

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

**COMPLAINT NUMBER: NP.71/309/08**

**BOAZ C. NDETTO..... COMPLAINANT**

**VERSUS**

**TOTAL NYERERE ROAD PETROL STATION..... RESPONDENT**

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**SETTLEMENT AWARD**

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*(Made by the Board of Directors of EWURA at its 146<sup>th</sup> Ordinary meeting held at  
Dodoma on 26<sup>th</sup> day of November, 2019)*

**1.0 Background Information:**

On 11<sup>th</sup> October 2019, Mr. Boaz C. Ndetto of P. O. Box 1915, Buzuruga-Nyakato Area Nyamagana Municipality in Mwanza City ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against TOTAL Nyerere Road Petrol station ("the Respondent"). The Complainant is complaining for being refueled with allegedly Automotive Diesel Oil ("Diesel") instead of Motor Spirit Premium ("Petrol").

The Complainant claims that, on 10<sup>th</sup> October 2019 he went to the Respondent's retail outlet at Nyerere Road in Mwanza City and requested to have his car with registration number T140DGZ be refueled with petrol worth TZS 10,000.00. The Complainant claims that, after being refueled, he proceeded with his journey but after reaching Buzuruga traffic lights about six kilometers from the petrol station the car started shaking and could not move. The Complainant claims further that, he was informed by another driver that his car fuel tank was open. The Complainant claims that he

parked the car on the road side and checked the fuel tank and find out that, the fuel tank was open and he smelled diesel instead of petrol. The Complainant claims further that, he went back to the Petrol station and enquire to the pump attendant what kind of fuel did she refuel his car. The Pump attendant confirmed to the Complainant that he refueled the car with diesel. The Complainant contacted the owner of the outlet facility and the owner could not help him as he was very far from the outlet. Following the Respondent's reluctance to resolve the matter, the Complainant decided to repair his car and file this complaint praying that the Respondent be ordered to refund him all expenses he has incurred in repairing his car.

Upon receipt of the complaint, on 11<sup>th</sup> October 2019, the Authority wrote to the Respondent instructing them to present their defense to the complaint in terms of Rule 5 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedures) Rules, GN No. 10/2013. On 30<sup>th</sup> October 2019, the Respondent, filed its defense and informed the Authority that the Respondent stated that indeed the Complainant had refueled at its retail outlet located at Nyerere Road. The Respondent further stated that the Complainant was refueled with diesel instead of petrol.

The Respondent explains that they were ready to resolve the matter and since the Complainant had his own mechanic, they had asked the said mechanic to provide them with the expenses likely to be incurred. The Respondent says further that as he was organizing transport to move the Complainant's car from Buzuruga Area and bring it to his retail outlet for repairs the Complainant and his mechanic disappeared until the Respondent became aware of this complaint.

Mediation meeting involving both parties was conducted on 4<sup>th</sup> November 2019 at EWURA Lake Zone Offices in Mwanza City. At the end of mediation session, the matter was settled on the agreement that the Respondent shall pay the Complainant TZS 200,000.00 being the costs incurred for repairs of the Complainant's car.

The agreed term was 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 Dodoma this 26<sup>th</sup> day of November, 2019.

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