

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY ACT  
(CAP. 414)

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RULES

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*(Made under section 40)*

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THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (CONSUMER  
COMPLAINTS SETTLEMENT PROCEDURE) RULES, 2012

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THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY (CONSUMER COMPLAINTS SETTLEMENT PROCEDURE) RULES, 2012

PART I  
PRELIMINARY PROVISIONS

- Citation           **1.** These rules may be cited as the Energy and Water Utilities Regulatory Authority (Consumer Complaints Settlement Procedure) Rules, 2012 and shall come into operation on the date of publication in the *Government Gazette*.
- Application       **2.** These rules shall govern the procedure related to the settlement of consumer complaints received by the Authority in relation to the regulated sectors and for other related matters.
- Interpretation   **3.** In these rules, unless the context otherwise requires:
- Cap. 414           “Act” means the Energy and Water Utilities Regulatory Authority Act;
- “authorized representative” means a person duly authorized by the Complainant or the Respondent to represent him in the conduct of the complaint and the term shall include the Council;
- “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the Act;
- “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 of 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.

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## PART II FILING OF A COMPLAINT

Filing of  
Complaints

**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 Third

Schedule.

(2) Notwithstanding the generality of sub-rule (1), and for avoidance of doubt, 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) above, 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 generality 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, not later than seven days after receipt of a complaint in rule 4, direct the respondent using the summons prescribed in the Fourth Schedule to present his defence.

(2) The summons in 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; or
- (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).

Defence to the

**6. -** (1) The respondent shall, not later than twenty-one days after receipt of

Complaint

the summons in rule 5, present to the Authority a defence to the complaint which may include a counterclaim or claim for set-off.

(3) 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.

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

(5) 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.

(6) 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 12 (3) *mutatis mutandis*.

(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, within twenty-one days of the service of the third party notice, present to the Authority its defence.

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

if the respondent presenting a third party notice shall be liable in the complaint he 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 for the respondent in 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.

Amendments to the complaint and a defence

**11.** – (1) A complainant or a respondent may, upon providing 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 a 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 5 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 in 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 Fifth 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 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 matter 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 using a summons prescribed in the third Schedule that a complaint has been referred to the Division for hearing.

(3) The notification described in 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; or
- (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 III HEARING PROCEDURE

Hearing Procedure is Quasi-Conciliatory

**16.** - (1) Complaint 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, 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 regulate its own procedure.

Failure to  
Appear

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

(2) Where the complainant fails to appear when the complaint is called for hearing, the Authority may issue 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 issue 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 adjourning hearing of the complaint.

(4) The Division may make determination on payment of costs of adjourning the case as it deems fit.

Application to  
Intervene

**19.** - (1) Any person who is interested 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 upon receipt of notice of the application.

(4) The Division may 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;
- (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, file to the Authority a reply to the statement of intervention separately or jointly.

Decision of the  
Authority

**20.** - (1) 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; and

- (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, and sub-rule (2) the award of the Authority 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 (1) shall, *inter alia*, be liable to contempt proceedings at the High Court.

#### PART IV APPEAL PROCEDURES

Appeal

**22.** – (1) Any party aggrieved by the decision of the Authority under Part IV, may within twenty-one days after the delivery of the award appeal to the Tribunal subject to the provision of the Act.

Ground 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.

#### PART V LIMITATION PERIODS

Dismissal of Proceedings Instituted After Period of Limitation

**24.** – (1) Subject to the provisions of these rules, every proceeding described in the Seventh 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 he is made a party.

Accrual of Cause of Action

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

(2) Subject to the provisions of these rules the right of action in respect of any

proceeding, shall accrue on the date on which the cause of action arises.

(3) Where there is a continuing breach of contract or a continuing wrong independent of a contract a fresh period of limitation shall begin to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Exclusion of  
Time of Party's  
Absence from  
Tanzania

**26.** 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

**27.** In computing the period of limitation prescribed for any complaint, the time during which the complainant has been prosecuting, with due diligence, another civil proceeding, in a court against the respondent, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in court which, from defect of jurisdiction or other cause of a like nature, is incompetent to entertain it.

Board may  
Extend Period of  
Limitation

**28.** Where the Board is of the opinion that in view of the circumstances in any matter, it is just and equitable so to do, it 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 VI GENERAL PROVISIONS

Taxation for  
Costs

**29.** – (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.  
515/1991

(2) Without prejudice to the provisions of sub-rule (1), the bill of costs shall be filed to the Authority in the format as prescribed under the Advocates Remuneration and Taxation for Costs Rules, 1991, *mutatis mutandis*.

(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.

Application

**30.** All applications to be made under these rules shall be by way of a letter to be sent to the Authority stating the reasons in support of the said application.

Issuance of  
Compliance  
Orders

**31.** 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 Authority may issue a compliance order subject to section 39 of the Act or such other directives as it may deem necessary.

General Penalty

**32.** Any person who breaches any provisions of these rules for which no specific penalty is prescribed shall pay a fine of three million shillings.

Penalty for Continued Breach

**33.** 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

**34.** Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by the Act and the applicable 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

**35.** - (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**

**(9) 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: \_\_\_\_\_

Address: \_\_\_\_\_

Physical Address \_\_\_\_\_

City: \_\_\_\_\_

Office Telephone: \_\_\_\_\_

Mobile Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_



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

Yes

No

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

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**(8) Any other relevant information:**

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

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**Signature of the  
Complainant/Principal Officer of the Complainant**

Date \_\_\_\_\_  
          **Day**          **Month**          **Year**

**For Authority's Use Only**

Date Received: \_\_\_\_\_ File No: \_\_\_\_\_

**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: \_\_\_\_\_

Simu ya Mkononi: \_\_\_\_\_

Anuani ya Barua Pepe: \_\_\_\_\_

**(2) Maelezo ya Mlalamikiwa:**

Jina: \_\_\_\_\_

Anuani: \_\_\_\_\_

Anuani ya Makazi: \_\_\_\_\_

Mji: \_\_\_\_\_

Namba ya Simu ya Ofisi: \_\_\_\_\_

Simu ya Mkononi: \_\_\_\_\_

Anuani ya Barua Pepe: \_\_\_\_\_

**(3) Maelezo ya Malalamiko (Karatasi ya Ziada inawezatumika):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**(7) Je nyaraka zote muhimu kwenye shauri hili zimeambatanishwa?**

**Ndio**

**Hapana**

Kama ndio zitaje: (Karatasi ya Ziada inawezakutumika)

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**(8) Maelezo mengine yeyote muhimu kwenye shauri hili:**

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

Sahihi ya Mlalamikaji/Ofisa Mkuu wa Mlalamikaji

Tarehe \_\_\_\_\_  
Siku Mwezi Mwaka

**Kwa Matumizi ya Mamlaka tu:**

Tarehe Iliyopokelewa: \_\_\_\_\_ Namba ya Faili: \_\_\_\_\_

**SECOND SCHEDULE**

*(Made Under Rule 5 (1))*

**THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY**

**(EWURA)**

**Complaint Number.....**

- 1. .... - **COMPLAINT**
- 2. .... - **RESPONDENT**

**SUMMONS TO FILE A DEFENCE**

**TAKE NOTICE** that Mr./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 will imply that you have waived your right to be heard and EWURA shall proceed determining the matter in your absence as provided for in GN No. ....

**GIVEN** under seal of EWURA this..... day of ..... 20.....

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

**COPY TO BE SERVED UPON:**

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

**MAMLAKA YA UDHIBITI WA HUDUMA ZA NISHATI NA MAJI**

**(EWURA)**

**Malalamiko Namba.....**

1. .... - **Mlalamikaji**
2. .... - **Mlalamikiwa**

**WARAKA WA KUWASILISHA UTETEZI**

**UNATAARIFIWA KWAMBA** Bw/Bi/Bibi/Dkt .....wa S. L. P. .... (“Mlalamikaji”) amewasilisha malalamiko yake hapa EWURA dhidi yako, nakala ya fomu ya malalamiko na nyaraka alizowasilisha zimeambatanishwa 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, GN. No.....*], unatakiwa kuwasilisha majibu dhidi ya hoja zilizotolewa na Mlalamikaji pamoja na vielelezo vyote muhimu vya kusaidia katika utetezi wako ndani ya siku ishirini na moja (21) tokea tarehe ya kuandikwa kwa waraka huu hii. Mlalamikaji apewe 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 LAKIRI** ya EWURA leo tarehe.....ya mwezi.....mwaka 20.....

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

**NAKALA KWA:**

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

**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 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:** .....

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:** .....

**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 inayobaki  
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: .....



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

**Tarehe**.....

3.2 Mimi,....., nikiwa ni Mlalamikiwa/Mwakilishi wa Mlalamikiwa 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**.....

3.3 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:** .....

**THIRD SCHEDULE**

*(Made Under Rule 15 (2))*

**SUMMONS TO APPEAR**

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

**Complaint Number: ..... / 20.....**

- 1. .... - **COMPLAINANT**
- 2. .... - **RESPONDENT**

**NOTICE OF DATE OF HEARING**

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

**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 of .....20..... You may also wish to bring witnesses if any.

**GIVEN** under the seal of EWURA this .....day of .....20....

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

**COPY TO BE SERVED UPON**

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

**SEVENTH SCHEDULE**

*(Made Under Rule 25 (1))*

LIMITATION PERIODS

PART I  
COMPLAINTS

<b>S/N</b>	<b>NATURE OF COMPLAINT</b>	<b>PERIOD OF LIMITATION</b>
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  
APPLICATIONS

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

.....  
....., 2012

Haruna Masebu  
*Director General*