



**PLAINTIFF: BISELL CONSTRUCCIONES E INGENIERÍA, S.A. DE C.V.**  
**DEFENDANT: PEMEX EXPLORATION AND PRODUCTION**

**FILE: 5403/19-17-06-05**

**MATTER: RECOURSE**

[...]

The foregoing causes prejudice to my client, according to the following:

In principle, it is important to highlight that the claim was only admitted with respect to the breach of the contract number 424043804 dated March 20, 2013, entered into between PEMEX-EXPLORACIÓN Y PRODUCCIÓN AND BISELL CONSTRUCCIONES E INGENIERÍA. S.A. DE C.V., AND MWS MANAGEMENT INC.

However, the last paragraph of Section V of Article 14 of the Federal Law of Administrative Litigation Proceedings established that **“administrative record is understood to be the one that contains all the information related to the procedure which led to the challenged resolution of the proceeding, such documentation will be the one that is related with the beginning of the procedure, the subsequent administrative acts and the challenged resolution. The transmission of the administrative file shall not include the documents of the claimant, unless it specifies them as offered.** The administrative file shall be sent in a single copy by the authority, which shall be at the corresponding room available to the parties who wish to consult it."

From the foregoing, it is evident that in the present case the only file that is considered an administrative file is all the information related to the execution of contract 424043804.

In this sense, it is clear that the only thing that should have been requested to my client was to submit the (2) administrative file derived from the contract 424043804 formed by the respondent Pemex Exploración y Producción, and not the other (1) administrative file corresponding to the conciliatory procedure number UR-DPEP-RCONC-23/2018 issued by the Responsibilities Unit of Petróleos Mexicanos of the Ministry of Public Function, since as mentioned, the latter corresponds to a completely different procedure (conciliation), which was opened by the Responsibilities Unit of Petróleos Mexicanos of the **Ministry of Public Administration**, it is therefore evident that it is not related to the proceeding that gave rise to the challenged resolution (execution of contract 424043804), in addition to the fact that said file is in the possession of an authority other than the one I represent, which does not even depend on Petróleos Mexicanos or any of its subsidiaries. This is evidenced by the content of the Eleventh Transitory Article of the Petroleos Mexicanos Law, which is as follows:

**Eleventh.** Pending the application of the provisions of the first paragraph of the Second Transitory Paragraph of the Decree which amends, adds and repeals several provisions of the Organic Law of the Federal Public Administration, published in the Official Gazette of the Federation on January 2, 2013 published in the Official Gazette of the Federation on January 2, 2013, **the Responsibilities Unit referred to in Article 90 of the Federal Public Law of Petróleos Mexicanos will report hierarchically to the Ministry of Public Administration, its head will be appointed by such agency and its organization, operation and functioning will be governed by the applicable provisions, and functioning in accordance with the provisions applicable to the areas of responsibility of the internal control bodies.** (Emphasis added).

(...)





GOBIERNO DE  
**MÉXICO**



R-0097-ENG

Therefore, the administrative file corresponding to the conciliatory proceeding number UR-DPEP-R-CONC-23/2018 of the Responsibilities Unit of Petróleos Mexicanos, should have been offered by the plaintiff in terms of the Article 15, section IX, second paragraph, of the Federal Law of Contentious Administrative Proceedings, which states the following:

