

IN THE FAIR COMPETITION TRIBUNAL

AT DAR ES SALAAM

TRIBUNAL APPEAL NO. 15 OF 2020

DANIEL GATI GISIRI.....APPELLANT

VERSUS

MBIKIE STORES PETROL STATION.....1ST RESPONDENT

**ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY (EWURA).....2ND RESPONDENT**



ORDER

Indeed as noted by the Tribunal and conceded by all parties, the instant appeal is incompetent for failure to comply with the mandatory provisions of Rule 11(6) of FCT Rules, 2012 for want of pleadings and exhibits.

The missing documents are imperative for determination of this Appeal and without which the Tribunal cannot effectively determine the appeal. The appellant readily conceded to the defect. Mr. Chambiri, learned advocate for the 1st Respondent also noted the incompetency and prayed that this appeal be struck out with costs as the defects were noted since July, 2020 but have not been rectified.

On the part of the 2nd respondent Mr. Kidifu, learned State Attorney was of the firm view that since the appeal is incompetent, Tribunal needs to use its powers under the provisions of Rule 31(1)(c) of FCT Rules, 2012 to reject this

appeal. The learned State Attorney did not pray for costs. When rejoining, the appellant conceded to the defect again and had no problem with the rejection of the appeal but prayed that costs should not be granted.

This Tribunal having listened and considered the rival arguments and prayers of parties, indeed holds that the instant appeal is incompetent for failure to comply with the mandatory provisions of Rule 11(6) of the FCT Rules, 2012. Without much ado this appeal must be and is hereby rejected under the provisions of Rule 31(1)(c) of the FCT Rules, 2012. The same is thus struck out with no order as to costs because it is the Tribunal which noted the defect and not Mr. Chambiri, learned advocate. The appellant, if wishes, can initiate the process afresh.

Order accordingly.



Hon. Judge Stephen M. Magoiga - Chairman



Prof. Honest P. Ngowi - Member



Eng. Boniface G. Nyamo-Hanga - Member

19/08/2021