

THE REPUBLIC OF UGANDA
THE ELECTRICITY DISPUTES TRIBUNAL

EDT NO 19 OF 2017

KATAKUWANGE M. FRED -----COMPLAINANT

VS

UMEME LTD -----RESPONDENT

RULING IN RESPECT OF COMPLAINANT'S APPLICATION FOR RECONNECTION OF POWER PENDING FINAL DETERMINATION OF THE COMPLAINT, BY THE TRIBUNAL

On 22nd November 2017 the Complainant Katakawange Fred, who was self-represented made an oral application to the Tribunal to order a reconnection of electricity supply to his business premises situated at Mutai Central L.C.1 Kagoma Parish, Buwenge Subcounty in Jinja District from where he operated a maize and rice milling plant. He stated that milling of maize and rice at this location is his only source of income.

The Complainant/Applicant claimed that he became a customer of the Respondent's predecessor, Uganda Electricity Board (UEB) way back in 1996. The documents he presented to the Tribunal (Complainant's Exhibit CE1; receipts issued by UEB upon the Complainant opening an account) are however dated 1/12/95 and 5/12/95. Presumably the account was opened in 1995 or early 1996.

He claimed that somewhere in 2001 the Police and the Respondent's predecessor used his said premises as a Communication Centre for the benefit of UEB, to fight Crime in the area which involved stealing of electricity wires and transformer oil and that the Police in writing specifically informed UEB that his energy account t No. 10111653 at Mutai Trading Centre was being used to charge police Radios and batteries for easy Communication in Mutai and its environment and that by this letter dated 14/09/2014, police asked for UEB's assistance. He claimed that Police used the power for some years until the advent of the Rural Electrification scheme when the Police ceased using his premises as a Communication Centre.

He claimed that during the time the police was using his energy account and premises, it never paid any electricity bill and the bills grew very big.

He claimed that the Respondent disconnected him on 13/08/15 for failing to pay the bill. He thereafter made several endeavors to elicit the help of the Respondent and Police to address the issue of payment of the outstanding bill by Police paying a portion thereof, but in vain. He was then forced to file the Complaint No. EDT/10 OF 2017 against Umeme Ltd to seek appropriate remedies.

He is now requesting for reconnection of power to the milling factory to enable him operate until the resolution of his complaint now before the tribunal. He stated that he was willing to undertake to pay the current bills as they fall due.

The Respondent vehemently objected to this application for interim reconnection. The objection was based mainly on the grounds that

- there was no dispute on part of the Complainant/ Applicant of his liability to pay the outstanding bill, which had led to the disconnection in the first instance
- Applicant had failed to live up to previous commitments he had made to the Respondent to pay weekly installments of SHS 500,000/= towards the outstanding bill.
- Applicant was not ready to make any down payment towards the outstanding bill before an interim reconnection of his premises could be made.

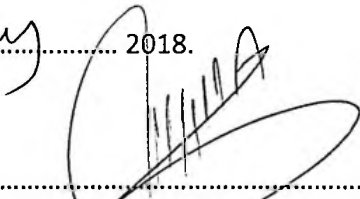
After receiving the respective submissions by the parties and perusing the record on the file, particularly the efforts the Complainant /Applicant had previously appeared to have made to make some part-payments towards the settlement of the amount that the Respondent demanded of him as illustrated by the payment of SHS 1,000,000/= claimed to have made from a loan obtained from BRAC Uganda Microfinance. In this instance BRAC even made a plea to the Respondent's manager in Jinja to have trust in the Complainant for reconnection (see Exhibit CE5) and payments made in October 2016 amounting to SHS 1,725,200/= as shown in exhibit CE9 and sums totaling to SHS 925,000/= paid in July 2017 as shown by exhibit CE10(1-3), plus the fact that he appears to accept a degree of liability to pay towards the total sum being demanded by the Respondent ; we are of the opinion that it is only fair and reasonable that the Respondent reconnects power to the applicant/ Complainant's mill factory to enable him resume operations so as to be able to generate some income pending the conclusion of the consideration of his complaint by the tribunal.

The Applicant is however required to pay to the Respondent a deposit of SHS 500,000/= towards the settlement of the outstanding bill before he is reconnected. He admits to owing if not all, at least a part of the bill and also pay his current bills as they fall due without fail. If the Complainant religiously pays his current bills as they fall due, the act of disconnecting his mill

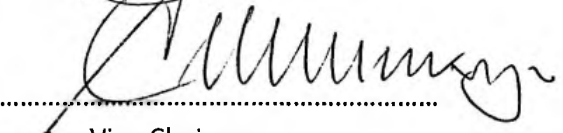
factory or otherwise will be dependent on the way the chips fall at the conclusion of the determination of this Complaint. If however he defaults in paying his current dues, the Respondent may exercise its discretion and once more disconnect him as the parties pending the conclusion of the resolution of the Complaint.

We so Order; this 31st day of January 2018.


Charles Okoth-Owor


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Chairman

Anaclet Turyakira


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Vice Chairman

Eng. Dr. Moses Musaazi


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Member