



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Stouf Communications
Information Provider (IP) (if any)	
Service Type	n/a
Source of Complaints	Mr P Baroutsos
Complaint Number	9214
Date received	19 April 2010
Code of Conduct version	9.0

Complaint

On 9 April 2010, the complainant, a private individual, lodged a complaint against Stouf Communications (SP) on the basis that it was withholding payments of third party revenue due to a company called Melange Holdings (Pty) Limited. The complainant alleges that such monies were due to Melange Holding's own customers.

It does not appear from the complaint what the relationship is between the complainant and Melange Holdings (Pty) Limited; however it is suspected that he is a director of the company.

The complaint was initially dealt with according to the informal complaint resolution procedure. The SP acknowledged its indebtedness and undertook to settle the amount owing as soon as confirmation of the exact amount owing had been received.

However the complainant was not satisfied with the outcome and the matter was escalated to the formal complaint procedure.

Sections of the Code considered

The complainant has referred to section 3.1 of the WASPA Code of Conduct.

Decision

This complaint is not suitable for adjudication in terms of the WASPA formal dispute resolution procedure. WASPA does not have jurisdiction to adjudicate on disputes between service providers regarding payment of revenue earned from services offered to users. This dispute should be referred to the civil courts.

Even if WASPA could adjudicate this dispute, the complainant has no *locus standi* in this regard.