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Regulatory Overlap and Market Access in Indian Real Estate: Analysing the Interface Between RERA and Competition Law

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Abstract

The Indian real estate sector has undergone significant regulatory transformation with the enactment of the Real Estate (Regulation and Development) Act, 2016 (RERA), which introduced a specialised framework aimed at enhancing transparency, accountability, and consumer protection in real estate transactions. Parallel to this sector-specific regulation, the Competition Act, 2002 governs market conduct by addressing anti-competitive agreements, abuse of dominant position, and practices causing appreciable adverse effects on competition. Although both legislative frameworks pursue distinct regulatory objectives, contemporary disputes in the real estate sector increasingly reveal substantial areas of interaction and jurisdictional overlap. Issues such as unfair contractual clauses, delayed possession, unilateral modification of project terms, discriminatory allotment, and exploitative market conduct frequently raise concerns capable of attracting scrutiny under both RERA and competition law.

This overlap raises a critical jurisprudential question: whether the coexistence of sectoral regulation and competition law represents regulatory complementarity or results in duplicative enforcement and jurisdictional uncertainty. Existing scholarship has largely examined RERA and competition law as independent legal regimes, with limited academic attention devoted to their doctrinal interaction, concurrent jurisdiction, and institutional boundaries within India's real estate sector. This paper addresses that gap by critically examining the encounters and interactions between RERA and competition law with particular emphasis on conflict, complementarity, and concurrent regulation. Adopting doctrinal and comparative legal methodology, the study analyses statutory provisions, judicial precedents, decisions of the Competition Commission of India, and regulatory developments under RERA. The paper argues that RERA and competition law should not be viewed as mutually exclusive regulatory regimes but as complementary legal mechanisms addressing distinct yet interconnected market failures. It proposes a harmonised regulatory framework aimed at improving institutional coordination, reducing jurisdictional ambiguity, and strengthening regulatory efficiency in India's evolving real estate market.

Keywords RERA, Competition Law, Real Estate Regulation, Abuse of Dominance, Regulatory Overlap, Concurrent Jurisdiction, Consumer Protection.

1. Introduction

The real estate sector occupies a pivotal position in the Indian economy due to its substantial contribution to gross domestic product, employment generation, infrastructure development, and capital formation. As one of the largest sectors attracting domestic and foreign investment, real estate significantly influences urban expansion, housing accessibility, and industrial growth. Its multiplier effect extends across allied sectors such as banking, construction, cement, steel, insurance, and infrastructure, making effective market regulation essential for sustainable economic development (**Ministry of Housing and Urban Affairs [MoHUA], 2025**). The increasing commercialisation and financialization of real estate have further transformed the sector from a traditionally asset-driven market into a complex ecosystem involving developers, regulatory authorities, financial institutions, investors, and consumers.

Despite its economic significance, the Indian real estate sector has historically been characterised by regulatory fragmentation, information asymmetry, delayed project delivery, one-sided contractual arrangements, and concentration of market power among large developers and statutory development authorities (**Khandelwal, 2022**). These structural deficiencies have frequently resulted in disputes involving unfair trade practices, exploitative contractual clauses, discriminatory allotment, unilateral project modifications, and delayed possession. Such disputes increasingly extend beyond traditional contractual disagreements and raise broader concerns relating to market fairness, consumer welfare, and abuse of economic power (**MarketScreener, 2025**).

To address these challenges, India has developed multiple regulatory frameworks governing different dimensions of the real estate sector. A significant transformation occurred with the enactment of the *Real Estate (Regulation and Development) Act, 2016* (RERA), which introduced a specialised regulatory framework aimed at promoting transparency, accountability, and consumer protection in real estate transactions (*Real Estate (Regulation and Development) Act, 2016*). RERA seeks to regulate project registration, disclosure obligations, escrow requirements, promoter responsibilities, and dispute resolution mechanisms. The legislation marked a decisive shift towards sector-specific regulation by strengthening statutory remedies available to homebuyers and improving promoter accountability (**Khandelwal, 2022**).

Parallel to sector-specific regulation, competition law performs an equally significant role in preserving fair market conditions. The *Competition Act, 2002* seeks to prevent anti-competitive agreements, regulate combinations, and prohibit abuse of dominant position in order to safeguard competition and consumer welfare (*Competition Act, 2002*). Within the real estate sector, competition law becomes particularly relevant where dominant enterprises impose unfair or discriminatory conditions, engage in exclusionary practices, or exploit superior bargaining power (**Singh, 2021**). The landmark decision in *Belaire Owners' Association v. DLF Ltd.* established that one-sided builder-buyer agreements and exploitative contractual practices may, in appropriate circumstances, constitute abuse of dominance under Section 4 of the Competition Act (**Belaire Owners' Association v. DLF Ltd., 2011**).

Although RERA and competition law operate with distinct legislative objectives, contemporary real estate disputes increasingly reveal substantial areas of interaction between these regulatory frameworks. RERA primarily addresses transaction-specific grievances relating to promoter obligations and consumer rights, whereas competition law evaluates broader market conduct, dominance, and anti-competitive effects (**Tatva Legal Hyderabad, 2024**). In practice, however, disputes involving unfair contractual clauses, delayed possession, discriminatory practices, and unilateral project alterations frequently engage concerns falling within the regulatory scope of both statutes. This overlap gives rise to important questions concerning jurisdictional boundaries, concurrent proceedings, forum selection, and coordinated regulatory enforcement (**MarketScreener, 2025**).

The interaction between sectoral regulation and competition law has gained growing significance across jurisdictions, particularly in sectors where specialised regulators coexist with market regulators (**Sharma, 2025**). In the Indian real estate context, this interaction assumes particular importance because both regulatory regimes address distinct yet interconnected market failures. Understanding whether such coexistence promotes regulatory complementarity or leads to jurisdictional conflict is therefore essential for developing a coherent framework of market governance. Against this background, the present study examines the encounters and interactions between RERA and competition law in India's real estate sector, with particular emphasis on areas of conflict, complementarity, and concurrent regulation.

1.2. Background of Study

The Indian real estate sector plays a significant role in economic growth, employment generation, infrastructure development, and urban expansion. As one of the largest contributors to capital formation, the sector has witnessed rapid growth due to increasing urbanisation, rising income levels, and housing demand (**Ministry of Housing and Urban Affairs [MoHUA], 2025**). However, despite its economic importance, the sector has long been affected by delayed possession, lack of transparency, one-sided contractual arrangements, and weak consumer protection (**Khandelwal, 2022**).

To address these concerns, the legislature enacted the *Real Estate (Regulation and Development) Act, 2016* (RERA), establishing a specialised regulatory framework for consumer protection and promoter accountability. At the same time, the *Competition Act, 2002* regulates anti-competitive conduct and abuse of dominant position to ensure fair market competition (*Competition Act*, 2002). While both statutes serve distinct purposes, disputes in the real estate sector increasingly reveal overlapping concerns involving consumer harm and market harm.

The growing intersection between RERA and competition law has raised important questions regarding regulatory overlap, concurrent jurisdiction, and harmonised enforcement. The decision in *Belaire Owners' Association v. DLF Ltd.* particularly highlighted how unfair contractual practices may also constitute abuse of dominance (*Belaire Owners' Association v. DLF Ltd.*, 2011). This evolving regulatory interface forms the basis of the present study.

1.3. Statement of Problem / Research Gap

Existing scholarship on the Indian real estate sector has predominantly examined the *Real Estate (Regulation and Development) Act, 2016* (RERA) as a sector-specific framework designed to enhance transparency, accountability, and consumer protection in real estate transactions. Academic and policy literature largely focuses on issues relating to project registration, disclosure obligations, delayed possession, escrow mechanisms, and buyer grievance redressal. Parallel scholarly discourse on competition law has extensively analysed anti-competitive agreements, abuse of dominant position, and market concentration, particularly in the context of dominant real estate developers following landmark decisions such as *Belaire Owners' Association v. DLF Ltd.*.

Despite substantial literature on both regulatory regimes individually, limited academic attention has been devoted to examining their doctrinal interaction within India's real estate sector. Existing studies primarily analyse RERA and competition law in isolation, with insufficient focus on situations where the same commercial conduct simultaneously triggers concerns under both statutes. Issues such as unfair contractual clauses, unilateral project modifications, discriminatory allotment, exploitative pricing, and abuse of superior bargaining power frequently create overlapping jurisdiction between RERA authorities and the Competition Commission of India.

Further, contemporary commentary acknowledges the emergence of dual regulation in real estate disputes, yet a structured analytical framework distinguishing regulatory conflict, complementarity, and concurrent jurisdiction remains largely absent in existing scholarship. The lack of doctrinal clarity regarding jurisdictional boundaries, forum selection, and coordinated enforcement creates uncertainty in legal interpretation and regulatory practice. This paper seeks to address this gap by critically analysing the encounters and interactions between RERA and competition law and by proposing a harmonised framework for effective regulatory coexistence in India's real estate sector.

1.4. Literature Review

Existing scholarship on Indian real estate regulation primarily examines the *Real Estate (Regulation and Development) Act, 2016* (RERA) as a sector-specific legislative framework aimed at improving transparency, promoter accountability, project registration, and consumer protection. Commentators such as **Khandelwal (2022)** argue that RERA represents a transformative regulatory intervention intended to correct longstanding structural deficiencies in the real estate sector, particularly information asymmetry, delayed possession, and weak contractual safeguards for homebuyers. Much of the literature on RERA evaluates its effectiveness in ensuring disclosure compliance, financial discipline through escrow mechanisms, and expeditious dispute resolution. However, recent policy critiques indicate that the implementation of RERA remains uneven across states. The **Karnataka School of Public Policy (n.d.)** observes that despite strong statutory design, enforcement bottlenecks, delayed execution of orders, and institutional capacity constraints continue to limit its effectiveness in protecting urban homebuyers.Parallel to this, a substantial body of literature on competition law examines anti-competitive agreements, abuse of dominant position, market concentration, and consumer welfare. **Avtar Singh (latest ed.)**, in *Competition Law*, explains that modern competition regulation extends beyond preventing monopolies and seeks to preserve efficient market structures by restraining exclusionary and exploitative conduct. Within the real estate sector, competition law scholarship has focused primarily on dominant developers and unfair market practices. The landmark decision in *Belaire Owners' Association v. DLF Ltd.* (2011) significantly shaped this discourse by recognising that one-sided builder-buyer agreements, unilateral modifications, and exploitative contractual terms may constitute abuse of dominance under Section 4 of the Competition Act, 2002. Subsequent academic commentary has treated the DLF decision as a doctrinal shift, expanding abuse of dominance analysis from traditional pricing concerns to contractual exploitation and superior bargaining power.

A related strand of literature examines unfair contractual practices within RERA-governed transactions, particularly deviations from model agreements prescribed by regulatory authorities. The **Indian Review of Corporate and Commercial Laws (2024)**, in its analysis of MahaRERA model agreements, highlights that promoters frequently introduce deviations favouring their commercial interests, thereby diluting consumer safeguards envisaged under RERA. Such deviations often generate disputes involving unilateral rights, restrictive exit clauses, disproportionate penalties, and ambiguous obligations. This literature becomes particularly significant because unfair contractual arrangements may simultaneously attract scrutiny under both RERA and competition law when imposed by enterprises possessing substantial market power.

The most relevant contemporary scholarship concerns regulatory overlap between sectoral regulators and competition authorities. **Tatva Legal Hyderabad (2024)** identifies substantial convergence between RERA and the Competition Act in matters involving unfair trade practices, discriminatory contractual terms, and exploitative conduct. Their analysis notes that although RERA is primarily transaction-specific and consumer-centric, competition law addresses broader market-wide distortions arising from dominance and anti-competitive conduct. Similarly, **MarketScreener (2025)** frames the coexistence of these regulatory regimes as a question of “dual regulation” versus “double jeopardy,” emphasizing the risk of duplicative enforcement where identical conduct attracts scrutiny under both statutes. This distinction is analytically important because RERA focuses on project-level compliance and consumer grievances, whereas competition law evaluates market structure, dominance, and anti-competitive effects.

Despite these contributions, existing literature remains fragmented in its treatment of the interaction between RERA and competition law. Scholarly works generally recognise RERA as a consumer-protection framework and competition law as a market-corrective mechanism yet fail to provide a structured doctrinal framework for analysing their intersection. Questions concerning jurisdictional boundaries, concurrent proceedings, forum selection, regulatory complementarity, and the possibility of duplicative enforcement remain insufficiently explored. The absence of a coherent analytical framework for evaluating these encounters reveals a significant gap in current scholarship and justifies a focused examination of the interaction between RERA and competition law in India’s real estate sector.

1.5. Research Objectives

The present study seeks to achieve the following objectives:

1. To examine the regulatory objectives, scope, and functional framework of the *Real Estate (Regulation and Development) Act, 2016* and the *Competition Act, 2002* within India’s real estate sector.
2. To identify and analyse the major areas of interaction and jurisdictional overlap between RERA and competition law, particularly in matters involving unfair contractual practices, abuse of dominance, delayed possession, and discriminatory conduct.
3. To critically evaluate judicial precedents and regulatory decisions concerning the concurrent application of RERA and competition law in real estate disputes.
4. To assess whether the coexistence of RERA and competition law results in regulatory complementarity or creates jurisdictional conflict and duplicative enforcement.
5. To propose a harmonised regulatory framework for effective coordination between sector-specific regulation and competition law in India’s real estate sector.

1.6. Research Methodology

The present study adopts a doctrinal and comparative legal research methodology to examine the interaction between the *Real Estate (Regulation and Development) Act, 2016* (RERA) and the *Competition Act, 2002* within India’s real estate sector. The doctrinal component of the study primarily involves an analysis of statutory provisions, legislative frameworks, regulatory guidelines, judicial pronouncements, and decisions of the Competition Commission of India and various Real Estate Regulatory Authorities. Particular emphasis has been placed on legal provisions governing consumer protection, unfair trade practices, abuse of dominant position, and market regulation.

The study further incorporates a comparative analytical approach by examining selected international jurisdictions where sector-specific regulators coexist with competition authorities, particularly in jurisdictions such as Canada, United Kingdom, and the European Union. This comparative analysis facilitates a broader understanding of regulatory coordination, jurisdictional boundaries, and institutional coexistence in comparable legal systems.

In addition, a case study method has been employed to analyse significant judicial precedents and regulatory decisions, including disputes involving unfair contractual clauses, delayed possession, unilateral project modifications, and abuse of market power in the real estate sector. Secondary sources such as books, peer-reviewed journal articles, policy reports, and scholarly commentaries have also been consulted to support the analytical framework. The study adopts a qualitative and analytical approach to evaluate whether the coexistence of RERA and competition law promotes regulatory complementarity or results in jurisdictional conflict and duplicative enforcement.

2. Conceptual Framework of RERA and Competition Law

The regulatory architecture governing India's real estate sector is shaped by the coexistence of sector-specific regulation and general market regulation. The *Real Estate (Regulation and Development) Act, 2016* (RERA) and the *Competition Act, 2002* operate within distinct legal domains, yet both influence the conduct of market participants in the real estate sector. While RERA was enacted as a specialised statutory framework to regulate project-level transactions and protect homebuyers, the Competition Act functions as an economy-wide legislation designed to preserve competitive market structures and prevent anti-competitive conduct (*Real Estate (Regulation and Development) Act, 2016*; *Competition Act*, 2002).

RERA emerged as a legislative response to persistent structural deficiencies in India's real estate market, including delayed possession, diversion of funds, lack of transparency, and weak contractual safeguards for allottees (**Khandelwal, 2022**). Its primary focus lies in ensuring promoter accountability through mandatory project registration, financial disclosures, escrow obligations, and standardized contractual governance. Consequently, RERA adopts a consumer-centric regulatory model aimed at correcting transactional imbalance between developers and homebuyers. The statute primarily addresses individual and project-specific grievances through adjudicatory and regulatory mechanisms established at the state level.

In contrast, the *Competition Act, 2002* addresses market-wide distortions arising from anti-competitive agreements, abuse of dominant position, and combinations likely to cause appreciable adverse effects on competition (**Singh, 2021**). Unlike RERA, competition law does not focus on individual contractual breaches unless such conduct reflects broader anti-competitive market behaviour. Instead, it evaluates whether enterprises possessing market power engage in exclusionary, discriminatory, or exploitative practices capable of distorting market competition. In the real estate sector, such concerns arise where dominant developers impose unfair conditions, restrict consumer choice, or exploit superior bargaining power, as recognised in *Belaire Owners' Association v. DLF Ltd.* (*Belaire Owners' Association v. DLF Ltd.*, 2011).

The distinction between these frameworks may therefore be understood through their regulatory orientation. RERA is fundamentally **transaction-centric**, focusing on promoter obligations, project compliance, and consumer remedies. Competition law, on the other hand, is **market-centric**, focusing on market structure, economic power, and anti-competitive effects (**MarketScreener, 2025**). Despite these distinctions, the practical realities of real estate disputes increasingly blur these boundaries. Conduct such as unilateral contractual modifications, discriminatory pricing, restrictive clauses, and exploitative project alterations may simultaneously constitute consumer harm under RERA and anti-competitive conduct under the Competition Act.

This convergence indicates that RERA and competition law should not be viewed as mutually exclusive frameworks. Rather, they represent complementary regulatory mechanisms addressing different dimensions of market failure—RERA correcting transactional inefficiencies and competition law correcting structural market distortions. Understanding this conceptual distinction is essential for evaluating areas of overlap and concurrent jurisdiction in real estate disputes.

Table 1: Comparative Regulatory Framework of RERA and Competition Law

Parameter	RERA	Competition Law
Nature	Sector-specific regulation	Economy-wide regulation
Primary Objective	Consumer protection	Market competition
Regulatory Focus	Transaction conduct	Market conduct
Key Concern	Project compliance	Abuse / anti-competitive conduct
Regulator	RERA Authority	Competition Commission of India
Remedies	Compensation, refund, possession	Penalty, cease & desist

3. Major Areas of Interaction and Regulatory Encounters

Although RERA and competition law were enacted to address distinct regulatory concerns, practical disputes within the Indian real estate sector increasingly demonstrate substantial areas of overlap. This overlap arises where conduct that initially appears as a consumer grievance under RERA simultaneously raises broader concerns relating to market power, exploitative conduct, and anti-competitive behaviour under the *Competition Act, 2002*. The coexistence of these frameworks has created a dual regulatory environment in which the same set of facts may attract scrutiny from both sector-specific regulators and competition authorities (**Tatva Legal Hyderabad, 2024**).

The interaction between these legal regimes becomes particularly visible in disputes involving unfair contractual terms, delayed possession, unilateral project modifications, discriminatory allotment, and abuse of dominance. Such disputes often blur the distinction between transaction-level misconduct and market-level anti-competitive conduct, thereby creating challenges concerning jurisdictional boundaries and regulatory coordination (**MarketScreener, 2025**).

3.1. Unfair Contractual Clauses and One-Sided Agreements

One of the most significant areas of interaction between RERA and competition law arises in relation to unfair contractual clauses contained in builder-buyer agreements. Historically, developers frequently drafted standard-form agreements heavily favouring promoters, with clauses permitting unilateral modification of project specifications, disproportionate penalties on buyers, delayed possession without meaningful compensation, and broad exemptions from liability. Such agreements created severe bargaining asymmetry between promoters and allottees (**Khandelwal, 2022**).

RERA sought to address this imbalance by introducing mandatory disclosure obligations and model agreement standards aimed at ensuring fairness and transparency in contractual arrangements. However, practical implementation reveals that developers continue to incorporate clauses deviating substantially from model agreements. The IRCCL analysis of MahaRERA model agreements highlights that promoters often introduce contractual deviations that dilute consumer safeguards and perpetuate one-sided obligations (**Indian Review of Corporate and Commercial Laws [IRCCL], 2024**).

From a competition law perspective, unfair contractual clauses may assume greater significance were imposed by enterprises possessing substantial market power. The landmark decision in *Belaire Owners' Association v. DLF*

Ltd. recognized that one-sided contractual conditions imposed by a dominant developer may constitute exploitative abuse under Section 4 of the Competition Act (*Belaire Owners' Association v. DLF Ltd.*, 2011). Accordingly, contractual unfairness may no longer remain exclusively a consumer protection issue under RERA but may also trigger competition law scrutiny when linked to dominance.

3.2. Delay in Possession and Project Completion

Delayed possession constitutes another major overlap zone between RERA and competition law. Delay in project completion has historically remained one of the most persistent challenges within India's real estate sector, often resulting in significant financial and emotional burden on homebuyers. RERA directly addresses this issue by imposing timelines, financial disclosure obligations, and refund or compensation remedies in cases of delay (*Real Estate (Regulation and Development) Act, 2016*).

However, repeated delays may extend beyond mere contractual breach where such conduct reflects exploitative business behaviour by dominant developers. Persistent delays accompanied by continued fund collection, unilateral extension of deadlines, or selective project prioritisation may indicate abuse of superior bargaining power. Policy commentary suggests that despite RERA's regulatory intervention, delayed possession remains a widespread concern due to weak enforcement and prolonged execution of orders (**Karnataka School of Public Policy, n.d.**).

In such circumstances, the legal question arises whether delayed possession should remain solely within RERA's adjudicatory domain or whether, in cases involving dominant enterprises, it may also constitute market abuse under competition law.

3.3. Unilateral Project Modifications and Discriminatory Practices

Another important interaction arises where developers unilaterally alter project specifications after allotment. Such modifications may include changes in layout plans, common amenities, unit dimensions, floor configuration, density levels, or promised infrastructure. Under RERA, such conduct raises concerns regarding disclosure violations, promoter obligations, and breach of approved project commitments.

From a competition perspective, unilateral modifications become particularly problematic where buyers lack realistic market alternatives due to the developer's dominant market position. The imbalance of bargaining power allows dominant enterprises to impose altered terms with limited resistance from consumers. Such conduct may amount to exploitative abuse where unilateral modifications are used to extract additional economic advantage or reduce promised service quality (**Singh, 2021**).

The recent Emaar Marbella dispute further illustrates this overlap, where project alterations and alleged dilution of promised exclusivity triggered allegations under both real estate and competition law frameworks (**Economic Times Realty, 2025**).

3.4. Abuse of Dominance and Market Power

The most direct area of intersection between RERA and competition law concerns abuse of dominant position. While RERA regulates promoter obligations irrespective of market power, competition law becomes applicable only where an enterprise holds dominance in a relevant market. This distinction is crucial because not every regulatory violation under RERA automatically translates into competition law infringement.

Abuse of dominance in the real estate sector may manifest through unfair pricing, discriminatory conditions, exclusionary conduct, coercive contractual clauses, or exploitative practices imposed by large developers or statutory authorities. The *Competition Act, 2002* recognizes abuse where dominant enterprises impose unfair or discriminatory conditions or prices, limit production or technical development, or deny market access (*Competition Act*, 2002).

The *Belaire* decision remains the leading authority in this context, demonstrating how consumer-facing contractual misconduct may simultaneously constitute competition harm when supported by market dominance. This creates the clearest zone of concurrent applicability between RERA and competition law.

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Table 2: Major Areas of Regulatory Interaction

Area of Dispute	RERA Concern	Competition Law Concern
Unfair contractual clauses	Consumer protection	Exploitative abuse
Delay in possession	Project compliance	Abuse of market power
Unilateral modifications	Disclosure violation	Unfair conditions
Discriminatory allotment	Promoter misconduct	Discriminatory conduct
Dominant developer practices	Limited	Section 4 scrutiny

The foregoing analysis demonstrates that the overlap between RERA and competition law is neither incidental nor purely theoretical. Instead, it reflects an emerging regulatory reality in which transaction-specific grievances increasingly possess market-wide implications. This overlap necessitates closer examination of judicial and regulatory approaches to concurrent jurisdiction in real estate disputes.

4. Jurisprudential Analysis: Judicial and Regulatory Encounters

The interaction between RERA and competition law becomes most visible in judicial and regulatory decisions involving disputes that simultaneously raise consumer protection concerns and market competition issues. Jurisprudential analysis reveals that Indian adjudicatory bodies have gradually recognized that real estate disputes cannot always be confined within traditional contractual or consumer law frameworks. Instead, certain disputes involving unfair contractual terms, exploitative conduct, discriminatory practices, and abuse of superior bargaining power may attract scrutiny under both RERA and competition law.

A review of major cases indicates that Indian jurisprudence has evolved from treating builder-buyer disputes as purely contractual matters toward acknowledging broader concerns relating to market power and regulatory overlap. However, courts and regulators have not yet developed a uniform framework for managing concurrent jurisdiction, leading to uncertainty in enforcement and forum selection.

4.1. Belaire Owners’ Association v. DLF Ltd.

: The Foundational Precedent

The decision in *Belaire Owners’ Association v. DLF Ltd.* remains the most significant jurisprudential milestone in understanding the intersection between competition law and real estate regulation. In this case, apartment allottees challenged the builder-buyer agreement imposed by DLF Limited, alleging that DLF had inserted one-sided and arbitrary clauses favouring the developer. The complainants argued that DLF’s dominant market position enabled it to impose unfair contractual conditions without meaningful negotiation (*Belaire Owners’ Association v. DLF Ltd.*, 2011).

The Competition Commission of India held that DLF occupied a dominant position in the relevant market for high-end residential apartments in Gurugram and had abused such dominance by imposing unfair and discriminatory contractual conditions. The Commission identified several problematic clauses, including unilateral rights to alter building plans, disproportionate penalty clauses, and broad limitations on developer liability. These clauses were found to create severe imbalance in bargaining power between the developer and purchasers.

The significance of *Belaire* lies in its doctrinal expansion of abuse of dominance jurisprudence. Traditionally, competition law focused on pricing, exclusion, and market foreclosure; however, the Commission recognized that exploitative contractual conduct may also constitute competition harm. This case therefore established the foundational principle that contractual unfairness may attract competition law scrutiny where supported by market dominance.

From the perspective of this study, *Belaire* represents the clearest example of overlap between consumer protection concerns and competition law. Conduct that could ordinarily be challenged as contractual unfairness or regulatory non-compliance simultaneously became actionable as abuse of dominance.

4.2. Emaar Marbella Dispute: Limits of Competition Intervention

A more recent example of regulatory overlap is the Emaar Marbella dispute, in which homebuyers challenged changes made to the Marbella villa project developed by Emaar India. Buyers alleged that the promoter altered the original project structure and diluted promised exclusivity by introducing additional development, thereby affecting the project's nature and value (**Economic Times Realty, 2025**).

The complainants attempted to frame these grievances not only as real estate disputes but also as violations under Sections 3 and 4 of the *Competition Act, 2002*. However, the CCI dismissed the complaint after concluding that Emaar did not hold a dominant position in the relevant market for villa development in Gurugram. Since dominance could not be established, no abuse analysis under Section 4 proceeded.

This decision illustrates an important limitation of competition law. Unlike RERA, which may address promoter misconduct irrespective of market share, competition law requires the threshold element of dominance. Consequently, not every unfair real estate dispute automatically becomes a competition issue. The Emaar decision thus highlights a key distinction between the two frameworks: RERA offers broader sector-specific remedies, whereas competition law intervenes only when market power is demonstrably established.

4.3. Regulatory Recognition of Concurrent Jurisdiction

Recent legal commentary and regulatory developments indicate increasing recognition that RERA and competition law may coexist rather than operate in mutually exclusive spheres. Section 38 of RERA empowers regulatory authorities to issue directions and, in appropriate circumstances, engage with other regulatory bodies where issues extend beyond pure real estate regulation (*Real Estate (Regulation and Development) Act, 2016*). This statutory design implicitly acknowledges the possibility of concurrent regulatory oversight (**Tatva Legal Hyderabad, 2024**).

In practical terms, disputes involving unfair contractual clauses, discriminatory pricing, or exploitative project modifications may simultaneously involve:

- promoter non-compliance under RERA, and
- market abuse concerns under competition law.

This dual applicability has given rise to concerns regarding forum shopping, parallel proceedings, and potentially inconsistent outcomes.

4.4. Emerging Jurisprudential Challenge: Conflict or Complementarity?

The jurisprudence discussed above reveals that Indian regulators have not adopted a rigid exclusivity model. Instead, the legal trend suggests gradual movement toward concurrent regulatory coexistence. However, significant ambiguity remains regarding:

- jurisdictional priority,
- evidentiary thresholds,
- duplication of proceedings, and

- consistency of remedies.

The central jurisprudential challenge therefore is not merely whether both regulators possess jurisdiction, but how such jurisdiction should be exercised without causing regulatory fragmentation or duplicative enforcement (**Sharma, 2025**). This unresolved tension forms the basis for evaluating whether India's real estate regulatory framework currently reflects conflict or complementarity.

Table 3: Key Jurisprudential Encounters

Case	**Primary Issue**	**RERA Relevance**	**Competition Law Relevance**
Belaire v. DLF	One-sided agreements	Contract fairness	Abuse of dominance
Emaar Marbella	Project alteration	Promoter obligations	Dominance threshold
MahaRERA disputes	Model agreement deviations	Direct	Indirect
Hybrid disputes	Unfair conduct	Yes	Possible

The jurisprudential analysis demonstrates that the overlap between RERA and competition law is no longer merely conceptual; it is increasingly reflected in real-world disputes. This necessitates the development of a coherent framework capable of harmonising concurrent regulatory intervention.

5. Conflict, Complementarity and Harmonised Regulatory Framework

The coexistence of RERA and competition law in India's real estate sector presents a complex regulatory dynamic that cannot be characterised exclusively as either conflict or complementarity. Rather, the interaction between these legal frameworks exists on a regulatory spectrum where certain disputes reveal harmonious coexistence while others expose jurisdictional ambiguity and risks of duplicative enforcement. The central challenge lies not in the simultaneous existence of multiple regulatory regimes, but in the absence of a structured framework defining jurisdictional boundaries and coordinated enforcement mechanisms (**MarketScreener, 2025**).

The jurisprudential analysis demonstrates that RERA and competition law address distinct yet interconnected dimensions of market failure. RERA primarily seeks to correct transactional inefficiencies arising from information asymmetry, delayed possession, lack of disclosure, and promoter non-compliance. Competition law, by contrast, focuses on structural market distortions caused by dominance, exclusionary conduct, anti-competitive agreements, and exploitative behaviour (*Competition Act*, 2002; *Real Estate (Regulation and Development) Act, 2016*). However, real estate disputes increasingly involve conduct capable of triggering both consumer-centric and market-centric concerns, thereby producing overlapping regulatory jurisdiction.

5.1. Conflict Model

Under the conflict model, the overlap between RERA and competition law produces jurisdictional uncertainty and regulatory friction. Conflict typically arises where both regulatory authorities examine substantially similar conduct but apply different legal standards, evidentiary thresholds, and remedial mechanisms. This may lead to inconsistent findings, parallel proceedings, and increased compliance burdens on market participants.

A key concern within this model is **forum shopping**, wherein aggrieved parties strategically choose the regulatory forum perceived as more favourable. Homebuyers may approach RERA for quicker compensation-based remedies, while the same dispute may be framed before the CCI as abuse of dominance to seek broader structural intervention. Such parallel invocation of remedies increases the possibility of inconsistent adjudication and procedural duplication (**Sharma, 2025**).Another concern is the risk of **regulatory duplication**, often described as “double jeopardy” in contemporary commentary. Although the doctrine of double jeopardy in its strict constitutional sense may not directly apply to civil regulatory proceedings, repeated scrutiny by multiple authorities for substantially identical conduct may create excessive regulatory burden and enforcement inefficiency (**MarketScreener, 2025**).

5.2. Complementarity Model

In contrast, the complementarity model views RERA and competition law as mutually reinforcing rather than conflicting. Under this approach, both statutes address different dimensions of market failure and therefore operate in a cooperative regulatory relationship. RERA remedies project-specific consumer grievances, whereas competition law addresses broader distortions affecting market structure and competition.

This model recognises that not every RERA violation constitutes competition harm, and not every competition violation involves RERA non-compliance. Instead, overlap arises only in a limited subset of disputes where consumer harm is closely connected to market power. For example, delayed possession caused by project mismanagement may remain exclusively within RERA’s domain, whereas exploitative delays imposed by a dominant developer may additionally attract competition law scrutiny.

The complementarity approach therefore promotes functional coexistence by recognising the different institutional strengths of each regulator. RERA provides sector expertise and transaction-specific remedies, while the CCI offers economic analysis and market-wide corrective mechanisms (**Tatva Legal Hyderabad, 2024**).

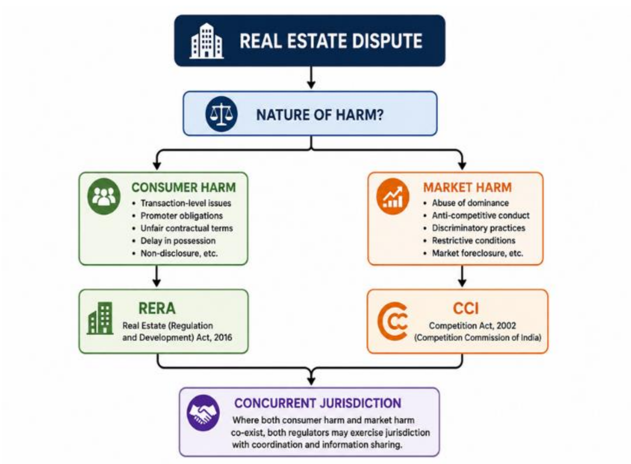
5.3. Concurrent Jurisdiction Model

The present study argues that the Indian regulatory framework is best understood through a third model: **concurrent jurisdiction**. Under this model, RERA and competition law neither operate in complete separation nor in inherent conflict. Instead, both frameworks may validly exercise jurisdiction over overlapping disputes, provided their regulatory roles remain clearly distinguished.

Concurrent jurisdiction acknowledges that a single dispute may generate multiple legal consequences under different statutes. For instance, an unfair builder-buyer agreement may simultaneously constitute:

- promoter misconduct under RERA, and
- exploitative abuse under Section 4 of the Competition Act.

Thus, concurrent jurisdiction is not inherently problematic; rather, the challenge lies in ensuring coherent coordination between regulatory bodies.



Flow Chart 1: Regulatory Interaction Model

Proposed Harmonised Regulatory Framework

To address existing regulatory ambiguity, this study proposes a harmonised framework based on four principles.

(i) Jurisdictional Clarity

Clear doctrinal guidelines should distinguish disputes involving pure contractual or regulatory non-compliance from those involving broader market distortion. This would reduce unnecessary forum overlap.

(ii) Primary Forum Identification

A principal regulator should be identified based on the dominant nature of the dispute. Transaction-centric disputes should ordinarily remain within RERA, while market-structure disputes should primarily fall within the jurisdiction of the CCI.

(iii) Coordinated Referral Mechanism

Formal inter-regulatory referral protocols between RERA authorities and the CCI should be strengthened. Where disputes involve both consumer harm and competition concerns, coordinated referral may improve institutional efficiency.

(iv) Harmonised Enforcement Standards

Uniform principles for evidence, market assessment, and regulatory intervention should be developed to minimise contradictory outcomes and promote predictable enforcement.

Table 4: Models of Regulatory Interaction

Model	Nature	Key Concern
Conflict Model	Competing jurisdiction	Duplication / inconsistency
Complementarity Model	Cooperative regulation	Functional coexistence
Concurrent Jurisdiction Model	Shared jurisdiction	Coordination required

The analysis indicates that neither strict exclusivity nor unrestricted parallel jurisdiction offers an optimal regulatory solution. A harmonised concurrent jurisdiction model appears most suitable for India's evolving real estate market, as it preserves the distinct objectives of both statutes while enabling coordinated regulatory intervention in overlapping disputes.

6. Enforcement Challenges in Harmonised Regulation

Despite the theoretical compatibility between RERA and competition law, practical enforcement of a harmonised regulatory framework faces multiple institutional and doctrinal challenges. The coexistence of sector-specific and market-wide regulation does not automatically ensure efficient adjudication. Rather, the absence of clear enforcement protocols may undermine regulatory effectiveness and create uncertainty for both regulators and market participants (**Sharma, 2025**).

6.1. Jurisdictional Ambiguity

One of the foremost challenges is the absence of clearly demarcated jurisdictional boundaries between RERA authorities and the Competition Commission of India. While RERA primarily addresses project-level compliance and consumer grievances, certain disputes involving unfair contractual terms, discriminatory treatment, or exploitative conduct may simultaneously fall within the jurisdiction of competition authorities. The lack of statutory guidance on priority or exclusivity of jurisdiction increases the risk of interpretational inconsistency (**Tatva Legal Hyderabad, 2024**).

6.2. Forum Shopping and Parallel Proceedings

Another significant concern is forum shopping by aggrieved parties. Homebuyers or competing market participants may strategically choose between RERA and the CCI depending on the nature of remedies sought. This may lead to parallel proceedings involving substantially similar facts, thereby increasing litigation costs, procedural delays, and inconsistent outcomes (**MarketScreener, 2025**).

6.3. Divergence in Evidentiary Standards

RERA and competition law operate on substantially different evidentiary frameworks. RERA disputes typically rely upon contractual obligations, disclosure requirements, possession timelines, and promoter compliance. Competition proceedings, however, require complex economic analysis involving relevant market definition, dominance assessment, and anti-competitive effects (**Singh, 2021**). Such divergence complicates concurrent adjudication.

6.4. Institutional Capacity Constraints

Effective coordination also depends upon institutional capacity. Many state RERA authorities continue to face operational challenges including delayed adjudication, manpower limitations, and enforcement bottlenecks. Similarly, competition investigations involving economic analysis and market assessment can be resource intensive. Without inter-regulatory cooperation, overlapping enforcement may become inefficient (**Karnataka School of Public Policy, n.d.**).

Table 5: Key Enforcement Challenges

Challenge	**Practical Impact**
Jurisdictional ambiguity	Uncertain forum
Forum shopping	Parallel litigation
Different evidentiary standards	Inconsistent findings
Capacity constraints	Delayed enforcement

7. Recommendations and Policy Implications

The growing interaction between RERA and competition law necessitates a coordinated regulatory framework capable of addressing both consumer-centric and market-centric harms without creating jurisdictional ambiguity or duplicative enforcement. Based on the foregoing analysis, the present study proposes the following recommendations for strengthening regulatory coherence in India's real estate sector.

7.1. Statutory Clarification on Concurrent Jurisdiction

Legislative or regulatory clarification should explicitly recognize circumstances where disputes may simultaneously fall within the jurisdiction of RERA authorities and the Competition Commission of India. Clear statutory guidance regarding concurrent jurisdiction would reduce interpretational uncertainty and improve legal predictability. Such clarification should identify the circumstances in which consumer grievances involving market power concerns may trigger parallel competition scrutiny (*Real Estate (Regulation and Development) Act, 2016*; *Competition Act*, 2002).

7.2. Development of Jurisdictional Screening Guidelines

A structured screening mechanism should be developed to distinguish disputes involving pure contractual or regulatory non-compliance from those involving anti-competitive conduct. Regulatory authorities may adopt indicative criteria such as:

1. Existence of market dominance
2. Evidence of exploitative or discriminatory conduct
3. Market-wide consumer impact
4. Entry barriers or restricted alternatives
5. Structural market distortion

Such guidelines would assist regulators in identifying whether a matter should remain within RERA or warrant competition law intervention (**Tatva Legal Hyderabad, 2024**).

7.3. Formal Referral Mechanism Between RERA and CCI

India should establish an institutional referral framework enabling coordinated communication between RERA authorities and the CCI. Where disputes reveal overlapping issues, the primary regulator should possess authority to refer specific competition concerns to the appropriate authority. This would improve enforcement efficiency while minimizing conflicting proceedings.

A formal referral mechanism would be particularly useful in cases involving:

- unfair builder-buyer agreements
- discriminatory pricing
- unilateral project modification
- exploitative dominant developers

7.4. Sector-Specific Competition Guidelines for Real Estate

The CCI should consider issuing sector-specific competition guidelines for the real estate sector. Such guidelines may clarify how competition law principles apply to builder-buyer relationships, project development practices, standard-form agreements, and promoter conduct.

These guidelines should specifically address:

1. Unfair contractual clauses
2. Abuse of superior bargaining power
3. Discriminatory allotment practices
4. Market concentration among large developers
5. Anti-competitive conduct by statutory development authorities

Sector-specific guidance would improve compliance and reduce litigation uncertainty (**Singh, 2021**).

7.5. Harmonised Enforcement Based on Effects Analysis

Regulatory intervention should increasingly adopt an effects-based approach rather than a purely formalistic analysis. Not every RERA violation should automatically attract competition law scrutiny. Competition intervention should be reserved for cases where conduct results in substantial market harm, consumer foreclosure, or abuse of market power.

An effects-based approach would help ensure that competition law remains targeted at serious structural market distortions rather than ordinary contractual disputes.

7.6. Capacity Building and Inter-Regulatory Coordination

Effective harmonisation requires stronger institutional capacity and inter-regulatory collaboration. Training programs, shared regulatory workshops, and knowledge exchange between RERA authorities and competition regulators should be encouraged. Such coordination would improve consistency in enforcement and facilitate better understanding of overlapping legal issues (**Sharma, 2025**).

8. Research Limitations

The present study is subject to certain limitations. First, the research adopts a primarily doctrinal and qualitative methodology based on statutory interpretation, judicial precedents, regulatory orders, policy reports, and secondary literature. Consequently, the study does not incorporate empirical data such as large-scale consumer grievance statistics, developer behaviour analytics, or econometric market assessment that may provide deeper quantitative insights into the practical operation of overlapping regulatory frameworks.

Second, the scope of the study is confined to examining the interaction between the *Real Estate (Regulation and Development) Act, 2016* and the *Competition Act, 2002* within the Indian real estate sector. Although related regulatory frameworks such as the *Insolvency and Bankruptcy Code, 2016*, consumer protection law, and insolvency jurisprudence may significantly influence real estate disputes, these frameworks fall beyond the primary scope of this research except where incidental reference becomes necessary (**Sharma, 2025**).

Third, competition law intervention in real estate disputes remains jurisprudentially limited due to the relatively small number of reported cases involving abuse of dominance or anti-competitive conduct in this sector. As a result, the doctrinal analysis relies substantially on landmark precedents such as *Belaire Owners' Association v. DLF Ltd.* and selected regulatory developments, which may not fully represent future enforcement trends (*Belaire Owners' Association v. DLF Ltd.*, 2011).

Finally, the comparative observations included in this study are selective and intended primarily to provide conceptual guidance on concurrent regulation rather than exhaustive cross-jurisdictional analysis. Despite these limitations, the study provides a useful analytical framework for understanding the evolving relationship between sector-specific regulation and competition law in India's real estate market.

9. Conclusion

The Indian real estate sector has undergone significant regulatory transformation with the enactment of the *Real Estate (Regulation and Development) Act, 2016* (RERA), which introduced a specialised framework for enhancing transparency, accountability, and consumer protection in real estate transactions. Simultaneously, the *Competition Act, 2002* continues to play a crucial role in preserving competitive market structures by regulating anti-competitive agreements and abuse of dominant position. While both statutes operate with distinct legislative objectives, this study demonstrates that contemporary real estate disputes increasingly reveal substantial areas of interaction between these regulatory frameworks.

The analysis undertaken in this study establishes that the relationship between RERA and competition law cannot be understood through a binary framework of exclusivity or conflict alone. Rather, both legal regimes address distinct yet interconnected dimensions of market failure. RERA primarily remedies transaction-specific harms arising from delayed possession, disclosure failures, promoter non-compliance, and contractual unfairness. Competition law, by contrast, addresses structural market distortions caused by dominance, exclusionary conduct, discriminatory practices, and exploitative behaviour (*Competition Act*, 2002; *Real Estate (Regulation and Development) Act, 2016*).

The jurisprudential analysis, particularly of *Belaire Owners' Association v. DLF Ltd.*, demonstrates that contractual unfairness in builder-buyer agreements may transcend ordinary consumer grievances and, where supported by market dominance, constitute abuse of dominant position (*Belaire Owners' Association v. DLF Ltd.*, 2011). At the same time, recent disputes such as the Emaar Marbella matter illustrate that not every regulatory violation under RERA automatically gives rise to competition concerns, particularly in the absence of demonstrable market power. These cases collectively indicate that the overlap between RERA and competition law is neither universal nor incidental; rather, it emerges in specific categories of disputes involving simultaneous consumer harm and market harm.

A central contribution of this study lies in identifying three possible models of regulatory interaction—conflict, complementarity, and concurrent jurisdiction. The study argues that neither strict jurisdictional exclusivity nor unrestricted parallel enforcement offers an optimal solution for India's evolving real estate market. Instead, a harmonised concurrent jurisdiction model provides the most effective regulatory approach. Such a model preserves the sectoral expertise of RERA authorities while enabling competition regulators to intervene where broader market distortions are present. Effective coexistence, however, requires clear jurisdictional principles, coordinated referral mechanisms, institutional cooperation, and harmonised enforcement standards.

The study further highlights that the principal challenge does not arise from the existence of dual regulation itself, but from the absence of a structured framework governing regulatory coordination. Jurisdictional ambiguity, forum shopping, divergent evidentiary standards, and institutional capacity constraints continue to impede efficient enforcement. Addressing these challenges is essential to ensure that overlapping jurisdiction enhances rather than undermines regulatory efficiency.

In conclusion, the encounters between RERA and competition law reflect the broader evolution of modern regulatory governance, where sector-specific regulation increasingly coexists with market-wide competition oversight. As India's real estate sector continues to expand and become more complex, legal frameworks must evolve beyond rigid regulatory silos. A balanced and harmonised approach to concurrent jurisdiction will be essential for promoting consumer welfare, preserving market fairness, and ensuring sustainable regulatory governance in India's real estate sector.

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