

**IN THE FAIR COMPETITION TRIBUNAL
AT DAR ES SALAAM**



TRIBUNAL APPEAL NO. 8 OF 2018

**VODACOM TANZANIA PLC.....APPELLANT
VERSUS
TANZANIA COMMUNICATION REGULATORY
AUTHORITY (TCRA).....RESPONDENT**

RULING

This Ruling is in respect of the point of law raised *suo motto* by the Tribunal on 30/08/2019 as to whether the instant appeal arising from the determination No. 5 of 2017 published in Government Notice No. 5050 of 20/12/2017 by the respondent based on Tanzania Communication Regulatory (Interconnection Rates Determination No. 5 of 2017) was filed out of time in the light of Regulation 12(1) of the EPOCA read together with Rule 11(1) of the Fair Competition Tribunal Rules, 2012. On that note, the Tribunal ordered the learned counsel or parties to make a thorough and detailed research on the point and file written submissions on the point.

Having read the written submissions of the learned counsel for the parties on this point, we hasten to say and register our gratitude and commend them for their invaluable input on the

matter. Going by their respective submissions, which basically the learned counsel are at no issue on the competency of the appeal, we are as well with no issue with the learned counsel for parties that the instant appeal is well within time, in particular, when TCRA is silent on the time within which to lodge notice of appeal from TCRA decision on the point. Guided by the law of Limitation as decided in the case of **FUEL MASTER (T) LIMITED – KATONGA FILING STATION V. ENERGY AND WATER UTILITIES REGULATORY AUTHORITY**, Tribunal Application No. 3 of 2014, then without much ado we find the instant notice of appeal was filed within time and we hereby accordingly find that the instant appeal was filed within time and it shall be determined on merits. No order as to costs.

It is so directed.

Dated at Dar es Salaam this 18th day of November, 2019.



Hon. Judge Stephen M. Magoiga – Chairman



Hon. Judge Yose J. Mlyambina – Member



Dr. Theodora Mwenegoha – Member

18/11/2019

Ruling delivered this 18th day of November, 2019 in the presence of Mr. Gaspar Nyika, learned advocate for appellant and Ms. Happiness Flavian, learned advocate for the Respondent and Mr. Beda Kyanyari Tribunal Clerk.



Hon. Judge Stephen M. Magoiga – Chairman



Hon. Judge Yose J. Mlyambina – Member



Dr. Theodora Mwenegoha – Member

18/11/2019