

UGANDA / JUDGMENT

Kiyingi v UMEME Limited (EDT COMPLAINT 15 of 2014) [2015] UGEDT 3 (12 October 2015)

[2015] UGEDT 3

COURT

Electricity Disputes Tribunal

BEFORE

Charles Okoth Owor - Chairperson Electricity
Disputes Tribunal, Anaclet Turyakira, - Vice Chair
Person Electricity Disputes Tribunal, Eng. Dr. Moses
Musaazi - Member Electricity Disputes Tribunal

CASE / FILE NUMBER

EDT COMPLAINT 15 of 2014

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THE REPUBLIC OF UGANDA

ELECTRICITY DISPUTES TRIBUNAL SITTING AT KAMPALA

IN THE OF THE ELECTRICITY ACT CAP. 145

AND IN THE MATTER OF THE ELECTRICITY DISPUTES TRIBUNAL (PROCEDURE)

RULES 2012, si.53/2012

(ARISING FROM COMPLAINT NO. EDT/15 /2014)

IN THE MATTER OF

KIYINGI BADRU APPLICANT/COMPLAINANT

VERSUS

UMEME LIMITED RESPONDENT

RULING

This is an application by the Complainant, Mr. Badru Kiyingi for an order of this tribunal to compel the Respondent Ms. UMEME to re-connect power pending payment by him of ^areasonable "fraud charge" pending the determination of the main claim.

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The reasons advanced by him for his application are that he was not around when the alleged fraud was committed by his tenants, he has suffered loss and continued to suffer loss arising from the disconnection of power since January 2014, and that he, had previously been paying his bills promptly and his claim has high chances of success.

In response, Pricilla Namusikwe, Counsel for the Respondent informed the tribunal that the Respondent is willing to reconnect the power pending the disposal of the matter before this tribunal, provided the claimant pays 60% of the fraud bill which amounts to UGX. 2,479,000.

Counsel Namusikwe contended that the complainant had not demonstrated willingness to pay since, he has not paid any money since January 2014 when he was disconnected. She therefore argues that there is nothing to show that he will pay.

In reply Mr. Kiyingi advances as ^a reason for nonpayment the fact of having been disconnected resulting in his tenants vacating the rental houses which were his source of income. The above is coupled with his sickness (diabetes, blood pressure and kidney) for which he has to pay high sums of money for treatment. This is in addition to paying fees for his children.

From the above, it is clear that there is a dispute between the parties as to ^a fraud charge.

It is also clear that both parties do not differ on the principle of partial payment pending the determination of the matter by the tribunal. What is in dispute is the manner in which to pay the 60% that both parties have agreed be paid!

The Respondent demands 60% payment in full before re-connection.

The claimant is willing to pay 60% but requests that the same be phased by allowing him to pay the shs. 100,000/=; the re-connection taking place immediately upon his acceptance to pay and not necessarily upon payment of the 60% in full.

The tribunal is mindful of the following;

- I. That there is dispute between the parties as to the fraud bill.
- II. . The Respondent has duty to reign on persons and entities who indulge in "power thefts".
- III. The economic hardship faced by the Complainant as a result of his disconnection while he was away on business.
- ¹ IV. The willingness of both parties to reconnect pending the determination of the claim

In view of the above, the following orders are made by the tribunal;

- i. The Claimant shall pay shs. 200,000/= per month with effect from October, 2015 till disposal of this matter.
- ii. installment, the Respondent shall reconnect the Upon payment of the 1st claimant.
- iii. In addition to the payment in (i) above, the Claimant shall pay for power consumed in any particular month, thereafter October 2015 inclusive.

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- iv. Both part payment and power consumed on the month shall be paid by the last day of the month that they fall due.
- v. Any default by the claimant on any of the payments in (i)-(iv) above, shall entitle the Respondent to disconnect power.
- vi. Amounts paid as part payment on the fraud bill shall in the event of success by the Claimant in the claim either be refunded or treated as credit to the claimant by the Respondent.

Dated at Kampala this day of October, 2015.

.. Chairman Anaclet Turyakira Chairman Charles Okoth Owor...../..... Lx1'!!

Member Moses Musaazi

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