



**TANZANIA CIVIL AVIATION AUTHORITY**

**DECISION OF THE COMMITTEE OF THE AUTHORITY ON THE CONSUMER COMPLAINT**

**BETWEEN**

**Hon. KARUA SAMUEL .....COMPLAINANT**

**AND**

**FASTJET ..... RESPONDENT**

**DECISION NO. 2 OF 2017**

On 2 September 2016, the Authority received a complaint from Hon. Karua Samuel the complainant against Fast Jet the respondent.

The complainant was among the passengers who were to travel to Mbeya on 28 October 2015. He had a ticket number 0002301206658-1. Unfortunately the flight took off leaving him stranded at the VIP lounge despite the fact that he arrived on time at the airport. He was to meet an important investor in mining activities in Mbeya, the complainant pointed out that the meeting was scheduled to take place on 28 October 2015 at 0900hrs. As a result of his failure to travel, the investor cancelled the meeting thus he suffered damages of USD 500,000 for loss of business.

TCAA Consumer Complaints Unit (CCU) did investigation by meeting FastJet representatives Eng. August Kowero, Christine Kauson and David Chacha. During the meeting FastJet representatives admitted that the complainant was to travel on 28 October 2015. They stated that by virtue of his post on the material date the complainant checked in through VIP lounge. The VIP lounge is under the control and management of Swissport. FastJet repeatedly announced through public announcement systems for the complainant to proceed onboard; since he was at the VIP section he could not hear the announcement. They stated that it was the responsibility of the passenger to board the plane and the duty of Swissport to ensure that passengers in VIP section are duly informed of the boarding time. FastJet therefore refuted all allegations by the complainant.

CCU referred the complaint to the Committee of the Authority for decision as required by Rule 10 of the Civil Aviation (Procedure for Complaints Handling) Rules, 2009.

The hearing at the Committee was attended by Mr. Malik M. Hanif (Chairperson), Mr. Jaffari K. Mpili (Member), Mr. Hamza S. Johari (Member), Mr. Vallery Chamulungu (Secretary of the Board

of Directors) and Ms. Massa K. Mumburi (Secretary to the CCU). The Complainant appeared in person. The Respondent was represented by Eng. August Kowero Head of Government and Regulatory Affairs, Mr. Shamba Mlenga Swissport in charge and Ms. Ivone Sianga Advocate from Gabriel and Co. Attorney.

The retired Judge Hon. Karua Samwel explained that on 28 October 2015 he was going to Mbeya. The flight was departing at 0600hrs. He arrived at the airport on time and went to VIP lounge. At around 0700hrs he was informed that the flight had left. He did not understand why it left without him. At all time he was sitting waiting but no one informed him to board the aircraft as required in the VIP lounge. Normally there are no public announcements in the VIP lounge. There was no officer to explain or apologize is it for or to what happened. When he was about to leave he met one woman who appeared to panic that after noticing that he had not travelled. At one point she mentioned that there was a driver who was supposed to pick the complainant. He was offered an afternoon flight but he refused because it was no longer suitable for his program. He decided to travel the following day. He had to buy another ticket at his own cost. He prays for remedies of damage suffered at the discretion of the committee.

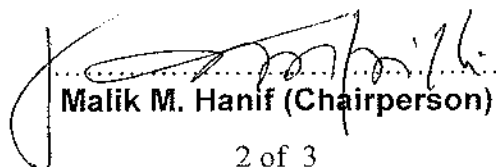
FastJet Advocate Ivone Sianga explained that it is true the complainant checked in VIP lounge. The boarding pass shows the time for boarding. On that day boarding announcements were done but the complainant did not turn up. FastJet performed its duty of handling the passenger by giving him a boarding pass.

In addition to this Mr. Shamba in charge to Swissport explained the procedure for boarding. He explained that when it is time for boarding VIP passengers are called first 7 minutes before departure, if a passenger is missing, FastJet checks out whether the missing passenger has any luggage. If he has no luggage, he is dropped from the system to allow the pilot to proceed with manifest. If the passenger missing has a luggage, the flight is given few more minutes to look for the passenger. FastJet uses two signatures to check in its passengers so when there is a missed passenger the two signatures can help in the search. Swissport handles its VIP passengers in collaboration with TAA. On 28 October 2015 the passenger was there at VIP lounge. There were no other passengers from Fastjet on VIP lounge on that day. Swissport is an agent of FastJet in handling passengers but there is a chain of information passing through Fastjet, Swissport and TAA.

The committee considered submission by both parties and evidence submitted in this complaint. The committee deliberated and resolved that the complainant should be granted USD 4000, the cost of the ticket incurred on 30 April 2016 and the cost of the advocate's representation on the day of the hearing of the committee.

Delivered at Dar es Salaam this 22<sup>nd</sup> day of February 2017.

Signed on this .....26.....day of .....MAY.....2017.

  
**Malik M. Hanif (Chairperson)**