance of TZS. 204,861.50, for his restaurant account. This implies that, having paid the bill for month of June, 2014 which was TZS. 41,817.20, the Complainant remained with a balance of about TZS.100,000.00 in his account which was sufficient to cover the following month's bill. All this observation is a clear manifestation to us, that the Complainant was not only a good customer who paid his bills timely but had always have extra credit in his accounts.

During hearing, CW1 and CW3 testified to the effect that the Respondent disconnected water supply services at the restaurant on 25th August 2014, which is the same day they issued the disconnection notice. Exhibit C3 which is the Disconnection Form corroborates the testimonies of CW1 and CW2 to the effect that indeed water supply was disconnected the same day the notice was served. This is contrary to the customer service Charter of the respondent which provides that the customer is entitled to a seven (7) days' notice before

payment, by the Respondent to the Complainant, the sum equal to two million shillings (TZS 2,000,000.00) being compensation for the sufferings and hardships the latter has endured. We also award the Complainant the costs of the complaint.

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



.....
FELIX NGAMLAGOSI
DIRECTOR GENERAL

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

COMPLAINT NUMBER: EWURA/33/4/189

BETWEEN

MANENO KAVICHE KINANZAROCOMPLAINANT

VERSUS

**DAR ES SALAAM WATER SUPPLY AND
SEWERAGE CORPORATION..... RESPONDENT**

ORDER

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

THIS COMPLAINT is coming for final determination by the Board of Directors of EWURA on the 18th day of October 2016, for prayers that the Respondent be ordered to:

- (a) restore water supply services at the Complainant's residence and restaurant;
- (b) pay to the Complainant compensation for the disturbance and inconvenience suffered; and
- (c) pay the Complainant the costs of this complaint.

The Board **DO HEREBY ORDERS** the Respondent to:

- (a) restore water supply services at the Complainant's residence account No.282914000011 and at his restaurant Account No. 90015885;
- (b) pay the Complainant the sum of two million shillings (TZS. 2,000,000.00) as compensation for the inconvenience, extra costs and disturbance suffered; and
- (c) pay the Complainant 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.



.....
FELIX NGAMLAGOSI
DIRECTOR GENERAL

THE UNITED REPUBLIC OF TANZANIA
THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

THE DIVISION

AWARD DELIVERY PROCEEDINGS OF 19TH OCTOBER 2016
(Section 34 of EWURA Act)

MANENO KANANZARO	- Complainant	DOCKET NO. EWURA/33/4/189
DAWASCO	- Respondent	

Quorum

Division:

Mr. George Mhina – Representing Director of Legal Services

In Attendance:

Mr. Michael Mshighwa - Principal Customer Service Officer

Complainant Representative:

Mr. Maneno Kananzaro

Respondent Representative:

Julieth John – Customer Relation Manager

Opening remarks

Preliminary Remarks:

Mr. George Mhina opened the award delivery session at 12:15 hrs by introducing himself and PCSO and requested the Members attended the session to introduce themselves and their positions/title.

Furthermore Mr Mhina, informed the members who attended the session, that this is the Award delivery session following Board's decision on 18th October 2016.

Mr Mhina read the Award one after another. After reading each Award, parties were informed on their rights to appeal to the Fair Competition Tribunal (FCT) if they feel aggrieved with the decision of the Authority.

The session was closed at 13:15 hours

Signed;



Mr. George Mhina
ACTING CHAIRMAN OF THE DIVISION