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

COMPLAINT NUMBER GA. 71/472/25

GENEROSA K. KAMUZORA.....APPLICANT

VERSUS

DAWASCO.....RESPONDENT

RULING ON THE BILL OF COST

This is a ruling on the bill of cost filed by the Applicant following a decision of the Board of the Authority in the main complaint, which the Board ordered, among other things, that the Applicant should recover costs of the complaint hence this application. In this application the Applicant asked for refund of transport and phone calls costs at the tune of TZS 20,000.00, refund for reconnection charge of TZS 90,000.00, refund of water purchases from private vendors amounting TZS 3,000,000.00, and distress and inconvenience suffered at TZS 20,000,000.00.

On the 11th day of January, 2018 when the application came for hearing, the Respondent did not appear despite being dully served with the notice of hearing. It appears from the record that the Respondent later that day after this hearing filed a request for adjournment stating that they were attending a hearing at the High Court. At the hearing the Applicant submitted as pointed earlier that she incurred transport and phone call costs for travel to the Respondent's offices and to the Authority's offices as well as made phone calls to follow up on the complaint. However, she was unable to produce any documentary evidence such as a taxi receipt to substantiate

her claims. She said she had used public transport and therefore could not keep those tiny receipts. Another set of cost incurred by the Applicant was reconnection fees. The Applicant claimed to have paid reconnection fee six times but was able to produce only a single receipt for one reconnection which costed TZS 15,000.00. She further claimed for TZS 3,000,000.00 as costs for alternative water supply and TZS 20,000,000.00 for distress and inconvenience suffered.

We have assessed the lawfulness of the Applicant's claims and came to the following decision;- With regard to reconnection fees, alternative water supply and distress, we are of the view that these are not costs related to the prosecution of the Complaint. Unlike distress which is a claim for general damage, reconnection charges and alternative water supply are specific in nature. Both claims ought to have been made in the main complaint and specific damages must be proved. In the main complaint the Authority did not see it fit to grant the Complainant general or specific damages. She cannot therefore claim for the same in this application for costs. Unfortunately, the Applicant had not enlisted the service of an advocate and therefore it must have been difficult for her to understand the nature of a claim for costs of the complaint. She only ought to have claimed for costs incurred in prosecuting her complaint from when it was filed at the Authority.

Based on the foregoing we are therefore left with a claim for costs of transport and phone calls. In this respect the Applicant claimed for TZS 20, 000.00 which she stated that is less than what she incurred. We concur with the Applicant that transport and phone calls are costs connected to the complaint. In addition, the Authority considered the fact that the Applicant must have incurred other costs such as secretarial services for the documents filed in relation to the complaint. The Authority also is of the view that in attending the hearing and following up the matter at the Respondent's office the Applicant must have endured long hours of waiting and therefore necessitating the purchase of meals. In that regard we allow recovery

of 120,000.00 as reasonable costs incurred in connection with prosecution of her complaint at the Authority.

We therefore allow the Applicant's claim for transport, stationery, meals and phone calls at the tune of TZS 120,000.00. The rest of the claims are disallowed. The Respondent may pay in cash or credit the Complainant's water supply account with an equivalent amount.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 11th day of April 2018.



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GERMANA QORRO
SECRETARY TO THE BOARD