

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

COMPLAINT NUMBER: GA.71/472/218

FAUSTINE S. JAMES.....COMPLAINANT

VERSUS

**KIGOMA WATER SUPPLY AND
SANITATION AUTHORITY.....RESPONDENT**

SETTLEMENT AWARD

*(Made by the EWURA Board of Directors through its Circular Resolution No.19
of the 23rd day of December, 2020)*

1.0 Background Information

On 13th October 2020, the Energy and Water Utilities Regulatory Authority ("the Authority") received a complaint from Mr. Faustine Selegebu James of P.O.Box 1083, Buhanda Ward, Kigoma- Ujiji Municipality ("the Complainant") against the Kigoma Water Supply and Sanitation Authority ("KUWASA") ("the Respondent"). The Complainant is complaining against the undue delay by the Respondent in connecting water services at his premises.

The Complainant claims that on 25th August 2020, he paid the Respondent TZS 278,800.00 for water supply services connection but since then he has not been connected with the said water supply services. The Complainant further claims that after visiting the Respondent's office several times to follow up on the matter, The Respondent connected water services at his

premises after 53 days delay contrary to Clause 13 of the Respondent's Customer Services Charter.

Consequently, the Complainant filed this complaint praying for the Orders that the Respondent to be compelled to compensate the Complainant for the delayed water connection.

Upon receipt of the complaint, on 19th October 2020, the Authority wrote to the Respondent instructing them to present their defense to the complaint in terms of Rule 6 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020.

On 20th November 2020, the Respondent filed its defense and informed the Authority the following;

- a) it is true that on 1st October 2020, the Complainant was yet to be connected with water supply services due to lack of flow meters. However, the Complainant was connected with water supply services on 19th November 2020 through meter number WM1629 account number 10050074,
- b) Clause 13 of the Respondent's Customer Services Charter requires compensation if water connection is delayed for more than seven working days. Therefore, the Respondent is liable to compensate the Complainant TZS 10,000.00 for first day and TZS 5000.00 for each delayed day for the water connection as stipulated on the Clause; and
- c) that the Complainant had never filed a complaint at the Respondent's office to request for compensation for the delayed water connection.

Mediation meeting involving both parties was conducted on 14th December 2020 at Greenview Hotel, Kigoma Municipality. During the mediation, it was noted that, at the moment the Complainant has water supply services at his premises. At the end of the mediation session, the parties agreed on the following terms;

- i. that, the Respondent shall pay the Complainant TZS 270,000.00 as compensation for the delayed water services connection; and
- ii. that, the amount in (i) above shall be credited into the Complainant's account in settling the Complainant's upcoming bills.

The agreed terms were reduced into writing as required by Rule 14 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020 and contained in the Settlement Form.

2.0 Decision

The parties have reached an agreement and, pursuant to Rule 14 (5) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428 of 2020, 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 Dodoma this 23rd day of December, 2020.



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KAPWETE LEAH JOHN
SECRETARY TO THE BOARD