

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

COMPLAINT NUMBER: EWURA/33/2/216

BETWEEN

SAME DISTRICT COUNCIL COMPLAINANT

AND

KITUMA ENTERPRISES CO. LTD..... RESPONDENT

AWARD

*(Made by the Legal and Corporate Affairs Committee of the Board of
Directors of EWURA at its 73rd Meeting held at Dar es Salaam on the 2nd
day of March 2017)*

1.0 Background Information

On 21st September 2016, Mr. Donald Mziray on behalf of Same District Council of P. O. Box 138 Same, ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against Kituma Enterprises Co. Ltd ("the Respondent") for supplying them with sub - standard fuel. The Complainant states that on 19th September 2016, they filled 30 litres of Automotive Gas Oil (Diesel) to the car with registration number STL 1642, owned by TASAF, at the retail outlet owned by the Respondent and later on, the said car developed some mechanical problems. The Complainant further claimed that on 30th September 2016, another vehicle with registration number STL 1626 was fueled with the same petroleum product also developed some mechanical

problems. The Complainant requested the Authority to order the Respondent to repair both vehicles and pay for any associated costs.

On 21st September 2016, EWURA's petroleum inspectors took samples of the fuel from the Respondent's fuel stock which include Petrol (MSP) and Diesel (AGO) and sent them to the SGS laboratory for analysis. The laboratory analysis revealed that both products were sub-standard. On 26th September 2016, the Authority ordered the Respondent to submit its defense to the complaint within twenty one [21] days as required by the EWURA (Consumer Complaints Settlement Procedures), Rules, GN 10/2013. On 3rd October, 2016 the Respondent submitted his defense admitting that on that particular date, twelve vehicles belonging to the Complainant including the TASAF vehicle with registration number STL 1642 were filled with a total of 222 litres of Automotive Gas Oil. However, the Respondent stated that apart from that particular vehicle, no other vehicle was reported to have developed any mechanical problems, nevertheless the Respondent accepted the responsibility.

On 21st November 2016, the Authority received a letter from the Respondent requesting further negotiations on how to facilitate payment in order to repair the damaged vehicles. A mediation meeting was held on 10th January 2017 and the Respondent agreed to settle the matter by paying the Complainant a total amount of TZS 13,916,293.96 as costs for repairing the two vehicles and any other associated costs.

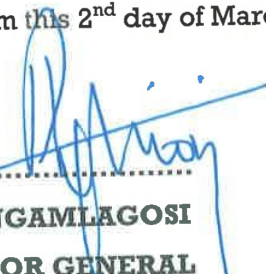
The above points of agreement were reduced into writing as required by Rule 13 (4) of the EWURA (Complaints Handling Procedure) Rules, GN. No 10/2013.

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) in Dar es Salaam this 2nd day of March, 2017.



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FELIX NGAMLAGOSI
DIRECTOR GENERAL