

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

**COMPLAINT NUMBER: NP.71/309/10**

**YASINI SAIDI SELEMBBA.....COMPLAINANT**

**VERSUS**

**BIGAZI FILLING STATION .....RESPONDENT**

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**SETTLEMENT AWARD**

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*(Made by the Board of Directors of EWURA at its 149<sup>th</sup> Ordinary meeting held in  
Dodoma on 27<sup>th</sup> day of February, 2020*

**1.0 Background Information:**

On 21<sup>st</sup> November 2019, Mr. Yasini Saidi Selemba of P.O. Box 1054, Kibirizi Ward, Kigoma- Ujiji Municipality, Kigoma Region ("the Complainant") lodged a complaint at the Energy and Water Utilities Regulatory Authority ("EWURA") ("the Authority") against Bigazi Filling Station, Kibirizi-Kigoma ("the Respondent") complaining about the safety of his house since the Respondent's Petrol station is located nearby.

The Complainant alleges that the Respondent constructed a petroleum outlet facility near his premises. The Complainant claims further that, this endangers his family life since the Complainant's cooking place is positioned near the Respondent's pump machines. The Complainant states further that he went to the Respondent's offices and local government offices to complain and made follow-ups with the Respondent to request

him to either re-locate him by purchasing a new place for him and his family or to re-locate the filling station without success. Following the Respondent's reluctance to act on the matter, the Complainant filed this complaint praying for Orders that the Respondent be compelled to adhere to safety requirement and move the Petrol station as it endangers Complainant's family life or find another good place for the Complainant's family to live.

Upon receipt of the complaint, on 22<sup>nd</sup> November 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 Procedure) Rules, GN No. 10/2013. On 24<sup>th</sup> December 2019, the Respondent, filed its defense and informed the Authority the Following;

- a) that Mr. Yasin Saidi Selemba "the Complainant" reported him at the Mtaa Executive Officer and accused him of Building Petrol Station at the Complainant's premises in which the Respondent won the case,
- b) that, the Complainant opened a case (number 9/2017) at Kigoma District Land and Housing Tribunal and the case is still on progress; and
- c) that, the Complainant had bought his house while the Petrol Station was already registered by Kigoma Ujiji Municipal Council since 1999 with SQM 1891.

Mediation meeting involving both parties was conducted on 12<sup>th</sup> February 2020 at Kigoma-Ujiji Municipality where the matter was settled on the following terms;

- a) that, the Complainant shall wait for the Court's decision concerning his Compound boundaries; and
- b) that, after knowing his Compound boundaries if he is still interested, the Complainant may lodge a new complaint at EWURA regarding his premises safety.

The agreed term were 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 27<sup>th</sup> day of February, 2020.

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