THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (EWURA)

COMPLAINT NUMBER. GA.71/472/227

ULEDI HUSSEIN SELEMANI .....COMPLAINANT

VERSUS

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

SETTLEMENT AWARD

(Made by the Board of Directors of EWURA through its Circular Resolution No.1 of 12th March, 2021)

1.0 Background Information

On 5th January 2021, the Energy and Water Utilities Regulatory Authority ("the Authority") received a complaint from Mr. Uledi H. Selemani of Masanga Rubabi Street, Gungu Ward, Kigoma-Ujiji Municipality ("the Complainant") against the Kigoma Water Supply and Sanitation Authority ("KUWASA") ("the Respondent"). The Complainant is complaining against undue delay by the Respondent in connecting water supply services at his premises.

The Complainant claims that on 7th August 2020, he paid the Respondent TZS 206,800.00 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 '82'days delay contrary to Clause 13 of the Respondent's Customer Services Charter. Consequently, the Complainant filed this complaint praying for Orders that the Respondent be compelled to compensate the Complainant for the delayed water services connection.

Upon receipt of the complaint, on 7th January 2021, 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 11th February 2021, the Respondent filed its defense and informed the Authority the following;

(a) it is true that until 26th 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 19thNovember 2020 through meter number 200520124 with account number 12010275,
(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 in the Clause; and
(c) the Complainant had to consult the Respondent's Manager in order to get correct answers as to when the equipment will be available.

Mediation meeting involving both parties was conducted on 24th February 2021 at Greenview Hotel, Kigoma Municipality. During the mediation, it was noted that, at the moment the Complainant has water supply services at his premises. Moreover, the Complainant was entitled to compensation for 82 days amounting to TZS 415,000.00. At the end of the mediation session, the parties agreed on the following terms;

(i) that, the Respondent shall pay the Complainant TZS 150,000.00 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 THE SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) at Dodoma this 12th day of March, 2021.

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KAPWETE LEAH JOHN
SECRETARY TO THE BOARD

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI

(EWURA)

MALALAMIKO NAMBA. GA.71/472/227

KATI YA

ULEDI HUSSEIN SELEMANI.....MLALAMIKAJI

NA

MAMLAKA YA MAJISAFI NA USAFI WA

MAZINGIRA KIGOMA..... .....MLALAMIKIWA

TUZO YA MAKUBALIANO

(Imetolewa na Bodi ya Wakurugenzi ya EWURA kupitia waraka wake namba 1 wa tarehe 12 Machi, 2021)

1.0 Maelezo ya Awali

Mnamo tarehe 5 Januari 2020, Mamlaka ya Udhibiti wa Huduma za Nishati na Maji "EWURA" ("Mamlaka") ilipokea malalamiko kutoka kwa Bw. Uledi H. Selemani wa Mtaa wa Masanga Rubabi, Kata ya Gungu, Manispaa ya Kigoma-Ujiji, Mkoa wa Kigoma dhidi ya Mamlaka ya Majisafi na Usafi wa Mazingira Kigoma ("KUWASA") (Mlalamikiwa). Mlalamikaji analalamikia kitendo cha Mlalamikiwa kuchelewa kumuungia huduma ya maji nyumbani kwake.

Mlalamikaji anadai kuwa alilipia gharama za kuunganishiwa huduma ya maji tarehe 7 Agosti 2020 lakini huduma hiyo iliunganishwa tarehe 15 Novemba 2020 baada ya ufuatiliaji wa muda mrefu na ikiwa imecheleweshwa kwa takribani siku 82. Mlalamikaji anadai kuwa aliandika barua kwa

Mlalamikiwa kuomba fidia ya kucheleweshewa huduma hiyo bila ya mafanikio. Hivyo, Mlalamikaji anaomba Mamlaka imuamuru Mlalamikiwa kulipa fidia ya ucheleweshaji wa kuunganishiwa huduma ya maji kama ilivyoainishwa kwenye Mkataba wa huduma kwa Mteja.

Baada ya kupokea malalamiko ya Bw. Uledi H. Athumani, tarehe 7 Januari 2021 Mamlaka ilimwandikia Mlalamikiwa na kumuamuru kuleta waraka wa utetezi ndani ya siku ishirini na moja (21) kwa mujibu wa Kanuni ya 6 (1) ya Kanuni za EWURA za Taratibu za Kutatua Migogoro *"Rule 6 (1) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN No. 428/2020"*.

Mnamo tarehe 11 Februari 2021 Mlalamikiwa alileta utetezi wake ambao ulikuwa kama ifuatavyo:

i. Kulingana na maelezo ya aya ya 3 ya fomu ya malalamiko ya Mlalamikaji, ni kweli kuwa mpaka kufikia tarehe 26 Oktoba 2020 Mlalamikaji alikua bado hajaunganishiwa huduma ya maji kutokana na changamoto ya upatikanaji wa dira za maji. Aidha Mlalamikaji amekwisha unganishiwa huduma hiyo mnamo tarehe 19 Novemba 2020 na namba ya dira yake ya maji ni 200520124 na kupatiwa akaunti namba 12010275,
ii. Nafuu aliyoiomba Mlalamikaji imekwisha fanyiwa kazi Mlalamikaji ameunganishiwa huduma ya maji mnamo tarehe 19 Novemba 2020,
iii. Fidia anayoiomba Mlalamikaji inatakiwa iendane na matwaka ya Mkataba wa huduma kwa Mteja wa Mlalamikiwa; na
iv. Mlalamikaji alipaswa kuonana na uongozi wa Mamlaka ili wampatie majibu sahihi ya lini vifaa vitapatikana.

Kikao cha usuluhishi baina ya pande zote mbili kilifanyika tarehe 24 Februari 2021 katika Hoteli ya Greenview iliyopo katika Manispaa ya Kigoma- Ujiji. Mwisho wa kikao cha usuluhishi pande zote mbili zilikubaliana yafuatayo;

a) Mlalamikiwa atamlipa Mlalamikaji kiasi cha shilingi 150,000.00 kama fidia ya kuchelewa kuunganisha huduma ya maji nyumbani kwa Mlalamikaji; na

b) Malipo namba (a) hapo juu yataingizwa kwenye akaunti ya Mlalamikaji kama 'units'na zitakuwa zikikatwa kulingana na bili zinazofuata za Mlalamikaji.

Makubaliano haya yamefupishwa kimaandishi kama inavyoainishwa kwenye '*Rule 14 (4) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428/2020*' na kama inavyoanishwa kwenye fomu ya makubaliano.

2.0 Makubaliano

Pande zote mbili zimefikia muafaka na kwa mujibu wa Kanuni ya 14 ' Rule 14 (5) of the Energy and Water Utilities Regulatory Authority (Complaints Handling Procedure) Rules, GN. No 428 of 2020', makubaliano haya yameandikishwa kama Tuzo ya Mamlaka. Kila pande itabeba gharama zake katika shauri hili.

IMETOLEWA KWA LAKIRI ya Mamlaka ya Udhibiti wa Huduma za Nishati na Maji-EWURA Dodoma tarehe 12 Machi, 2021.

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KAPWETE LEAH JOHN
KATIBU WA BODI