

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



TRIBUNAL APPEAL NO. 4 OF 2017

**TANZANIA ELECTRIC SUPPLY COMPANY LIMITED
(TANESCO).....APPLICANT**

VERSU

**MAJOR (RTD) EMMANUEL VAVUNGE.....1ST RESPONDENT
ENERGY AND WATER UTILITIES**

REGULATORY AUTHORITY.....2ND RESPONDENT

ORDER

When the matter was called for hearing today, counsel representing the appellant conceded to the preliminary objection raised by the second respondent that it is true the appellant's appeal is incompetent as it does not contain pleadings and proceedings. She however, prayed for leave to re-file the appeal and extension of time to lodge afresh memorandum of appeal.

The prayers were strongly objected by counsels Kayombo and Kabakama representing the 1st and 2nd respondents, respectively arguing that the prayers were intended to pre-empt the

objection raised. Thus, they prayed for the appeal to be struck out with costs.

In rejoinder it was insisted that since the proceedings were not supplied to the appellant then it was not appellant's fault thus prayed for leave to re-file the appeal.

We have taken into account the submissions made by the counsel and we are in all fours with the counsels for respondents that since the appeal is incompetent then the proper cause is to strike out the appeal. We therefore, proceed to strike out the appeal with costs. Having striking out the appeal then we leave it to the wishes of the appellant, if she still wants to pursue her appeal. It is so ordered.



Judge Barke M.A. Sehel – Chairperson



Mr. Donald L. Chidowu – Member



Dr. Theodora Mwenegoha – Member

23/05/2018