

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

COMPLAINT NUMBER EWURA/33/2/166

BETWEEN

ROBERT PETER WANGA COMPLAINANT

VERSUS

TOTAL TANZANIA LTD (Riverside Ubungo) RESPONDENT

AWARD

(Made by the Board of Directors of EWURA at its 124th Extra-Ordinary Meeting held at Dar es Salaam on the June 2015)

1.0 Background Information

On 23rd March 2015, Mr. Robert Peter Wanga ("the Complainant") of P. O. Box 2939 Dar es Salaam lodged a complaint at EWURA against Total Tanzania Limited, Shekilango Filling Station ("the Respondent") for being supplied with substandard diesel. The Complainant claims that on Tuesday of 17th March 2015 around 10:30 hours, refueled his vehicle, registration number T 294 BRS with 80 liters of diesel using BOT fuel card Master in accordance with fuel supply contract between Total Tanzania Ltd and BOT. Complainant claims further that after few kilometers the car experienced missing and finally the engine stopped. Complainant decided to toll the car to the nearest Total Station along Uhuru Road and liaise with total Shekilango for assistance but he was referred to Total Head Office. The Complainant states that after several follow up with Total Head Office no positive response received he decided to file a formal complaint with the Authority with the following demands;

1. that Total should be instructed to incur the cost to maintaining the vehicle;
2. that Total should be ordered to replace the 80 liters of contaminated diesel;
3. that Total should be instructed to refund the TZS 500,000/- paid for toll service.

Following receipt of the complaint, the Authority ordered the Respondent to submit a defense to the complaint within twenty one (21) days as required by the Consumer Complaints Settlement Procedures, Rules, GN Number 10/2013. The Respondent informed the Authority that they are aware of the complaint and that the Complainant was requested to wait for investigation at the Total shekilango Outlet facility. The Respondent stated that the investigation established a possible water contamination. Investigation revealed that on the day of incident there was heavy rain and a possible water contamination was a result of the blockage of the drainage system and man-holes at the station which arose from construction of Morogoro road under TANROAD and STRABAG. The Respondent stated further this drainage system allows rain water out of station and therefore its blockage leaves no option to rain water but find its way to fuel tanks. Following this investigation report the total Shekilango Service Station was immediately closed and remedial measure were taken.

A Mediation meeting involving the parties was held on 15th June 2015 at EWURA office premises. The Authority noted that apology made by respondent to the Complainant and that the respondent assured the Complainant that it is in their interest to full comply with licensing conditions and the relevant Laws of the United Republic of Tanzania. Mediation meeting was concluded by the parties agreeing on the following;

- (a) that the Respondent shall fix the Complainant car;

(b) that the Respondent shall replace the 80 liters of contaminated diesel in the Complainant car;

(c) that the Complainant has willingly dropped demands of TZS 500,000.00 paid for breakdown toll the vehicle; and

(d) 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 June 2015.

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Mr. Felix Ngamlagosi
(Director General)