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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION(L)NO.1 OF 2015
IN
PUBLIC INTEREST LITIGATION NO.18 OF 2010

Energy Efficiency Services Limited

..Petitioner

Versus

Bombay Bar Association & Ors.

..Respondents

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Mr. Anil C. Singh, Advocate General, Mr. Aniket Prasoon & Bitikar Kaur
for the Review Petitioner.

Ms. Armin Wandrewala-petitioner-in person.

Mr. H. S. Venegaonkar, Addl. G.P for the Respondent-State.

Mr. A. Y. Sakhare, Senior Advocate, a/w J. J. Xavier for the Respondent-
BMC.

Mr. Rakesh Singh, Pushkel Mishra & Prachi Sawant i/b. M. V. Kini & Co.for
Respondent No.10-BEST.

Mr. Pradeep Sancheti, Senior Advocate, i/b. Pravin Mehta & Mithi & Co.
for the Original Petitioner.

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CORAM: MOHIT S. SHAH, C.J. &
A. K. MENON, J.

DATE : 7 AUGUST 2015.

PC.:

In our order dated 2 July 2015, we had made certain observations regarding insufficient lighting for pedestrians on the Marine Drive Promenade and asked the Additional Municipal Commissioner why Sodium Vapour lights giving sufficient light and a golden glow from the Nariman Point to Walkeshwar had been

removed. We had also noted the reply of the Additional Municipal Commissioner that by replacement of Sodium Vapour lights by LED lights, the Municipal Corporation would be able to save substantial amounts.

We had, then, observed that an exception was required to be made for street lights from Nariman Point to Walkeshwar by restoring the Sodium Vapour lights to bring the glory of Marine Drive and the Queen's Necklace back to the City of Mumbai and we had called upon the Bombay Municipal Commissioner to take appropriate action in light of the above observations.

2] Mr. Anil Singh, learned Advocate General submits that the issue of use of LED lights of the Marine Drive was examined at appropriate technical level and thereafter it was decided to install LED street lights at the Marine Drive. In paragraph 15 of the review petition, it is also further stated as under:-

“It is respectfully submitted that it can be technically proved that the golden glow look of Marine Drive can easily be maintained by usage of non-white LEDs (with golden glow emission) without also having any adverse implication on the level of luminosity in comparison to the earlier installed sodium vapour lights.”

3] Having heard the learned Advocate General and Mr. Pradeep Sanchet, learned counsel for PIL petitioner and Ms. Wandrewala, the intervener, we are of the view that since the observations made in our order dated 2 July 2015 essentially pertained to restoring of the golden glow emissions from the street lights at Marine Drive, usage of non-white LEDs with golden glow emission will serve the purpose of restoring the golden glow to the Marine Drive also known as Queen's Necklace which is considered as the pride of Mumbai.

4] We, accordingly, modify the observations in para 17 of the order dated 2 July 2015 and the Municipal Commissioner shall replace the present white LED lights by non-white LEDs (with golden glow emission) at the Marine Drive from Nariman Point to Walkeshwar at the earliest.

5] We make it clear that since the grievance at the hearing on 2 July 2015 was about white LED lights not emitting sufficient light on the Marine Drive Promenade, the Municipal Corporation may replace the white LED lights with non-white LED lights across a small stretch of the Marine Drive Promenade to get the illumination evaluated in the presence of Chairman, Mumbai Heritage Conservation Committee. In the event, non-white LED lights do not provide sufficient illumination on the Marine Drive Promenade, Sodium Vapour lights will be restored as per order dated 2 July 2015. If the non-white LED lights are found satisfactory, the

remaining white LED lights shall be replaced by non-white LED street lights as aforesaid on the entire road from Nariman Point to Walkeshwar.

6] The Review Petition is, accordingly, disposed of in the above terms.

CHIEF JUSTICE

(A. K. MENON, J.)

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