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IN THE MATTER OF ROUTINE INSPECTION AT RETAIL OUTLETS

AND

**IN THE MATTER OF CHECKING ON COMPLIANCE TO
CONSTRUCTION APPROVAL AND LICENSING REQUIREMENTS AT
RETAIL OUTLETS AT JOSEPH AUGUSTINO – MDAKA FIVE PETROL
STATION LOCATED AT MBAMBABAY TOWNSHIP, NYASA DISTRICT IN
RUVUMA REGION**

(COMPLIANCE ORDER NO: 2-03-2019)
REFERENCE NO: BA.306/369/2083

**(Made under section 39 of the EWURA Act, Cap. 414, sections 127 (1) and
131 (1) of the Petroleum Act, Cap. 392)**

PRELIMINARIES

EWURA has noted with concern that Joseph Augustino Mdaka Five Petrol Station constructed a retail outlet located at Mbambay Township, Nyasa District in Ruvuma Region without having applied and obtained a construction approval from EWURA contrary to section 127 (1) of the Petroleum Act, Cap.392 and Rule 4 of the Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, GN. No. 380 of 2018. Following this the operator was issued a Compliance Order No: 07/07/2018 dated 26th July 2018 to explain to EWURA why legal action should not be against the retail outlet for contravening the law. Further, EWURA through a letter with reference no. BA. 306/369/2083/03 dated 4th October 2018 directed the operator to pay fine of Tanzanian Shillings Twenty Million (TZS 20,000,000/-) for undertaking construction of a retail outlet without obtaining a construction approval from EWURA. To date that fine has not paid to the Authority as required.

Furthermore, Joseph Augustino Mdaka Five Petrol Station is operating a retail outlet located at Mbambay Township, Nyasa District in Ruvuma Region without applying and obtaining a petroleum retail licence from the Authority contrary to section 131 (1) of the Petroleum Act, Cap.392 and Rule 10 of the Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, GN. No. 380 of 2018, which require any person intending to operate a petroleum

retail outlet to obtain a licence from EWURA. Operating a petroleum retail outlet without obtaining a licence from EWURA contravenes the law and is punishable as such.

ORDER

Therefore, and based on the foregoing EWURA has considered the matter in accordance with the applicable law and has decided that **Joseph Augustino Mdaka Five Petrol Station** located at **Mbambay Township, Nyasa District** in **Ruvuma Region** be and is **HEREBY ORDERED** to:

- (a) immediately stop undertaking petroleum operations at your facility;
- (b) immediately pay the fine of **Twenty Million Tanzanian Shillings (TZS 20,000,000/-)** pursuant to section 127 (1) of the Petroleum Act, Cap. 392 for construction of a retail outlet without obtaining construction approval from EWURA; and
- (c) explain in writing within seven (7) days from the date of receipt of this Order why severe punishment should not be taken against you for operating a retail outlet without a licence from EWURA contrary to section 131 (1) of the Petroleum Act, Cap.392 and Rule 10 of the Petroleum (Wholesale, Storage, Retail and Consumer Installation Operations) Rules, GN.No.380 of 2018.

GIVEN under seal of the Energy and Water Utilities Regulatory Authority this 6th day of March, 2019.



Eng. Godfrey Chibulunje
ACTING DIRECTOR GENERAL

Order served upon and received by

MDAKA FIVE - MBAMBAY.....this.....27.....day

of.....03.....2019.

Name.....DONATHA HIERA.....

Signature.....Hiera.....

(Official Stamp)

Designation.....MANAGER.....

PROP. JOSEPH A. MDELE
P.O. BOX 273
MBAMBAY - RUVUMA

This Order is issued in duplicate. Sign both copies and retain your copy while the other copy is to be returned to the Authority to authenticate due service of the Order.