IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL(IT) NO. 664 OF 2024

Pr Commissioner Of Income Tax Central 3 ...Appellant
Versus
Speco Infrastructure ...Respondent

Ms. Swapna Gokhale, for Appellant.

Mr. Bharat Raichandani (through V.C), a/w Bhagrati Banu i/by UBR Legal Advocates, for Respondent.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.

DATED : 03 December 2025

P.C.:-

1. Heard Ms. Gokhale, learned counsel for the appellant and Mr. Raichandani, learned counsel for the respondent.

2. Ms. Gokhale urges the admission of this appeal on the substantial questions of law formulated in the appeal memo.

3. In this case, we find that the Commissioner (Appeals) and Income Tax Appellate Tribunal have held in favour of the assessee by relying upon the decision of this Court in the case ***Commissioner of Income Tax vs. Continental Warehousing Corporation (NhavaSheva) Ltd***[1] and ***Commissioner of Income-***

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[1]. (2015)(58 taxmann.com 78) (Bom)

tax, Central-II, Mumbai vs. Gurinder Singh Bawa[2] .

4. Before the Income Tax Appellate Tribunal, the revenue contended that the decision of this Court in ***Continental Warehousing Corporation (supra)*** was challenged before the Hon'ble Supreme Court and therefore, Tribunal should not follow the same. Such contentions were correctly rejected by the Income Tax Appellate Tribunal. Merely because a decision is challenged, the same, does not lose its precedential authority unless it is actually reversed or overruled.

5. Incidentally, even the SLP challenging this Court's decision in ***Continental Warehousing Corporation (Supra)*** was dismissed by the Hon'ble Supreme Court on 9 July 2018 in the light of order dated 24 April 2018 passed in the case of ***Commissioner of Income Tax, Delhi – I Vs. M/s. Container Corporation of India Ltd***[3]***.***

6. Further, we note that even in the case of ***Principal of Commissioner of Income Tax Central -III vs. Abhisar Buildweel (P) Limited***[4], the view taken by this Court in the case of Continental Warehousing Corporation (Supra) was approved.

7. Accordingly, we are satisfied that none of the questions of law raised in this appeal arise or could be held as substantial questions of law.

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[2]. (2017)(79 taxmann.com 398) (Bom)

[3]. (Civil Appeal No. 8900 of 2012 and Ors connected matters decided on 24 April 2018)

[4]. (2023) 149 taxman.com 399 (SC)

8. In almost identical circumstances, we have dismissed the revenue's Income Tax Appeal (IT) No. 739 of 2024 by our order dated 12 November 2025 in the case of Pr Commissioner of Income Tax Central 3 Vs. RPS Infra Projects Pvt Ltd.

9. Accordingly, by following the reasoning in the above order of 12 November 2025, we dismiss this appeal as it involves no substantial questions of law. No costs.

(Advait M. Sethna, J) **(M.S. Sonak, J.)**