

GOVERNMENT NOTICE No. 10 published on 25/01/2013

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT

ARRANGEMENT OF RULES

Rules Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
FILING OF A COMPLAINT

4. Filing of Complaint.
5. Service of Summons to Present a Defence.
6. Defence to a Complaint.
7. Reply to the Defence.
8. Third Party Procedure.
9. Directions.
10. Judgment Against Third Party in Default.
11. Amendment to the Complaint and a Defence.

PART III
INVESTIGATION AND MEDIATION PROCESS

12. The Unit to Investigate a Complaint.
13. Mediation.
14. Composition of the Division.
15. Referral of the complaint to the Division.

**PART IV
HEARING PROCEDURES**

16. Hearing Procedure is Quasi- Conciliatory.
17. Failure to Appear.
18. Adjournment.
19. Application to Intervene.
20. Decision of the Authority.
21. Enforcement of the Award.

**PART V
APPEAL PROCEDURES**

22. Appeal.
23. Ground of appeal.

**PART VI
LIMITATION PERIODS**

24. Dismissal of Proceedings Instituted After Period of Limitation.
25. Accrual of Cause of Action.
26. Exclusion of Time of Party's Absence from Tanzania.
27. Exclusion of Time of Proceeding Bona Fide in court without Jurisdiction.
28. Board may Extend Period of Limitation.

**PART VII
GENERAL PROVISIONS**

29. Taxation for Costs.
30. Applications.
31. Issuance of Compliance Orders.
32. General Penalty.
33. Penalty for Continued Breach.
34. Authority to Supplement Procedures.
35. Revocation of GN No. 69/2007 and GN No. 30/2008

SCHEDULES

- “Board” means the Board of Directors of the Authority established under the provisions of the Act;
- “complaint” means material facts of the matter or act complained by the complainant, in respect of the supply, possible supply or purported supply of regulated services and specifying the reliefs sought;
- “complainant” means the person who has filed a complaint to the Authority pursuant to the provisions of these rules;
- “Council” means the Energy and Water Utilities Regulatory Authority Consumer Consultative Council established under the provisions of the Act;
- “Customer Service Charter” means a document prepared by a regulated supplier and approved by the Authority setting out, *inter alia*, the procedure of receiving and settling complaints;
- “Director” means the director responsible for legal services of the Authority;
- “Division” means the division of the Authority which comprises of officers responsible for attending complaints hearing with the composition people specified in the First Schedule;
- “local authority” means any street, ward, division or district authority;
- “Minister” means the Minister responsible for the Authority;
- “regulated sector” means electricity sub-sector, petroleum sub-sector, natural gas sub-sector, and water supply and sanitation sector;
- “regulated services” means any goods or services supplied or offered for supply in a regulated sector and includes goods or services which the Authority declares to be such goods or services under section 40 of the Act;
- “regulated supplier” means any person engaging in activities or in connection with a regulated sector

and includes any person whom the Authority declares under section 40 of the Act to be a supplier;

“respondent” means any regulated supplier against whom a complaint is filed;

“sector legislation” shall have the same meaning as provided under the Act;

“Tribunal” means the Fair Competition Tribunal established under the Fair Competition Act; and

“Unit” means a unit of the Authority designated to receive and follow up complaints lodged with the Authority and shall have the composition as prescribed in the Second Schedule.

Cap. 285

**PART II
FILING OF A COMPLAINT**

Filing of
Complaint

4.-(1) Any person may file a complaint against a regulated supplier in respect of any matter connected with the regulated services by completing and filing with the Authority the complaint form prescribed in the First Schedule.

(2) Notwithstanding the provisions of sub-rule (1), the Council or an authorized representative may, on behalf of any consumer, lodge a complaint to the Authority.

(3) Without prejudice to the requirement of sub-rule (1), a complaint may be in any other form of correspondence, electronic or otherwise, which shall, upon receipt by the Authority, be reduced into writing by the Unit.

(4) Notwithstanding the provisions of sub-rule (1), any person, or a group of person, may file to the Authority a representative complaint, provided that-

- (a) a list of their names and signatures or thumb print are obtained and submitted to the Authority together with the complaint; and

- (b) minutes of the meeting resolving the filing of a representative complaint are obtained and submitted to the Authority together with the complaint.

(5) Without prejudice to the provisions of sub-rules (1)-(4), the Council may file with the Authority a complaint or any general complaint affecting public interest in the regulated sectors.

Service of
Summons to
Present a Defence

5.-(1) The Authority shall, within seven days after receipt of a complaint under rule 4, direct the respondent using the summons prescribed in the Third Schedule to present his defence serve the respondent with a summons to file a defence.

(2) The summons under sub-rule (1) shall be served to the respondent by:

- (a) personal delivery to the respondent or his representatives and the same shall acknowledge receipt by signing and returning the summons to the Authority;
- (b) registered mail with return receipt; or
- (c) publication in two newspapers of general circulation in Tanzania one in English and another in Kiswahili where the Authority has determined that:
 - (i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the service;
 - (ii) for any other reason the summons cannot be served in the ordinary way; and
 - (iii) there is proof in writing from the local authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given under sub paragraphs (i) and (ii).

G.N.No. 10 (contd.)

Defence to the
Complaint

6.-(1) The respondent shall, not later than twenty-one days after receipt of the summons under rule 5, present to the Authority a defence to the complaint which may include a counterclaim or claim for set-off.

(2) The respondent shall not in his defence, deny generally the grounds alleged by the complainant, but shall deal specifically with each allegation of fact of which he does not admit according to his knowledge.

(3) Where the respondent denies an allegation of fact in the complaint, he shall not do so evasively, but answer the point of substance.

(4) Every allegation of fact in the complaint, if not denied specifically or by necessary implication, or stated not to be admitted in the defence by the respondent, shall be taken to be admitted, provided that the Authority may at its discretion require any fact so admitted to be proved otherwise than by such admission.

(5) In the event a respondent fails to present a defence, it shall be deemed that the respondent has waived his right to appear and participate in the proceedings and the Division shall proceed with the hearing *ex-parte*:

provided that, the respondent may be allowed to participate in the proceedings upon showing sufficient cause for failure to make such a defence.

Reply to the
Defence

7. After receipt of the defence from the respondent as provided under rule (5), the complainant may prepare and submit to the Authority a reply thereto within seven days after receipt of such defence.

Third Party
Procedure

8.-(1) Where in any complaint the respondent claims against any person not a party to the complaint (“the third party”)-

- (a) any contribution or indemnity; or
- (b) any relief or remedy relating to or connected with the subject matter of the

complaint and substantially the same as a relief or remedy claimed by the complainant,
the respondent may apply to the Authority to present a third party notice.

(2) An application under sub-rule (1) shall be in writing and shall state-

- (a) the nature of the claim made by the complainant in a complaint;
- (b) the stage which the proceedings in the complaint have reached;
- (c) the nature of the claim made by the applicant against the third party and its relation to the complainant's claim against the applicant; and
- (d) the name and address of the third party.

(3) Upon receipt of an application under sub-rule (1) and where the Authority is satisfied that the respondent's claim against the third party is in respect of a matter referred to in paragraph (a) and (b) in that sub-rule and that, having regard to all the circumstances of the complaint, it is reasonable and proper to grant leave to the respondent to present a third party notice, the Authority shall, upon such terms and conditions, grant leave to the respondent to present a third party notice.

- (4) Every third party notice shall state-
- (a) the nature of the complainant's claim against the respondent;
 - (b) the nature of the respondent's claim against the third party;
 - (c) the reliefs claimed by the respondent against the third party;
 - (d) the period within which the third party may present his defence; and
 - (e) the consequences of the failure by the third party to present his defence within such period.

(5) The Authority shall cause to be served a copy of a third party notice presented to it on the third party in accordance with the procedure prescribed under rule 5(2).

(6) Where a third party notice has been served on the third party, the third party shall, if he wishes to dispute the claim in the complaint against the respondent presenting the third party notice or his own liability to the respondent, present to the Authority its defence within twenty-one days of the service of the third party notice.

Directions

9.-(1) Where a third party has presented a defence, the Authority shall fix a date for the giving of directions and may on such date, if satisfied that there is a proper question to be tried as to the liability of the third party in respect of the claim made against him by the respondent, order the question of such liability to be tried in such manner, at or after the trial of the complaint, as the Authority may direct or, if the Authority is not so satisfied, make such order as the nature of the complaint may require.

Judgment Against
Third Party in
Default

10.-(1) Where a third party-

- (a) makes default in presenting his defence within the time specified under rule 8(6); or
- (b) having presented a defence, makes a default in appearing on the date fixed for the giving of directions,

the respondent presenting a third party notice may apply *ex-parte* to the Authority for an award against the third party in respect of any contribution, indemnity or relief claimed in the notice.

(2) The Authority may, on application by the respondent under sub-rule (1) and on *ex-parte* proof by the respondent of his claim against the third party, issue an award against the third party as the nature of the complaint may require.

G.N.No. 10 (contd.)

Amendments to the
complaint and a
Defence

11.-(1) A complainant or a respondent may, upon giving sufficient cause, be allowed to amend a complaint, a defence or a reply, as the case may be, provided the other party is afforded an opportunity to make a response thereto within a reasonable time prior to the hearing.

(2) A complainant or respondent shall, upon being allowed to amend a complaint, defence or a reply as the case may be, amend such complaint, defence or reply within the prescribed time as the Division may determine.

PART III INVESTIGATION AND MEDIATION PROCEDURES

The Unit to
Investigate the
Complaint

12.-(1) The Unit shall, upon receipt of a defence from the respondent under rule 6 or a reply from the complainant, if any, or otherwise comes to the attention of the Unit that-

- (a) the complainant has an interest in the matter to which the complaint relates; and
- (b) the complaint is not frivolous or vexatious, investigate the matter.

(2) Where it appears to the Unit at any time during or after the investigation that there exists a meritorious complaint and that the regulated supplier has not considered the same, or has not considered it adequately, pursuant to the Act, sector legislation or a customer service charter, the Authority may require the regulated supplier to consider or reconsider the complaint within fourteen days.

Mediation

13.-(1) The Unit shall, as part of investigation, attempt to resolve the complaint in an amicable manner within sixty days from the date of filing the complaint.

(2) During mediation under sub-rule (1) an officer of the Authority or any other person to be agreed by the parties, may act as a mediator.

(3) An amicable settlement reached shall be reduced into writing in a form prescribed in the Fourth Schedule and shall be signed by the parties who shall furnish a copy thereof to the Authority for registration.

(4) The settlement reached under sub-rule (3) shall, upon registration by the Authority, be deemed to be the award of the Authority.

Composition of
the Division

14. The Division shall, in the hearing of complaint submitted to it under rule 4, be composed of the following-

- (a) Director responsible for legal services in the Authority or his representative who shall be the chairperson;
- (b) Director of the relevant division of the Authority under which the complaint arose or his representative;
- (c) Director responsible for regulatory economics of the Authority or his representative; and
- (d) Legal Officer of the Authority who shall be the secretary.

Referral of the
complaint to the
Division

15.-(1) If at any stage during the sixty days period described under rule 13(1) it becomes clear that the parties cannot reach an amicable settlement, or if at the conclusion of the sixty days period no amicable solution has been reached, the Unit shall refer the complaint to the Division for hearing.

(2) The Authority shall, not later than seven days after the complaint has been referred to the Division under sub-rule (1), notify the parties by a summons prescribed in the third Schedule that a complaint has been referred to the Division for hearing.

(3) The notification described under sub-rule (2) shall be effected by-

- (a) personal delivery to the parties or their representatives and the parties shall acknowledge receipt by signing and returning the notice to the Authority;
- (b) registered mail with return receipt; or
- (c) publication in two newspapers of general circulation in Tanzania, one in English and another in Kiswahili, where the Authority has determined that-
 - (i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the notification;
 - (ii) for any other reason the notice cannot be served in the ordinary way; and
 - (iii) there is proof in writing from the local authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given under sub paragraphs (i) and (ii).

PART IV HEARING PROCEDURE

Hearing
Procedure to be
Quasi-
Conciliatory

16.-(1) Hearing proceedings shall be *quasi-conciliatory* in nature, provided that where no conciliation is possible; the Authority shall consider the matter and make a decision therein.

(2) A party may appear in person, by an advocate or by its principal officer or an authorized representative.

- (3) During hearing, the Division may-
- (a) require any person to produce any information deemed relevant; and
 - (b) require the attendance of any person to give evidence and produce any document that may be in his custody.

(4) The evidence tendered by parties during hearing shall either be under oath or affirmation; however the Division may receive and work on unsworn evidence.

(5) For the purpose of this rule, “hearing” means all processes required for the Authority’s determination of the complaint including-

- (a) any attempt to resolve the complaint amicably;
- (b) oral and written submissions made by the parties;
- (c) adducing of evidence by the parties either oral or written; and
- (d) discovery of documents.

(6) Where these rules are silent on any matter of procedure, the Division may formulate its own procedure.

Failure to
Appear

17.-(1) Where neither party appears when the complaint is called for hearing, the Authority may make an Order that the complaint be dismissed.

(2) Where the complainant fails to appear when the complaint is called for hearing, the Authority may make an Order that the complaint be dismissed.

(3) Where a respondent fails to appear when a complaint is called for hearing and upon an application by a complainant, the Authority may make an Order for *ex-parte* proof of the claims made by the complainant.

Adjournment

18.-(1) A party may, before or during hearing of a complaint, apply to the Division for adjournment.

(2) An application for adjournment referred to under sub-rule (1) may be made orally or in writing.

(3) The Division may accept the application for an adjournment if it is satisfied that the applicant has sufficient reasons for applying for adjournment.

(4) The Division may make determination on payment of costs of adjourning the hearing of complaint as

it deems fit.

Application to
Intervene

19.-(1) Any person who has an interest in the complaint before the Authority may, at any stage before the conclusion of the hearing, file an application to the Authority to intervene in the proceedings.

(2) An application to intervene shall state-

- (a) the date the application is filed;
- (b) the number of the complaint;
- (c) the title of the hearing to which the application relates;
- (d) the name, postal and physical address of the intervener;
- (e) the address for service;
- (f) the concise statement of the matters in issue affecting the intervener;
- (g) the party whose position the intervener intends to support; and
- (h) the grounds and documents in support of the application.

(3) The Authority shall notify parties to the proceedings of the application and any party may file an objection within seven days from the date of receipt of the notice of the application.

(4) The Division shall ascertain whether the prospective intervener is directly affected by the outcome of the hearing and whether his interest in the outcome is established.

(5) Where the Division is satisfied that the intervener has sufficient interest, it shall grant the application on such terms and conditions as it may deem fit.

(6) Where the application is granted, the intervener shall, within seven days, file a statement of intervention containing-

- (a) succinct presentation of the facts and arguments supporting the intervention;

G.N.No. 10 (contd.)

- (b) reliefs sought; and
- (c) list of documents annexed and a copy of every document upon which the intervener relies.

(7) The parties to the proceedings may, within seven days from the date of receipt of the notice under sub-rule (3), file to the Authority a reply to the statement of intervention jointly or separately.

Decision of the
Authority

20. Upon receipt of findings and recommendations of the Division, the Authority shall consider the recommendations and issue one or more of the following Orders-

- (a) imposing to a guilty party a fine of not less than Tanzanian shillings three million;
- (b) requiring a party to supply regulated services on specified terms and conditions;
- (c) requiring a party to pay costs of another party or of a person appearing at the hearing or producing documents;
- (d) dismissing a complaint;
- (e) requiring specific performance;
- (f) setting up an escrow account;
- (g) appointing trustees;
- (h) making refunds; or
- (i) providing such other relief as may be deemed reasonable and necessary.

Enforcement of
the Award

21.-(1) Pursuant to section 35(1) of the Act, the award of the Authority under rule 18, shall be enforceable as an Order of the High Court.

(2) Any party who fails or refuses to comply with the award as required under sub-rule (2) shall, *inter alia*, be liable to contempt proceedings at the High Court.

PART V APPEAL

Appeal

22. Any party aggrieved by the decision of the

G.N.No. 10 (contd.)

Authority under Part III, may, within twenty-one days from the delivery of the award appeal to the Tribunal.

Grounds of appeal

23. Subject to the provisions of the Act, the grounds of appeal to the Tribunal shall be as follows:

- (a) the award issued was not based on the evidence tendered;
- (b) the decision was made in an error in law;
- (c) the procedures or other statutory requirements applicable to the Authority were not complied with and the non-compliance materially affected the award; or
- (d) the Authority did not have power to make the award.

Procedure for appeal

24.-(1) Every appeal to the Tribunal under Rule 20 shall be [resented by filling a memorandum of appeal.

**PART VI
LIMITATION PERIODS**

Dismissal of Proceedings Instituted After Period of Limitation

25.-(1) Subject to the provisions of these rules, every proceeding described in the second column of the Fifth Schedule of these rules and which is instituted after the period of limitation prescribed opposite thereto in the third column, shall be dismissed whether or not limitation has been set up as a defence.

(2) Where, after the institution of a complaint, a person is made a party thereto, either as a complainant, respondent, third party or interested party, the complaint shall, as regards such person, be deemed to have been instituted on the date on which that person is made a party.

Accrual of Cause of Action

26.-(1) The period of limitation prescribed under these rules in relation to any proceeding shall commence from the date on which the right of action for such proceedings accrues.

(2) The right of action in respect of any proceeding, shall accrue on the date on which the cause of

G.N.No. 10 (contd.)

action arises.

(3) Where there is a continuing breach of contract a period of limitation shall begin to run at the time during which the breach continues.

Exclusion of
Time of Party's
Absence from
Tanzania

27. In computing the period of limitation prescribed for any complaint or application, the time during which the party has been absent from Tanzania shall be excluded.

Exclusion of
Time of
Proceeding
Bona Fide in
court without
Jurisdiction

28. In computing the period of limitation under these Regulations, the time which the complainant have been undertaking proceedings in a court which, from defect of jurisdiction or other cause of a like nature, is incompetent to entertain it, shall be excluded:

provided that, the proceedings in a court with no jurisdiction or other cause of a like nature was instituted in good faith and is founded upon the same cause of action.

Board may
Extend Period
of Limitation

29. Where the Board is of the opinion that it is just and equitable so to do, may, by Order extend the period of limitation in respect of any complaint for a period not exceeding one-half of the period of limitation prescribed by these rules for such complaint.

PART VII GENERAL PROVISIONS

Taxation of
Costs

30.-(1) Where any party has been awarded the costs and wishes to recover the costs which he has been awarded under these rules, he shall lodge a bill of cost for taxation and the Director shall tax such bill accordingly.

GN No. 515 of
1991

(2) The bill of costs, under sub-rule (1) shall be filed to the Authority and shall be in the form as prescribed under the Advocates Remuneration and Taxation for Costs Rules.

(3) Any person who is aggrieved by the decision of the Director under sub-rule (1) may seek redress by way of a reference to the Board.

Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure)

G.N.No. 10 (contd.)

Application 31. All applications made under these rules shall be in a form of a letter addressed to the Authority stating the reasons in support of the said application.

Issuance of Compliance Orders 32. At any stage during hearing and where the Division is satisfied that a person has breached or is likely to breach the provisions of the Act or sector legislation, the Division may issue a compliance order in accordance with section 39 of the Act or such other directives as it may deem necessary.

General Penalty 33. Any person who breaches any of the provisions of these rules for which no specific penalty is prescribed shall on conviction, be liable to a fine of three million shillings.

Penalty for Continued Breach 34. Any person who is in continuous breach of these rules shall be liable to a fine of three million shillings for everyday on which the breach continues or recurs.

Authority to Supplement Procedures 35. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary as permitted by the Act or any other relevant law to enable it to effectively and completely adjudicate on any matter before it.

Revocation of GN No. 69 of 2007 and GN No. 30 of 2008 36.-(1) The Energy and Water Utilities Regulatory Authority (Rules of Procedure) Rules, 2007 and the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure) Rules, 2008 are hereby revoked.

(2) Notwithstanding the revocation of the Energy and Water Utilities Regulatory Authority (Rules of Procedure) Rules, 2007 and the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure) Rules, 2008 all awards, orders or directives made or issued or deemed to have been made or issued

under those rules shall be deemed to have been made under these rules, and shall remain in force until set aside, reversed, revoked or otherwise expire or cease to have effect.

FIRST SCHEDULE

(Made under Rule 4(1))

Form No. 100a

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)

COMPLAINT FORM

(1) Details of the Complainant:

Name: _____

Name of Representative (where applicable): _____

Address: _____

Customer Account Number (where applicable): _____

Physical Address: _____

City: _____

Telephone: _____

Mobile Telephone: _____

E-mail: _____

(2) Details of the Respondent:

Name: _____

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

(5) Has the Complainant tried to resolve the complaint directly with the Respondent?

Yes

No

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

If yes, explain steps taken and results:

(6) Has the Complainant sought legal redress from any other institution?

Yes

No

If yes, provide the name of the institution and details of the redress sought (a separate sheet may be used):

(7) Have the copies of all relevant documents been attached?

Yes

No

If yes, itemize the list: (a separate sheet may be used)

(8) Any other relevant information:

(9) I hereby declare that all the facts and information filed in the application are correct to the best of my knowledge.

Signature of the
Complainant/Principal Officer of the Complainant

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

Date _____
Day Month Year

For Authority's Use Only
Date Received: _____ File No: _____

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI
(EWURA)

FOMU YA MALALAMIKO

Fomu Na. 100b

(1) Maelezo ya Mlalamikaji:

Jina: _____

Jina la Mwakilishi (Kama Yupo): _____

Anuani: _____

Namba ya Huduma ya Mteja (Kama ipo): _____

Anuani ya Makazi: _____

Mji: _____

Simu ya ofisi: _____

Simu ya Mkononi: _____

Anuani ya Barua Pepe: _____

(2) Maelezo ya Mlalamikiwa:

Jina: _____

Anuani: _____

Anuani ya Makazi _____

Mji: _____

Simu ya Ofisi: _____

Simu ya Mkononi: _____

Anuani ya Barua Pepe: _____

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

- _____
- (6) Je, mlalamikaji amefikisha malalamiko yake katika taasisi nyingine kwa lengo la kupata msaada?

Ndio

Hapana

Kama ndio, taja jina la taasisi husika, nafuu zilizoombwa na matokeo husika (Karatasi ya ziada inawezakutumika):

- (7) Je nyaraka zote muhimu kwenye shauri hili zimeambatishwa?

Ndio

Hapana

Kama ndio zitaje: (Karatasi ya Ziada inaweza kutumika)

- (8) Maelezo mengine yoyote muhimu yanayohusiana na shauri hili:

- (9) Nathibitisha kwamba maelezo yote yaliyotolewa kwenye malalamiko haya ni kweli tupu kwa ufahamu wangu.

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

Sahihi ya Mlalamikaji/Ofisa Mkuu wa Mlalamikaji

Tarehe _____
Siku Mwezi Mwaka

Kwa Matumizi ya Mamlaka tu:

Tarehe iliyopokelewa: _____ Namba ya faili: _____

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

SECOND SCHEDULE

(Made under Rule 13 (2))

SUMMONS TO APPEAR

IN THE DIVISION OF THE ENERGY AND WATER UTILITIES
REGULATORY AUTHORITY AT

Complaint Number: of 20.....

1. - COMPLAINANT
2. - RESPONDENT

NOTICE OF DATE OF HEARING

TAKE NOTICE that the above complaint has been fixed for hearing on theday of 20.... at 10:00 hours before the ENERGY AND WATER UTILITIES REGULATORY AUTHORITY DIVISION, at

YOU ARE hereby required to appear in person or by an authorized representative without fail and submit to the other party and EWURA all evidence you intend to rely on in defending your case before day of20..... You may also wish to bring witnesses if any.

GIVEN under my hand and the seal of EWURA thisday of20....

.....
DIRECTOR GENERAL/SECRETARY TO THE BOARD

COPY TO BE SERVED UPON

.....
.....
.....
.....

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

THIRD SCHEDULE

(Made under Rule 5 (1))

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)

Complaint Number.....of 20.....

- | | | | |
|----|-------|---|-------------|
| 1. | | - | COMPLAINANT |
| 2. | | - | RESPONDENT |

SUMMONS TO FILE A DEFENCE

M/s.....
.....
.....

TAKE NOTICE that Mr./Mrs/Ms/Dr.("the Complainant")
of P.O. Box has lodged a complaint against you at EWURA,
details of which are attached herewith.

PURSUANT to Rule 6 (6) of the Energy and Water Utilities Regulatory Authority
(Consumer Complaints Settlement Procedure) Rules, GN. No..... You are
required to submit to EWURA, within twenty one (21) days from the date of this notice, a
written reply to the complaint together with all relevant documents you will rely upon in
support of your defense. Copy of the reply should be served to the Complainant.

TAKE FURTHER NOTICE that, failure to submit a reply within the stipulated period
above shall imply a waiver of your right to be heard and EWURA shall proceed
determining the matter in your absence as provided for under rules 6(6) of Energy and
Water Utilities Regulatory Authority (Consumer Complaint Settlement Procedure) Rules,
2012.

GIVEN under my hand and seal of EWURA this..... day of 20.....

.....
DIRECTOR GENERAL/SECRETARY TO THE BOARD

COPY TO BE SERVED UPON:

.....
.....
.....
.....

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

**MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI
(EWURA)**

Malalamiko Namba.....

- | | | |
|----|-------------|---|
| 1. | | - |
| | Mlalamikaji | |
| 2. | | - |
| | Mlalamikiwa | |

WITO WA KUWASILISHA UTETEZI

Jina na anuani ya Mlalamikiwa.....
UNATAARIFIWA KWAMBA Bw/Bi/Bibi/Dktwa S. L. P.
..... (“Mlalamikaji”) amewasilisha malalamiko yake hapa EWURA dhidi
yako, nakala ya fomu ya malalamiko na nyaraka alizowasilisha zimeambatishwa kwa
rejea.

KWA MUJIBU wa Kifungu cha 6 (6) cha Kanuni za Taratibu za Kutatua Migogoro za
EWURA [The Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure) Rules, 2012, unapaswa kuwasilisha majibu ya hoja zilizotolewa na
Mlalamikaji pamoja na vielelezo vyote muhimu utakavyovitumia katika utetezi wako
ndani ya siku ishirini na moja (21) kuanzia tarehe ya wito huu, umpatie mlalamikaji
nakala ya majibu yako.

ZINGATIA KUWA kushindwa kuwasilisha utetezi wako ndani ya muda uliotajwa hapo
juu kutakuondolea haki yako ya kusikilizwa; na EWURA itaendelea kufanya uamuzi
katika shauri hili kwa kuzingatia hoja za upande mmoja kwa mujibu wa Kanuni tajwa
hapo juu.

IMETOLEWA NA KUWEKWA LAKIRI ya EWURA leo tarehe..... mwezi.....
mwaka 20.....

.....
MKURUGENZI MKUU/KATIBU WA BODI YA EWURA

NAKALA KWA:

.....
.....
.....
.....

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

FOURTH SCHEDULE

(Made under Rule 13 (3))

Form No. 101a

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(EWURA)

SETTLEMENT FORM

*(This form should be filled in by all the parties and each party shall retain
one copy and the other copy shall be submitted to the Authority)*

1.0 DETAILS OF THE COMPLAINT

1.1 Name of the Complainant(s):

1.2 Name of the Respondent (s):

1.3 Name of the Third Party (if any):

1.4 Name of the Intervener (if any):

1.5 Number of the Complaint:

1.6 Date of Filing the Complaint to EWURA:

1.7 Nature of the Complaint:

.....
.....

...

3.0 VERIFICATION

3.1 I,....., being the complainant/complainant's representative (a donee, administrator, executor, administratrix or executrix) hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name:..... Signature:

Date:

3.2 I,....., being the respondent/principal officer of the respondent hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: Signature:

Date:

3.3 I,....., being the third party/third party's representative (a donee, administrator, executor, administratrix or executrix) hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name:..... Signature:

Date:

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

3.4 I,....., being the Intervener/ Intervener's Representative (a donee, administrator, executor, administratrix or executrix) hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: Signature:

Date:

3.5 I,....., being the Mediator in this matter hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: Signature:

Date:

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

Fomu Na. 101b

**MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI
(EWURA)**

FOMU YA MUAFAKA

*(Fomu hii ijazwe na pande zote na kila upande upate nakala moja na nakala nyingine
iwasilishwe EWURA)*

1.0 MAELEZO YA MALALAMIKO

1.1 Jina la mlalamikaji:

1.2 Jina la mlalamikiwa:

1.3 Jina la mlalamikiwa mbadala (Kama yupo):

1.4 Jina la mlalamikiwa mwombaji kuunganishwa (Kama yupo):

1.5 Namba ya malalamiko:

1.6 Tarehe ya kuwasilisha malalamiko EWURA.....

1.7 Aina ya malalamiko.....

.....

.....

2.0 MAELEZO YA KIKAO CHA MUAFAKA

2.1 Tarehe ya kikao cha muafaka:

2.2 Mahali kikao kilipofanyika:

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

- 2.3 Majina ya waliohudhuria kikao cha muafaka (*Angalia Kiambatisho cha Majina na Sahihi*)
- 2.4 Je Muafaka umefikiwa kwa masharti gani?

Pande husika zimekubaliana yafuatayo-

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

3.0 UTHIBITISHO WA MAKUBALIANO

- 3.1 Mimi,....., nikiwa ni mlalamikaji/mwakilishi wa mlalamikaji nathibitisha kwamba yote yaliyoandikwa katika fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande husika katika mgogoro huu.

Jina:.....

Sahihi.....

Tarehe.....

- 3.2 Mimi,....., nikiwa ni mlalamikiwa/mwakilishi wa mlalamikiwa nathibitisha kwamba yote yaliyoandikwa katika fomu

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande mbili husika katika mgogoro huu.

Jina:..... Sahihi.....

Tarehe.....

3.3 Mimi,....., nikiwa ni mlalamikiwa mbadala/mwakilishi wa mlalamikiwa mbadala nathibitisha kwamba yote yaliyoandikwa katika fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande mbili husika katika mgogoro huu.

Jina:..... Sahihi.....

Tarehe.....

3.4 Mimi,....., nikiwa ni msuluhishi katika mgogoro huu nathibitisha kwamba yote yaliyoandikwa katika fomu hii ni sahihi na kwamba haya ndio makubaliano yaliyofikiwa kati ya pande mbili husika katika mgogoro huu.

Jina:Sahihi.....

Tarehe:

*Energy and Water Utilities Regulatory Authority (Consumer Complaints
Settlement Procedure)*

G.N.No. 10 (contd.)

FIFTH SCHEDULE

(Made Under Rule 25 (1))

LIMITATION PERIOD

PART I
COMPLAINTS

S/N	NATURE OF COMPLAINT	PERIOD OF LIMITATION
1	Unlawful disconnection of service	twelve months
2	Improper Billing	twelve months
3	Failure or refusal to connect the service	twelve months
4	Sell or supply of Off Specification Petroleum Products	seven days
5	Sell or supply of Petroleum Product above the Cap Price	six months
6	Poor quality of service	twenty four months
7	Others	twelve months

PART II
APPLICATION

S/N	NATURE OF APPLICATION	PERIOD OF LIMITATION
1	Application to set aside an <i>ex-parte</i> Order	thirty days
2	Others	thirty days

Dar es Salaam,
3rd January, 2013

HARUNA MASEBU,
Director General