



UNITED REPUBLIC OF TANZANIA
MINISTRY OF ENERGY
ENERGY AND WATER UTILITIES
REGULATORY AUTHORITY
(EWURA)



COMPLAINT NUMBER: GA.71/472/EZ/2021/05

CHINGUWILE AJIBSEIF MALEKANYA.....APPLICANT

VERSUS

**MTWARA URBAN WATER SUPPLY AND SANITATION
AUTHORITY (MTUWASA)..... RESPONDENT**

RULING

**(Made by the Division of EWURA under Rule 17 (5)(b) of the EWURA
Consumer Complaints Settlement Procedure Rules, GN. 428 of 2020 this 19th
day of November 2021)**

This is a Ruling with regard to an application for restoration of water services made by Chinguwile Ajibseif Malekanya (hereinafter referred as "the Applicant") after water was disconnected by the Respondent at his business premises in July 2021, on grounds of meter tampering. The Division of the Energy and Water Utilities Regulatory Authority ordered the Application to be heard inter-parties where the Applicant was asked to state reasons as to why this application should be granted. On the other hand, the Respondent was given an opportunity to respond to the Applicant's application.

The Applicant prays for orders that the Respondent be compelled to restore water services at the Applicant's business premises with account number 2982002, pending determination of the complaint. The Applicant's main argument for water restoration is that he never tampered with the Respondent's infrastructure, he does not have any debts owed to the Respondent and that the Applicant owns a petrol station which serves a lot of people at a time from all walks of life and therefore water services are essential in such a setting to ensure that provision of petroleum services continues in a hygienic and safe manner.

The Respondent argued that following information given by some good Samaritans, the Respondent visited the Applicant's business premises and discovered that there were two water service lines, one of which was not being metered. The Respondent stated that the Applicant was present during the exercise and confessed that it must have been his water artisan who had illegally connected the water service line without his knowledge. Respondent attempted to call the Police but the Applicant begged the Respondent not to call the Police, to which they agreed. The Respondent stated that the Applicant wrote an apology letter and prayed that the matter come to an end. The Respondent informed the Applicant of the need to pay TZS 20,000,000 as a fine for tampering with its infrastructure and the Applicant requested for reduction of the fine and the Respondent agreed to a TZS 10,000,000 fine payable in 8 instalments. In addition to the fine, the Applicant was also told to provide awareness on water theft on the radio in order to deter other people from doing the same. The Respondent stated that thereafter, the Applicant was nowhere to be seen.

I have considered the arguments put forward by the parties and I am of the view that as much as water is indeed an essential service, provision of fuel services will not be interrupted because of lack of water services. Furthermore, the nature of the allegations against the Complainant are so serious that if proved they would attract both criminal and civil liability. It is therefore important that the service remains suspended to preserve the *status quo* of the evidence pending determination of the matter on merits.

ORDER

Based on the foregoing, I find it that it is imperative that water services remain disconnected and the Complainant could use alternative sources of water until the matter is heard on merit. The rest of the issues to be determined in the main complaint.

GIVEN by the Division of the Energy and Water Utilities Regulatory Authority (EWURA) in Dodoma this 19th day of November 2021.



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Irene Nzagi

CHAIRPERSON OF THE DIVISION