



W.P.No.37060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.37060 of 2024

And

W.M.P.No.40041 of 2024

M/s.Boozan Controls
Prop.Dillibabu
SIDCO Industrial Estate,
Thirumudivakkam,
Chennai – 600 044.

... Petitioner

Vs.

- 1.The Chairman Cum Managing Director,
TANGEDCO
Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
TANGEDCO, CEDC./South – 1,
110kv, K.K.Nagar SS Complex,
K.K.Nagar,
Chennai – 78.
- 3.The Executive Engineer,
TANGEDCO, Porur 110/33 kv
SRMC, SS Complex, Porur,
Chennai – 600 116.
- 4.The Assistant Executive Engineer,
TANGEDCO, CEDC/South – 1,
Thirumudivakkam 1A, Murugan Koil St.,
Kundrathur,
Chennai – 600 069.



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5.The Assistant Engineer, O&M,
TANGEDCO,
Thirumudivakkam I.E,
1A, Murugan Kovil Street,
Kundrathur,
Chennai – 600 069.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in the impugned letter/order LR.NO.SE/CEDC/S-1/AEE-GL/F.CURA-COURT CASE /D.1294/24 DT.13.11.2024 and quash the same as illegal and arbitrary and to refund the amount already paid as per the direction of the Hon'ble High Court.

For Petitioner : Mr.C.Emalias
for M/s.D.Stephen
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel for TNEB

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in the impugned letter/order LR.NO.SE/CEDC/S-1/AEE-GL/F.CURA-COURT CASE /D.1294/24 dated 13.11.2024 and quash the same as illegal and arbitrary and to refund the amount already paid as per the direction of this Court.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is the Proprietor of M/s.Boozan Controls and he owned two LTCT service connections for his premises one under industrial tariff and another one for the purpose of welding which was billed under higher tariff. The said service connections and premises are located in the industrial area of SIDCO. The learned counsel further submitted that SIDCO will allocate space only for the purpose of industrial development and the said premises was let to CURA Health Care Private Limited on lease for the purpose of production of medical equipment which was industrial in nature.

3.The learned counsel appearing for the petitioner further submitted that the respondents alleged that CURA Health Care Private Limited committed theft of electricity and vide order dated 24.10.2018 directed CURA Health Care Private Limited to pay compounding fee and challenging the same, CURA Health Care Private Limited filed W.P.No.28970 of 2018 and this Court vide order dated 28.03.2023 granted liberty to CURA Health Care Private Limited to workout the remedy before concerned Superintending Engineer. In the meanwhile, the respondents conducted enquiry for the alleged loss sustained by



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them and passed the impugned order directing the petitioner to pay extra levy amount of Rs.8,99,098/- with BPSC charges of Rs.9,71,026/- totalling Rs.18,70,124/- for S/c.No.307-001-249 and extra levy amount of Rs.6,70,342/- with BPSC charges of Rs.7,23,969/- totalling Rs.13,94,311/- for S/c.No.307-001-250.

4.The learned counsel appearing for the petitioner further submitted that this Court vide order dated 10.12.2024 directed the petitioner to deposit 1/3rd of the extra levy amount excluding BPSC charges, pursuant to which, the petitioner paid 1/3rd of the extra levy amount and further submitted that since the service connection stands in the name of the petitioner, the petitioner is ready to pay 2/3 of the extra levy amount excluding BPSC charges, hence, this Court may without going into the merits of the case, permit the petitioner to pay the balance extra levy amount and issue direction to the respondents to recover the BPSC charges from CURA Health Care Private Limited.

5.The learned Standing Counsel appearing for the respondents submitted that the petitioner is the Proprietor of M/s.Boozan Controls and the owner of the premises where misuse of



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energy has been detected. On 24.10.2018, the Anti Power Theft Squad conducted inspection in the petitioner's premises by issuing notice to both the petitioner and CURA Health Care Private Limited, during which, it was found that the electricity supply granted under LT tariff – IIIB category which is for industrial purpose was used for commercial purpose. Hence, provisional assessment order was served to both the petitioner and CURA Health Care Private Limited in accordance with the Regulations of the respondent Board. The learned Standing Counsel further submitted that the contention of the petitioner with regard to the nature of work being carried out by CURA Health Care Private Limited is not sustainable as the petitioner has no locus to plead the nature of work carried out by CURA Health Care Private Limited.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The petitioner is the Proprietor of M/s.Boozan Controls and he owned two LTCT service connections for his premises one under industrial tariff and another one for the purpose of welding which was



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billed under higher tariff. The said service connections and premises are located in the industrial area of SIDCO and the said premises was let to CURA Health Care Private Limited on lease for the purpose of production of medical equipment which was industrial in nature. On 24.10.2018, the Anti Power Theft Squad conducted inspection in the petitioner's premises, during which, it was found that the electricity supply granted under LT tariff – IIIB category which is for industrial purpose was used for commercial purpose.

8.The respondents alleged that CURA Health Care Private Limited committed theft of electricity and vide order dated 24.10.2018 directed CURA Health Care Private Limited to pay compounding fee and challenging the same, CURA Health Care Private Limited filed W.P.No.28970 of 2018 and this Court vide order dated 28.03.2023 granted liberty to CURA Health Care Private Limited to workout the remedy before concerned Superintending Engineer. In the meanwhile, the respondents conducted enquiry for the alleged loss sustained by them and passed the impugned order directing the petitioner to pay extra levy amount of Rs.8,99,098/- with BPSC charges of Rs.9,71,026/- totalling Rs.18,70,124/- for S/c.No.307-001-249 and



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extra levy amount of Rs.6,70,342/- with BPSC charges of Rs.7,23,969/- totalling Rs.13,94,311/- for S/c.No.307-001-250.

9.However, petitioner did not commit theft of electricity, however, the service connection stands in the name of the petitioner, for which, the impugned order has been issued to the petitioner. It appears that pursuant to the order of this Court dated 10.12.2024, the petitioner has paid 1/3rd of the extra levy amount and now, the petitioner is ready to pay 2/3 of the extra levy amount excluding BPSC charges, without prejudice to his rights, however, the petitioner is not ready to pay the BPSC charges, for which, the petitioner prayed this Court to issue direction to the respondents to recover the BPSC charges from CURA Health Care Private Limited.

10.Since the petitioner is only the owner of the premises and has not committed theft of electricity and since the petitioner has paid 1/3rd of the extra levy amount and since the petitioner has come forward to pay the balance 2/3rd of the extra levy amount, without prejudice to his rights, this Court permits the petitioner to extra levy amount of Rs.8,99,098/- for S/c.No.307-001-249 and extra levy



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amount of Rs.6,70,342/- for S/c.No.307-001-250, less than the amount already paid, pursuant to the order of this Court dated 10.12.2024, within a period of four weeks from the date of receipt of a copy of this order. After receipt of the said amount, the respondents are directed to restore service connection in favour of the petitioner. Liberty is granted to the respondents to recover BPSC charges of Rs.9,71,026/- for S/c.No.307-001-249 and BPSC charges of Rs.7,23,969/- for S/c.No.307-001-250 from CURA Health Care Private Limited.

11.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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