

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

**COMPLAINT NUMBER: PN.71/309/10**

**NICKSON A. LWEBANGIRA ON BEHALF OF  
MIHAN GAS CO. LTD..... COMPLAINANT**

**VERSUS**

**EVEL NICAZ & AVITUS NICAZ..... RESPONDENT**

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**AWARD**

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*(Made by the Board of Directors of EWURA at its 133<sup>rd</sup> Ordinary Meeting held at  
Dar es Salaam on 30<sup>th</sup> day of October, 2018)*

**1.0 Background Information**

On 24<sup>th</sup> July 2018, Nickson A. Lwebangira on behalf of Mihan Gas Co. Ltd of P.O Box 77578 Dodoma ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against Evel Nicaz & Avitus Nicaz ("the Respondent"). The Complainant is complaining about business malpractices by the Respondent for selling Mihan Gas (LPG) without business contract with either the Complainant or Complainant's Super Dealers.

The Complainant states that they have never supplied the Respondent with their cylinders and also discovered that the Respondent is sometimes selling Mihan Gas below the recommended price. The Complainant claims further that the Respondent never stopped selling Mihan Gas despite their several verbal and written warnings requiring him to stop. The

Complainant filed a complaint to the Authority requesting that the Respondent be ordered to:

- (a) provide information on how they obtain LPG to refill to their Mihan Gas cylinders;
- (b) surrender all Mihan Gas cylinders to Mihan Gas Co. Ltd; and
- (c) legal actions to be taken against them for business misconduct and refund all cost incurred due to their behavior.

Upon receipt of the complaint, the Authority ordered the Respondent to submit its defense to the complaint within twenty-one [21] days as required by the EWURA (Consumer Complaints Handling Procedures) Rules, GN 10/2013. On 9<sup>th</sup> August, 2018, the Authority received a letter of defense from the Respondent acknowledged that they are selling Gas (LPG) including Mihan Gas but denied the rest of the allegations brought by the Complainant. The Respondent stated that they buy LPG from the Complainant's distributors and attached one receipt dated 13<sup>th</sup> March, 2018 as evidence and that the Mihan Gas cylinders they own were bought from Mihan Gas distributor. The Respondent stated further that they follow the operating system of exchanging cylinders to the appropriate distributors and selling at the recommended price. The Respondent denied to have received any letter from the Complainant and that he is wondering why the Complainant is creating commotion and want to close his business in a shameful manner.

Mediation meeting involving both parties was conducted on 29<sup>th</sup> August, 2018 at VETA in Singida town. During mediation the Respondent admitted that the letter from the Complainant to ban them from selling Mihan Gas was received by his partner but they didn't know how to respond to it. It was also discovered that the Respondent is being served by a Super Dealer who is known to the Complainant without a contract at a Depot price. The matter was therefore settled on the following terms:

- (a) that the Respondent will continue to do business by abiding to the applicable LPG retail sales procedure;

- (b) that the Complainant has allowed the Respondent to maintain Mihan Gas cylinders on condition that the Respondent enter into Supply Contract with their Super Dealer, MARY GAS (preferred by the Respondent) by Friday 31<sup>st</sup> August 2018; and
- (c) that the Respondent has been forgiven of all preceding business misconduct and has to adhere to the proper procedure of LPG Retail business supply.

The agreed terms were reduced into writing as required by Rule 13 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 10/2013 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 an award of the Authority. Each party shall bear its own costs.

**GIVEN UNDER SEAL** of the Energy and Water Utilities Regulatory Authority (EWURA) at Dar es Salaam this 30<sup>th</sup> day of October, 2018.



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**NZINYANGWA E. MCHANY**  
**DIRECTOR GENERAL**